



# Remediation and Redevelopment Program Issues & Trends 2015

August 5, 2015  
12:00 p.m. – 1:00 p.m.

Dial: 1-855-947-8255  
Passcode: 6612 745#

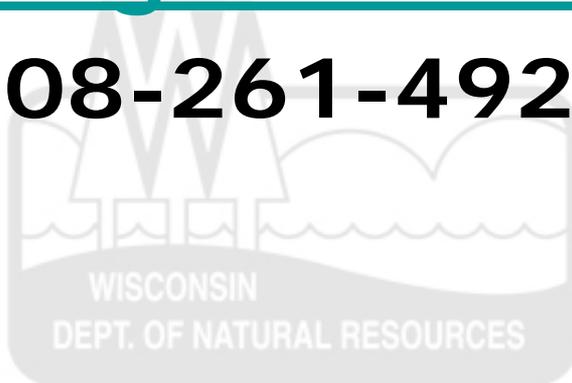
**Questions will be taken during the presentation or  
can be submitted to [DNRRRComments@wisconsin.gov](mailto:DNRRRComments@wisconsin.gov)**

# Navigating the Voluntary Party Liability Exemption (VPLE) Program

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**608-261-4927**





# Voluntary Party Liability Exemption

- 154 Certificates of Completion
- Anyone is eligible (seller, RP, buyer, bank, etc)
- Current & future owners get exemption for liability
- Applies to entire property

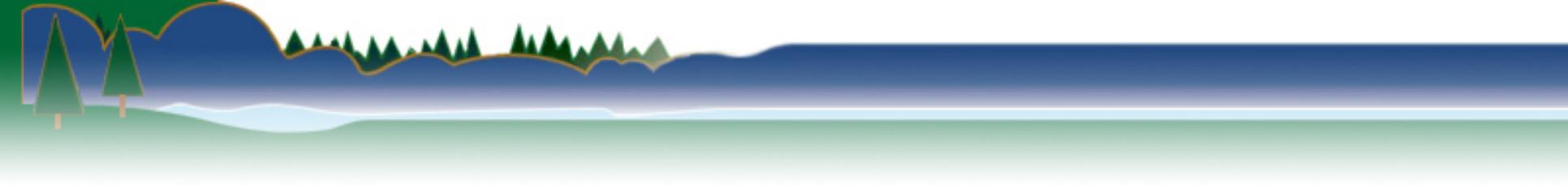




# Why Choose VPLE?

- No reopeners; finality
- Current and future owners get exemption from liability
- Corporate RP can sell their facility
- Works well for large, complex sites as well as small, simple sites
- Attorneys, lenders and tenants like it
- More attention from DNR PM
- Works for sites closed long ago







# VPLE vs Closure Letter?

VPLE	Closure
Applies to entire property	Response to one discharge
Billed hourly for DNR review time	Flat fees for reviews requested
Phase I and II to find all discharges first	Site Investigation of discharge
Complete site investigation	Incomplete investigation sometimes ok if structural impediment
Closure Letter + Certificate of Completion	Closure letter
No reopeners	Closure can be reopened per NR 727
Liability exemption for future owners	No liability exemption
Insurance for sites with groundwater above ES	No insurance



# VPLE & Closure Path

- NR 700
- Closure may include continuing obligations/ residual contamination can remain
- Evaluate and address Vapor Intrusion (for closed cases too)
- Soil and GW Cleanup standards same



# What is a Property?

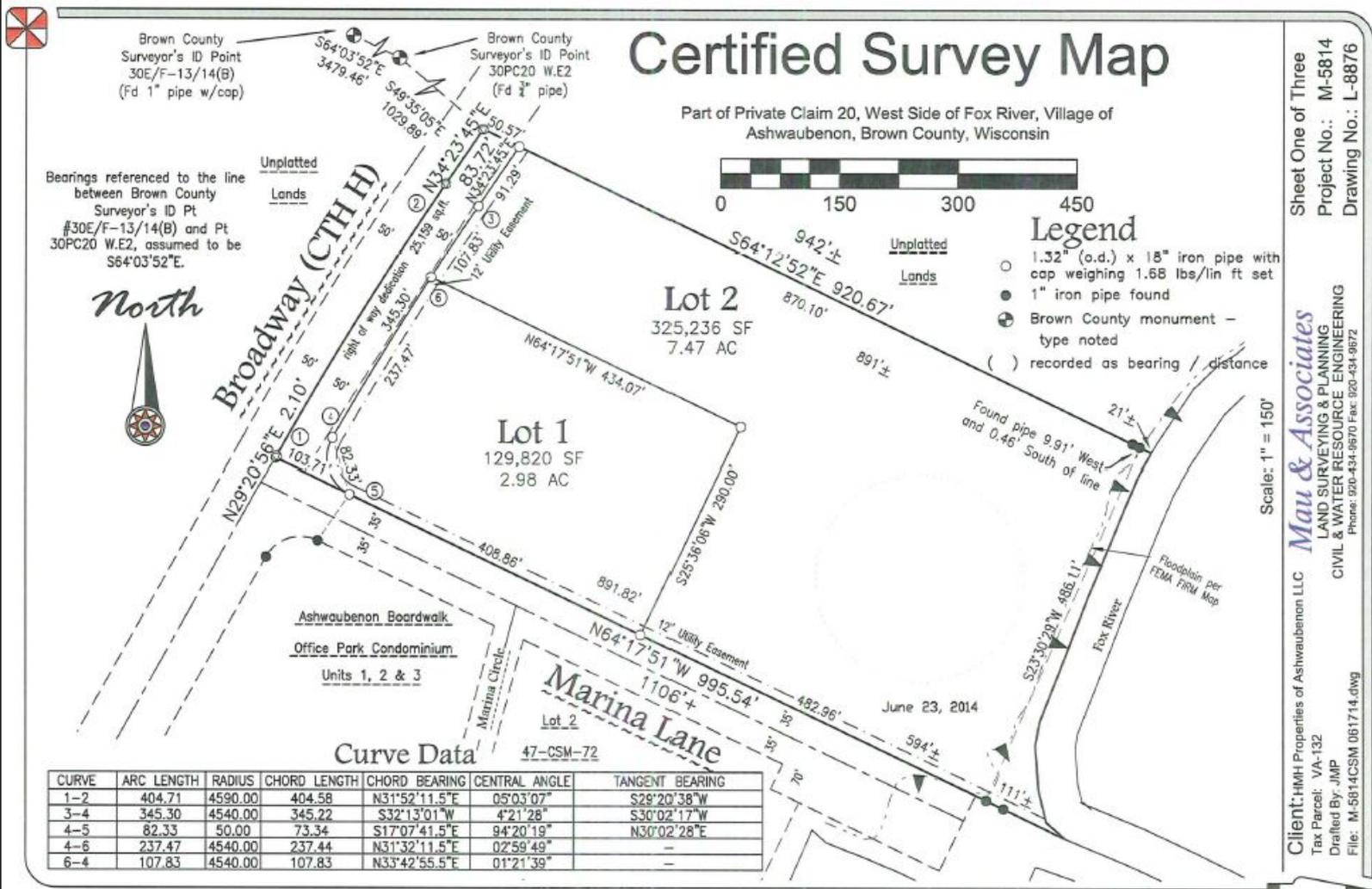
- Contiguous area of land the entire legal description of which is found in one deed.
- Can include more than one tax parcel or lot
- If redevelopment/ cleanup is on more than one deed, you may combine into one property
- What if Property changes?



## What is a Property (cont.)?

- If property changes after initial VPLE application, the original property is the VPLE property
- Liability clarification letter could be helpful later to clarify
- Guidance on this will go out for public comment soon

# Property Example



Sheet One of Three  
Project No.: M-5814  
Drawing No.: L-8876

**Mau & Associates**  
LAND SURVEYING & PLANNING  
CIVIL & WATER RESOURCE ENGINEERING  
Phone: 920-434-9970 Fax: 920-434-9872

Client: HMH Properties of Ashwaubenon LLC  
Tax Parcel: VA-132  
Drafted By: JMP  
File: M-5814CSM 061714.dwg



# VPLE – Sites with Solid Waste

- Properties with landfills or fill areas **are** eligible for VPLE – (even licensed landfills)
- Discharge of hazardous substance in environment
- Need Exemption to Build on Historic Fill site
- What is in waste? Is it going to be continuing source?
- Need to get NR 700 closure (w/o active methane, leachate or groundwater system)



# Phase I and Phase II

- We want to find *all* discharges on the entire property
- ASTM not required
- Detailed history of the property use-chemicals used, waste handling, changes to building, interviews with people who know about plant operations, etc.
- Many Phase I and Phase II assessments have significant gaps, detailed information about historical operations missing.
- Without detailed operational and waste disposal history, grid sampling for most likely contaminants appropriate



# Phase I and Phase II (cont.)

- To identify “chemical manufacturing” or “machine shop” as a REC isn’t helpful to figure out where to sample at large facility
- Use professional judgment
- DNR may ask for more
- Its not easy to justify *not* sampling large areas of an old industrial property



# Importing Soil and other Material to VPLE Site

- RR-041 Guidance “Identifying and Documenting Characteristics of Imported Soil and Other Fill Materials Prior to Use on VPLE Sites”
- Many comments received on draft
- Applies to “clean” materials
- Pre-approval from Project Manager
- Information about source property and material-  
what possible containments could be there
- Soil/ materials management plan including  
sampling



# Importing Soil and other Material to VPLE Site (cont.)

*Soil Management Plan should include:*

- How much material
- What is the purpose of the imported material? Part of cap? Under building foundation? Where will it be placed? At what depth, etc.?
- Justify what you are sampling for, why did you propose that sampling frequency?
- Who will oversee work?
- Field screening plan & sampling techniques (PID, XRF, etc)



# VPLE Behind the Scenes

- DNR review application for completeness & writes approval to proceed letter
- PM assigned and time code established once deposit is received
- One deposit may be ok if more than one VPLE property if combined SI/ cleanup
- Land Recycling specialist helps PM
- PM reviews Phase I & II + Peer review
- SI goes to VPLE committee/ closure committee – date is important
- Quarterly Bills – pay on time



# VPLE Behind the Scenes (cont.)

- Any other reviews requested will go to PM (they *may* bring them to committee)
- Response in Letter or email if requested
- Request for COC/ Closure goes to committee
- Insurance form and fee to Madison
- PM and Madison write COC – signed by Bureau director
- COC sent after final bill is paid



# Common Problems To Avoid

- Hoping to get SI approved & COC while large old factory is still standing
- Failure to plan for DNR review time
- Failure to coordinate with other programs
- Bring on soil without testing and without DNR approval
- Need for COC now when development is remedy and it's not built yet



# Tips for Success

- Submit complete application
- Communicate with DNR Project Manager – what do you need when and why (start to finish)
- Kick off meeting with voluntary party, consultant & DNR
- Request reviews along the way
- Consider redevelopment and cleanup at same time

# DNR Land Recycling Contacts

## DNR NORTHERN REGION

Carrie Stoltz  
(715) 365-8942

## DNR NORTHEAST REGION

Tauren Beggs  
(920) 662-5178

## DNR SOUTH CENTRAL REGION

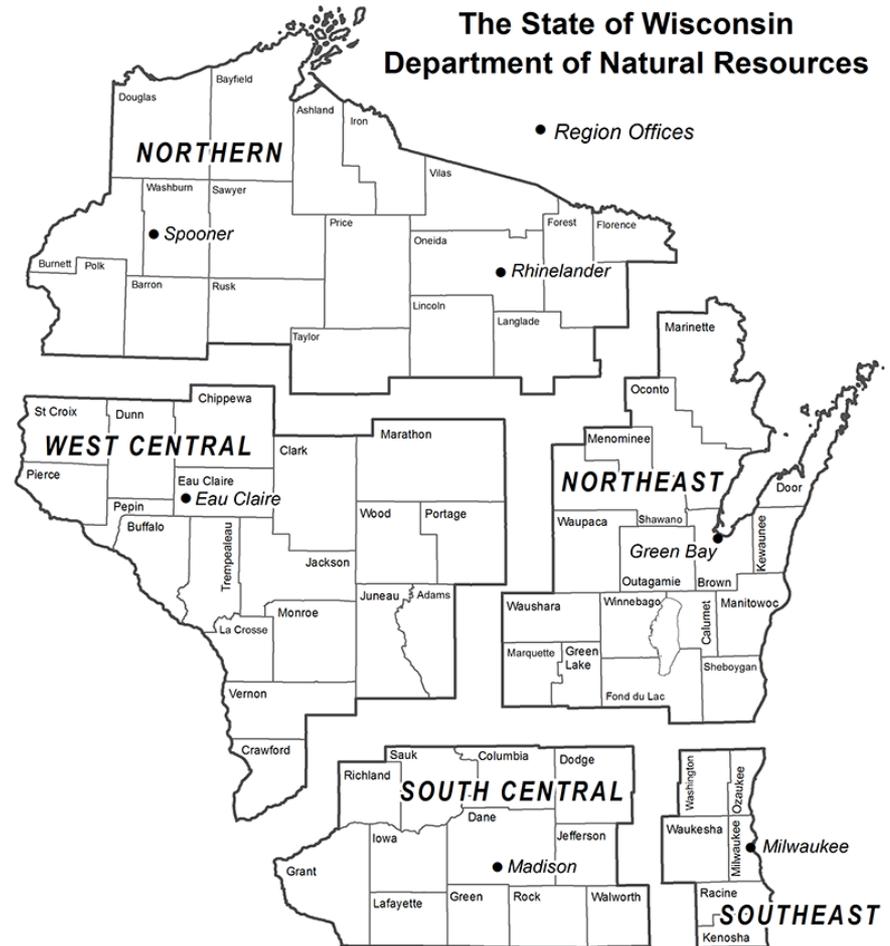
Janet DiMaggio  
(608) 275-3295

## DNR SOUTHEAST REGION

Margaret Brunette  
(414) 263-8557

## DNR WEST CENTRAL REGION

Gina Keenan  
(715) 839-3765



*Note: These are the Remediation & Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.*



# Resources

## On the Web:

<http://dnr.wi.gov/topic/brownfields/vple.html>

## VPLE Fact Sheet:

<http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>

[Michael.Prager@wisconsin.gov](mailto:Michael.Prager@wisconsin.gov)

608-261-4927



# Issues & Trends 2015

**Sept. 2, 2015  
12:00 – 1:00 p.m.**

## **Continuing Obligations: Pre & Post Closure**

Audio from today's presentation and information about this and future *Issues & Trends Series* can be found on the RR Program Training Webpage at:  
*[dnr.wi.gov/topic/Brownfields/Training.html](http://dnr.wi.gov/topic/Brownfields/Training.html)*

Questions / Comments / Suggestions regarding the  
Issues & Trends Series can be submitted to:

**[DNRRRComments@wisconsin.gov](mailto:DNRRRComments@wisconsin.gov)**

*Thank you*