

Brownfield Study Group

VPLE Subcommittee Meeting

October 4, 2019

Note: these slides were prepared by Jennifer Buzacky working with the chairs of the Brownfields Study Group and not by the DNR.

VPLE SUBCOMMITTEE

- ▶ 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

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- ▶ 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?

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- ▶ 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

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- ▶ 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

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- ▶ 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

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- ▶ 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