Brownfield Study Group

VPLE Subcommittee Meeting

October 4, 2019

Note: these slides were prepared by Jennifer Buzecky working with the chairs of the Brownfields Study Group and not by the DNR.
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- EXECUTIVE ORDER AND PFAS GUIDANCE FORM
- Executive Order
- RR-19-5556-D
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SUMMARY OF STATUS AND PROCESS FORWARD

- Recap - Insurance update from last meeting
- Today - discussion of substantive issues raised last meeting
- Report to BSG next week
- Goal - develop recommendations as a subcommittee to take to BSG for formal approval to begin write up
- Timing
Format for Discussion Topics/Issue Papers

- Issue Identified
- Proposed Change
- Benefit or Value to VPLE Program
- Anticipated Impact of Change on Scope of COC/Insurance
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STATUS OF INSURANCE

- No blanket coverage emerging contaminants
- Natural attenuation groundwater without ES - not included under s. 292.15(2)(ae) or in current policy
- SI approved/VPLE (completed) - individual, site-by-site option
- Reluctant to offer blanket coverage for changed regulations if knowledge of potential change
- Role of Insurance in future of VPLE program?
Topics to Address for Discussion

- Temporary Gap - Emerging Contaminants
  - Information/Site Investigation
  - Tools - Existing/New
  - How to close site

- Time to Complete Process

- Risk Allocation

- Scope of COC
Recommendations on Scope of COC - Emerging Contaminant Risks

(5/1/19 Draft Potential Changes to VPLE Exemption Considering Risks from Emerging Contaminants)

- Option 1 - Cover emerging contaminants with Insurance
- Option 2 - Limit Exemption to Substances on State List
- Other Options?
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- Discussion and Recommendations on Potential Changes to VPLE Program:
  - COC issued under Wis. Stat. § 292.11 negotiated agreement
  - Site- Specific Performance Limits/Groundwater without ES
  - Expanded scope of requirements, standards or conditions within COC and DNR enforcement
  - Third-party performance of continuing obligations
Discussion and Recommendations on Potential Changes to VPLE Program:

- Timelines for work under VPLE Program/Timing of Completion of SI and issuing COC

- Off-Site VPLE Exemptions
Discussion and Recommendations on Potential Changes to VPLE Program:

- Increase DNR fees/Menu of Fees
- DNR assistance with preserving CERCLA claims
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- Homework/Next Steps
- Next Meeting