

Voluntary Party Liability Exemption – PFAS/ Emerging Chemicals

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Assessment of VPLE Program

- Background on VPLE program
 - Passed in 1998; revisions to scope/coverage
 - Innocent purchasers to “reckless/intentional” to all parties
 - Voluntary party exempted various cleanup statutes
 - Protected against changing rules/standards
 - Failure to fully “restore”
 - More extensive contamination
 - Runs with property
 - Groundwater natural attenuation addressed
 - Sediment
 - Partial cleanup
 - Older landfills
- Wisconsin VPLE program – one of broadest in country in terms of protection

Emerging Chemical Issue

- PFAS – example
- Not addressed in prior remedial investigations where COC granted
- Potential financial risk to state
- Department’s current action on VPLE “open” sites

Discussion

- Retain or adjust the VPLE program
 - Limit protection to hazardous substances found/addressed
 - Limit time of exemption
 - Limit transferability of exemption
 - Charge fees to holders of certificate to pay for future cleanups
 - Require insurance for certificate holder
- Eliminate VPLE; only provide case closure with reopener

Questions?

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