



## MINUTES

### Executive Committee

Wednesday, September 16, 2015  
Jury Assembly Room  
Lower Level, Courthouse Annex

**MEMBERS PRESENT:** Supervisors Alice Baumgarten, Mike Behnke, Ken Casper, Mike Cassidy, Melissa Christiansen, Kathy Just, Nick Lakari, Ken Mattison, Ted Sauve, and Vilas Schroeder

**MEMBERS EXCUSED:** Russ Bousley and Ken Keller

**OTHERS PRESENT:** County Clerk Kathy Brandt, Corporation Counsel Gale Mattison, County Administrator Shawn Hennessee, Finance Director Pat Kass, Assistant Finance Director Laura Mans, MCABI Executive Director Anne Hartnell, MCABI Committee Chair George Bousley, MCABI committee members, TYCO Representatives Ken Pulver and Jim Cox, LIO Director John Lefebvre, Administrative Secretary Kari LaCount, Supervisors Russ Bauer, Paul Gustafson, Shirley Kaufman and Fred Meintz, Eagle-Herald and Peshtigo Times

#### 1. **Call to order**

Chair Schroeder called the meeting to order at 1:00 p.m.

#### 2. **Agenda**

Motion (Behnke/Baumgarten) to approve agenda in modified order. Motion carried.

#### 3. **Public Comment - None**

#### 4. **Minutes**

Motion (Sauve/Casper) to approve minutes of April 21, 2015. Motion carried.

#### 5. **Voluntary Party Liability Exemptions – MCABI**

Discussion led by MCABI Executive Director Anne Hartnell regarding the cleanup and redevelopment of a contaminated 2.42 acre parcel located in the 1300 block of Main Street, City of Marinette, currently owned by TYCO Industries. Future intended use of the property is to build a facility to house an industrial incubator and office space. DNR NE Region Program Manager Roxanne Chronert, and NR Program Coordinator Michael Prager (via telephone) explained the Voluntary Party Liability Exemption/County Indemnification related to the MCABI Center of Excellence property. Attachment A.

## **6. Financial Software Efficiencies**

Finance Director reviewed various efficiencies to be gained in relation to new financial software implementation which may necessitate revisions to the Code of Ordinances, Personnel Policies and Procedures, and internal workflows.

## **7. Congratulatory Letters**

Motion (Casper/Cassidy) to recommend County Board approve County Board Chair authoring congratulatory letters on behalf of the County Board, with letters to be written at discretion of Chair after consultation with Vice-Chair. Motion carried.

Break – 2:50 – 3:05 p.m.

Supervisor Mattison excused at 3:00 p.m.

## **8. Closed Session**

Motion (Behnke/Cassidy) to enter closed session at 3:10 p.m. per Wisconsin Statute 19.85 (1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, to-wit:

- conduct performance evaluation of County Administrator

Roll Call Vote – All Supervisors present voting yes

Present: Committee members, Supervisors Bauer, Gustafson and Kaufman

## **9. Open Session**

Motion (Cassidy/Baumgarten) to enter open session at 3:45 p.m. per Wisconsin Statute 19.85 (2). Motion carried.

## **10. Future Agenda Items**

## **11. Adjournment**

Motion (Casper/Christiansen) to adjourn at 3:50 p.m. Motion carried.

Next meeting date: Budget Review with Finance Committee – 10/08/15 – 9:00 a.m.

Kathy Brandt  
County Clerk

Date approved/corrected:

# Answers to Common Questions about the Voluntary Party Liability Exemption (VPLE)

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## General Questions/ Eligibility

### Q1. Can anyone receive the liability exemption?

A1. Yes. In 1999, the law was changed to allow any party, even one who caused the contamination at the property, to participate in the VPLE process. A voluntary party is defined as "a person who submits an application to obtain an exemption" and pays the required fees.

### Q2. What types of sites are eligible for VPLE?

A2. There are several "conditions" that a property must meet in order to be eligible for the VPLE program, and ultimately the issuance of a Certificate of Completion under s. 292.15, Stats. The conditions include:

- Regulatory Status

Some properties, due to their environmental regulatory status, are excluded by law from receiving a Voluntary Party Liability Exemption. The property should not meet the definition of an ineligible property, as listed in s. 292.15(7), Stats.

For example, many types of solid waste sites (e.g., storage, landfill, etc.) are eligible to participate in the VPLE program. However, the statute prohibits a property with a solid waste facility that meets the definition of an "approved facility" (see s. 289.01(3), Stats) from participating in the VPLE process or obtaining the liability exemption. These approved facilities are usually large, licensed and engineered landfills.

- Technical Issues

Some sites may not be eligible to participate or to complete the VPLE process due to technical issues associated with the environmental clean up at the site. For example, a waste site (e.g., landfill) must obtain a ch. NR 726, Wis. Admin. Code, site closure in order to receive the VPLE protections. It must do so without the reliance on any active remedial system to ensure

compliance with environmental and public health standards, such as active treatment or collection systems relating to groundwater, leachate or gas.

In addition, sites with certain, operating hazardous waste treatment storage or disposal facilities are not eligible for VPLE. More information about site eligibility criteria can be found in s. 292.15(7), Wis. Stats., and on the VPLE webpage: [dnr.wi.gov/org/aw/rr/liability/vple.htm](http://dnr.wi.gov/org/aw/rr/liability/vple.htm).

- **Presence of a Discharge Requiring Remedial Action**

The property must have or had a discharge of a hazardous substance that requires or required a remedial action under s. 292.11, Stats. Most properties that have had a discharge of a hazardous substance can enter the process to obtain the liability exemption. A “clean” property that has never had a discharge could not obtain the VPLE, but a site that had an environmental cleanup in the past could qualify if all VPLE requirements are met.

**Q3. If I buy property for which a cleanup has already occurred, can I still receive the liability exemption?**

A3. Yes. However, additional work at the property may need to be conducted in order to meet the requirements to receive the liability exemption, including an environmental investigation of the entire property. If a Phase I and Phase II environmental assessment have not been recently (e.g., in the last 180 days or less) conducted, they will need to be conducted for the property.

**Q4. What if the environmental condition of the property I want to purchase is unknown?**

A4. Before you purchase the property, the DNR recommends that you find out as much about the environmental conditions of the property as you can. You can conduct a Phase I and II Environmental Assessment of the property to determine if there is potential or known environmental contamination.

Depending on the results of the Phase I, you may want to proceed with a Phase II environmental assessment. If the assessments indicate that an investigation and cleanup is necessary, then the Voluntary Party Liability Exemption may be of benefit to you. Before you purchase the property, you may want to ask your consultant for an estimate of what it would cost to conduct these various environmental steps.

**Q5. What if the property does not require an investigation and/or cleanup?**

A5. If there has never been a discharge of a hazardous substance at the property, there would be no environmental liability under s. 292.11, Stats., for the property. Simply stated, a "clean" property is not eligible for the VPLE process and the exemption. A property with a past release which has already been cleaned up, however, may be eligible for the exemption (see Question 3).

**Q6. How Does the Voluntary Party Liability Exemption process differ from the traditional spill cleanup program?**

A6. To compare the differences between an investigation and cleanup under the traditional cleanup program (i.e., receiving a closure letter) versus the Voluntary Party process, please see the fact sheet *Voluntary Cleanups & Liability Exemptions* (RR-506) at: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR506.pdf>.

A person cleaning up a site in Wisconsin can either conduct the cleanup under the traditional spill cleanup process or utilize the Voluntary Party Liability Exemption process. There are two significant differences between receiving a ch. NR 726, Wis. Admin.Code closure vs. a

Certificate of Completion: (1) the scope of the investigation; and (2) in the VPLE process, cleanup cannot be approved if a full Site Investigation has not been conducted due to a structural barrier (e.g., couldn't sample under the building). A VPLE site investigation covers an investigation of the entire property and any off-site discharge, not just the "known" discharge.

**Q7. If a party already qualifies for a liability exemption, such as the lender liability exemption or the exemption for local governments, can they still participate in VPLE?**

A7. Yes, if you already have a liability exemption but want to cleanup the property so that it can be used or sold to another party, it can help to obtain the VPLE so that future owners can be assured that the whole property has been cleaned up and that no additional cleanup will be needed.

**Q8. Can I enter into the Voluntary Party Liability Exemption process if I want to clean up a leaking underground storage tank?**

A8. Yes. The Voluntary Party Liability Exemption is available for the cleanup of a property with a discharge of any hazardous substance, including petroleum products from a leaking underground storage tank. However, the voluntary party would also need to comply with any federal or state requirements related to closing and cleaning up leaking underground storage tanks.

Also, for all VPLE sites, the voluntary party would need to conduct an investigation and cleanup of the entire property, not only the leaking tank. This would include any contamination that may have migrated off the property. The cleanup of some properties with leaking underground storage tanks is overseen under the authority of the Department of Safety and Professional Services (DSPS). However, the DNR is the only agency with the statutory authority to issue a Certificate of Completion to a voluntary party seeking the liability exemption in s. 292.15, Wis. Stats.

If a VPLE site is under the jurisdiction of the DSPS, the two agencies will work together to review the cleanup actions.

**Q9. Can I enter into the VPLE process if I want to cleanup a site with agriculture chemical contamination that is overseen by the Department of Agriculture, Trade and Consumer Protection (DATCP)?**

A9. Yes, if a site is overseen by the Agricultural Chemical Cleanup Program, they can seek the VPLE and the DNR project manager will work with the staff with the DATCP to make sure all requirements are met.

**Q10. Can a property with a landfill or solid waste facility enter the VPLE process and receive a Certificate of Completion?**

A10. Yes, many properties with certain types of landfills and solid waste facilities (i.e., licensed or not) are eligible to obtain a Certificate of Completion. However, the statute prohibits a solid waste facility that was a licensed, approved facility under s. 289.01(3) Wis. Stats., from obtaining the Voluntary Party Liability Exemption. "Approved facilities" are usually larger, engineered landfills. Please see the DNR VPLE website for a list of licensed, approved facilities in Wisconsin. In addition, even if a property includes a solid waste facility which was not an "approved facility", DNR can not issue a liability exemption if active remedial operation or treatment is required after the site cleanup is approved, in order to achieve closure under ch. NR 726, Wis. Admin.Stats. These active operations or treatments include gas, leachate or groundwater collection or treatment.

**Q11. Can a property owner with hazardous waste enter the VPLE process and receive a Certification of Completion?**

A11. Yes, properties that contain hazardous waste can be investigated and remediated through the VPLE process, and the owner can receive a Certificate of Completion. However, the exemption is not available for certain, operating hazardous waste treatment, storage or disposal facilities. Please see s. 292.15(7), Wis. Stats., or contact the DNR for more information.

## **Application/Beginning the Process**

**Q12. Can a Certificate of Completion be issued to more than one party for a single property?**

A12. Yes. If two or more voluntary parties want to receive a Certificate of Completion for the same property, each party must submit a separate application to the DNR. Parties should work with the DNR on a case-by-case basis to determine which party or parties will pay the DNR the advance deposit and any additional review fees required by the VPLE process.

**Q13. What is considered a “property”?**

A13. A property is a single parcel of land, with the entire legal description found on one deed and which has been conveyed as an undivided parcel in the past.

**Q14. If I have multiple, contiguous properties, how many applications, fees and advance deposits do I need to send to the DNR?**

A14. If you have more than one “property,” you must submit a separate application form and a non-refundable application fee for each “property” (see Question 11). If the site assessments and cleanups are being conducted together at the different “properties,” a single advance deposit based on the aggregate size of the combined properties may be submitted.

**Q15. At what point in the environmental response process should I enter into the VPLE process?**

A15. It depends on the situation. Generally, parties are encouraged to enter into the VPLE process as early as possible, before any investigation has been conducted, so they can get DNR review at the beginning of the process. However, parties can enter into the VPLE process after some (or all) environmental work has been completed, though the party is still required to follow all the steps under ch. NR 700 rules series, Wis. Adm. Code. It may be more expensive to wait til later in the process, as the DNR may require additional assessment, investigation or cleanup work at the property where actions were taken prior to being in the VPLE process.

## **Assessment and Investigation**

**Q16. What is a Phase I Environmental Assessment?**

A16. A Phase I Environmental Assessment is an assessment of a site to identify all recognized environmental conditions at a property. Recognized environmental conditions are the presence or likely presence of any hazardous substance, including petroleum products, on a property under conditions that indicate an existing release, past release or a material threat of a release of any hazardous substances into structures on the property or into the ground, groundwater, or surface

water of the property. This assessment may include, but is not limited to, reviewing records, interviewing persons and conducting physical inspections of the site. The DNR recommends that the VPLE applicant/participant follow the most current ASTM standard when conducting an assessment. If the project will involve federal brownfields funds, a Phase I conducted in accordance with EPA's All-appropriate Inquiry rule is required.

**Q17. What is a Phase II Environmental Assessment?**

A17. A Phase II Environmental Assessment is an assessment conducted to physically confirm the presence or absence of environmental contamination in areas identified as recognized environmental conditions in the Phase I Assessment. The Phase II does not determine the nature and extent of contamination. This assessment may include, but is not limited to, field sampling of media, laboratory analysis of samples and visual confirmation of environmental contamination of the site. Again, DNR recommends following ASTM's most current standard when undertaking this work.

**Q18. What if my Phase I or II EA was conducted several years ago?**

A18. If the EA was conducted more than six months ago, we recommend that you provide an ASTM-compliant update that describes any changes associated with the property that may affect the environmental conditions of the site.

**Q19. What type of environmental investigation of the property is necessary?**

A19. An environmental investigation includes three important steps: the Phase I Environmental Assessment, the Phase II Environmental Assessment and a ch. NR 716, Wis. Adm. Code, site investigation of the entire property. The scope of the investigation is not limited to the property boundary if there are documented discharges or reason to believe that hazardous substances migrated off the property. The investigation must be extensive due to the potential of more than one discharge being present at a property. All three assessment steps must be completed and reviewed by DNR staff in order to proceed through the program.

**Q20. Is a Phase II Environmental Assessment the same as a ch. NR 716 site investigation?**

A20. No. A Phase II Environmental Site Assessment only verifies that one or more discharges have occurred on the site, while the purpose of a ch. NR 716 site investigation is to define the nature, degree and extent of all environmental contamination and to define the source(s) of contamination on the site.

**Q21. Who may conduct the investigation?**

A21. The voluntary party usually hires and pays an environmental consultant to conduct the investigation. The consultant hired to conduct the investigation and cleanup must meet the professional qualifications required by ch. NR 712, Wis. Adm. Code.

In some cases, the investigation may be conducted by a party other than the voluntary party (for example, a person selling the property to the VPLE applicant). However, the DNR may require the voluntary party to conduct additional investigation work if the initial investigation is inadequate. A site investigation must be conducted in accordance with requirements contained in ch. NR 716.

## Cleanup Requirements

**Q22. What environmental standards must I follow to receive DNR review and approval?**

A22. The cleanup standards for a VPLE site are the same as for any other type of contaminated site. All applicable environmental laws and regulations - federal, state, and local - must be followed. The primary cleanup standards in Wisconsin are described in the ch. NR 700 rule series. Groundwater standards are found in ch. NR 140, Wis. Adm. Code. These regulations apply to all types of contamination regardless of the source of contamination or type of site.

**Q23. Who may conduct the cleanup?**

A23. Any party may conduct the cleanup. Usually the voluntary party hires and pays an environmental consultant to conduct the cleanup activities (see Question 18). The cleanup must be conducted in accordance with the requirements contained in the NR 700 administrative rule series.

**Q24. Can I use an engineering control, such as a cap, to prevent exposure to contamination as part of the cleanup I conduct at a VPLE site?**

A24. Yes. If an engineering control is approved by the DNR as part of a remedial action plan, it can be used as part of a VPLE cleanup. Any land use controls required pursuant to s. 292.12, Wis. Stats., will be incorporated into the Certificate of Completion and the exemption from liability will be contingent upon continued adherence to the requirements of the controls (e.g. the voluntary party or future property owners must adhere to a requirement(s) to prevent exposure to any contaminated soils left on-site). The “cap” would be based on the intended land-use at the site. Thus a “cap” for an industrial property may differ than an engineering control at the same property for multi-family housing. The COC will recognize and limit the VPLE protections granted a property and VP based on the land-use and degree of cleanup.

**Q25. What if a cleanup is approved for a certain land-use but the land-use changes after the Certificate of Completion is issued?**

A25. A cleanup generally is approved based on the intended use of the property (industrial, residential, etc.). In these cases, the closure letter and Certificate of Completion will likely require that if a change in the use of the property is proposed in the future, that prior written approval from the Department be obtained to insure that the remedy is still protective of public health and that the liability exemption can remain in place. If changes are proposed to the use of the site and the Department requires additional response actions, a new Certificate of Completion will typically be issued.

**Q26. Do I need to clean up the solid waste left on my property before I can obtain a Certificate of Completion?**

A26. Before the DNR will issue a Certificate of Completion, the voluntary party will be required to take appropriate action to address solid waste on the property. The DNR project manager will work with the environmental consultant to determine what solid waste requirements must be met. If you are planning development on a site with solid waste, you will need DNR approval for an exemption to state regulations that prohibit development on waste sites. For more information on the requirements and process to get DNR approval see the DNR webpage on Development on Historic Fill Sites and Licensed Landfills: [dnr.wi.gov/org/aw/rr/rbrownfields/historic\\_fill.htm](http://dnr.wi.gov/org/aw/rr/rbrownfields/historic_fill.htm).

## Certificate of Completion

### **Q27. When do I get the liability exemption (aka Certificate of Completion)?**

A27. Certificates of Completion are issued when the DNR determines that all requirements in s. 292.15, Wis. Stats., and the ch. NR 700 administrative rule series, have been met. The primary requirement is that the DNR must determine that the property and any off-site discharges have been satisfactorily restored to the extent practicable and the harmful effects from the discharge have been minimized – this includes any discharges that have migrated off the property. Also, all applicable fees must have been paid.

### **Q28. After I enter into the Voluntary Party Liability Exemption process, how long does it take before I am issued a Certificate of Completion?**

A28. The amount of time it takes to bring a property through the Voluntary Party Liability Exemption process can vary greatly depending on the site-specific circumstances. Larger, more complicated sites can take longer to investigate, and different remediation techniques can take different lengths of time. The length of time it has taken parties to receive a Certificate of Completion after they submitted their application has ranged from five months to more than five years.

### **Q29. What benefits do I receive if I get the liability exemption?**

A29. There are three protections granted after the DNR issues the liability exemption: (1) no further response actions are needed if environmental standards change; (2) there will be no liability if an approved cleanup remedy is later discovered to have failed to fully restore the environment; and (3) there will be no liability for contamination that is cleaned up but later found to be more extensive than originally thought. These protections only apply to releases that occurred on the property prior to the site investigation being approved by the DNR under s. 292.15, Wis. Stats.

Any discharges that occurred after the site investigation is approved would not be covered by the exemption, unless the voluntary party updated the site investigation by identifying the post-site investigation discharge and remediated those discharges to the satisfaction of the DNR as part of the VPLE cleanup. A new COC would be issued to address these new discharges at the property.

### **Q30. If I receive a Certificate of Completion and it turns out that some contamination was missed during my investigation and cleanup, who is responsible for conducting any further investigation and cleanup?**

A30. In this case, the DNR would look for parties who caused the contamination if they are not covered by the Voluntary Party Liability Exemption, and request that they take responsibility for the additional contamination. If there are no viable responsible parties who caused the contamination the DNR would evaluate the public health and environmental impacts at the site to determine if the DNR should use other means to remediate the site. The property owner may choose to conduct some cleanup on a voluntary basis.

### **Q31. Once I receive the Certificate of Completion, am I exempt from all state and federal environmental liability at the property?**

A31. No. This provision only exempts parties from portions of Wisconsin's Hazardous Substance Discharge Law (the "Spill" law, s. 292.11, Wis. Stats.), and portions of the state solid waste and hazardous waste laws.

With respect to federal liability, the Voluntary Party Liability Exemption does not exempt parties from any federal laws or regulations. However, the DNR and the U.S. Environmental Protection Agency (EPA) entered into a One Cleanup Program Memorandum of Agreement (MOA) to clarify the role of the federal cleanup programs in Wisconsin's voluntary cleanups. This MOA generally states that, based on federal cleanup programs – e.g. Superfund, RCRA, TSCA – EPA will not take action at a property where the responsible or voluntary party is undertaking or has completed a cleanup in accordance with Wisconsin and federal laws.

In addition, the “Small Business Liability Relief and Brownfields Revitalization Act”, signed into law in 2002, restricts federal action at “eligible response sites” that are being cleaned up under the oversight of state cleanup programs (i.e., an enforcement bar). Generally speaking, the EPA has no interest in properties where the discharges have been investigated and cleaned up in accordance with state law.

**Q32. Can I sell my property before I receive my Certificate of Completion?**

A32. Yes. It does not matter to the DNR who owns the property as long as the requirements of the VPLE are met. In some cases, parties are able to work out a deal where a purchaser agrees to buy a property that is going through the VPLE process. In these cases, buyers and sellers usually enter into agreements which define who will assume the responsibility for completing the cleanup. Depending on the site circumstances and the type of remediation, purchasers may be able to construct a building or use part of the property for some productive use while the cleanup is being finished.

**Q33. Can I receive a Certificate of Completion if I meet the closure requirements at a site where I am using natural attenuation as a remedy?**

A33. Yes. Voluntary parties can receive a Certificate of Completion when natural attenuation is used if certain requirements have been met. The VPLE statute was changed to allow parties to obtain a Certificate of Completion at properties before groundwater standards have been met if they can demonstrate that natural attenuation will bring the groundwater into compliance with state enforcement standards.

To obtain a Certificate of Completion for a property using natural attenuation, ch. NR 754, Wis. Adm. Code, requires that the voluntary party pay an environmental insurance fee to the DNR. The DNR has an insurance policy to cover the state's financial liability if a property with COC has a natural attenuation remedy that “fails.” For more information on the insurance requirements for natural attenuation at VPLE properties and a schedule of insurance fees, please see *Insurance for Voluntary Party Liability Exemption Sites Using Natural Attenuation: Information and Fee Schedule* (publication # RR-661) or contact your local RR Program project manager or land recycling specialist.

**Q34. Can I receive a Certificate of Completion if I have contamination on my property from an off-site source?**

A34. Yes. Voluntary parties can receive a Certificate of Completion if there is hazardous substance on the property that originates from an off-site source if the voluntary party receives a written DNR determination they have met all requirements in s. 292.13, Wis. Stats., which qualifies the party for the state off-site liability exemption. The VP cannot have owned or currently own the property that is the source of the off-site contamination. The party must also meet the other VPLE requirements.

**Q35. Once I have the Certificate of Completion (COC), and I sell my property, how does the COC get assigned?**

Q35. As provided by s. 292.15(3), Wis. Stats., the exemption conveyed by this COC “applies to any successor or assignee of the voluntary party”. This means that if a new owner were to purchase the property, they would be a successor to the property and they would be protected by the VPLE for discharges that occurred prior to the date the site investigation was approved. There is no action necessary on your part to transfer this exemption to the future owner. However, some VPs have attached the COC to the property deed to ensure that the information conveys with the land.

**Q36. What are requirements if I buy a property that received a Certificate of Completion?**

A36. If you buy a property that received a Certificate Completion, you are required to comply with and maintain any continuing obligations that apply to the residual contamination on the property. These obligations are described in the closure letter and the Certificate of Completion. For sites that received a Certificate, you can find copies of this information on the Remediation and Redevelopment Program’s internet accessible Geographic Information System (GIS) Registry.

## **Withdrawal from the VPLE Process**

**Q37. What happens if I decide I don’t want to proceed under the Voluntary Party Liability Exemption process?**

A37. You can withdraw from the VPLE process any time *by providing timely, written notification to the DNR*. However, withdrawing from the VPLE process does not exempt you from any legal requirements in conducting an environmental cleanup. If you caused the problem or own the site and are not covered by another liability exemption, the Hazardous Substance Discharge Law requires that you address known problems on the property.

**Q38. If I withdraw from the VPLE process, what money will be returned to me?**

A38. Upon written notification of your withdrawal from the VPLE process, any remaining, unused money from the advance deposit will be refunded. The application fee is nonrefundable. Should you decide to reenter the program, a new application and advance deposit fee should be submitted.

## **Partial Certificate of Completion**

**Q39. What is a Partial Certificate of Completion?**

A39. The VPLE law (s. 292.15(2)(am), Wis. Stats.) allows the DNR to approve a partial cleanup and issue a partial Certificate of Completion. There are two types of partial cleanups that voluntary parties may choose to do:

address the contamination only on a specific geographic portion of the property; or  
clean up specific hazardous substances on the property.

Parties who want a partial Certificate of Completion generally must meet all the requirements for a full Certificate of Completion. Parties can be considered for a partial Certificate of Completion

only after the DNR approves a complete site investigation of the entire property, including contamination that may have migrated off-site.

In addition, in order to receive a partial Certificate of Completion, parties must also ensure that:

- public health, safety, or the environment will not be endangered by any hazardous substances remaining on or originating from the property after the partial cleanup;
- the development or use of the property will not aggravate or contribute to the discharge of a hazardous substance on or originating from the property;
- the development or use of the property will not unduly interfere with, or increase the cost of, cleaning up the remaining contamination on the property; and
- the owner of the property will cooperate with the DNR to address the contamination remaining on the property. If necessary, owners must agree to allow the DNR, or representatives of the DNR, access to the property for environmental activities on the property, such as placement of borings, equipment or structures on the property.

A partial Certificate of Completion will state that not all of the property has been satisfactorily restored or that not all the harmful effects from a discharge of a hazardous substance have been minimized. If you are interested in conducting a partial cleanup, you should indicate this on your application.



# Insurance for Voluntary Party Liability Exemption (VPLE) Sites Using Natural Attenuation

## Information and Fee Schedule

PUB-RR-661

Fact Sheet 13

July 2013

The Voluntary Party Liability Exemption (VPLE) process allows eligible parties that conduct an environmental investigation and cleanup of a property to receive a Certificate of Completion (COC). A COC limits future environmental liability.

If a voluntary party is relying on natural attenuation to restore groundwater quality, and they want to receive a COC prior to achieving compliance with the enforcement standards, they are required to pay an environmental insurance fee. This insurance fee is in addition to the required VPLE application and oversight fees.

### Environmental Insurance Fee

Chapter NR 754, Wis. Adm. Code, describes the environmental insurance requirements that voluntary parties (VP) must comply with for sites where the VP elects to rely on natural attenuation as a final remedy. This rule requires voluntary parties seeking a COC to obtain environmental insurance through a state program to cover the cleanup cost of the site should natural attenuation fail.

### How Do I Receive a COC Using Natural Attenuation?

In order to meet the insurance requirements, you must do the following:

- after investigation and cleanup is complete, submit a request for case closure;
- if the department determines that the conditions for closure are met, submit an application form and the appropriate insurance fee to the DNR Madison office; and
- when it has been determined that all the requirements have been met, the department will issue a Certificate of Completion pursuant to s. 292.15(2)(ae)(3), Wis. Stats.

### Frequently Asked Questions

#### *Does every site need to get the insurance?*

If a party wants to obtain a Certificate of Completion for a site relying on natural attenuation before groundwater enforcement standards are met, they are required to obtain this insurance. If a voluntary party does not want to pay the insurance fee, another option would be to continue monitoring contamination at the site, wait until groundwater enforcement standards are met, and then apply for the COC or to ask for a site closure letter instead of a COC.

#### *What does the insurance policy cover?*

The state has entered into a master insurance policy to provide security for the state when issuing a Certificate of Completion for sites relying on natural attenuation. If the site needs to be re-opened due to the failure of natural attenuation, the insurance will cover certain state cleanup and investigation costs, if those are incurred at the site.

#### *Will the state's insurance cover third party claims?*

No, the insurance policy is only available for the state to cover cleanup expenses and does not provide coverage for the property owner for potential claims by a third party. A voluntary party may choose to obtain their own separate insurance on the private market if they are concerned about the risk of third party claims.

#### *Do I have to participate in the state's master policy, or can I get my own insurance policy?*

To obtain a COC when relying on natural attenuation at a site, a voluntary party must obtain insurance under the state's master policy. The insured party under the master policy is the state of Wisconsin. The voluntary party may obtain their own additional insurance policy, but it does not replace the required VPLE insurance.



Wisconsin Department of Natural Resources  
101 S. Webster St., Madison WI 53702  
dnr.wi.gov, search "brownfield"





***After the one-time fee, will I need to do anything to continue insurance coverage?***

No, the one-time payment of the insurance fee is all that is necessary to obtain the required insurance coverage. The voluntary party will not be required to pay for any of the deductible if a claim is made in the future.

***How does the insurance work?***

The voluntary party and any successors or assignees are protected from future liability under the spill law (s. 292.15, Wis. Stats.) after the Certificate of Completion is issued. If the department suspects that natural attenuation has failed, the department may choose to use the insurance to finance further investigation or cleanup at the property. The voluntary party will not have to file a claim or pay any additional costs if the department determines that natural attenuation has failed.

***Will the fees change?***

The department will publish a fee schedule every year. Fees apply to the date that the COC is issued, not the date requested. Please consult the schedule on page 3 to determine the most current fees.

***How are fees calculated?***

Fees are based on the size of the property and the former use of the property. Please see the current fee schedule on page 3 for size ranges, former use descriptions and current fees. Based on the information submitted, DNR will make a determination as to the appropriate fee.

***How do I determine the size of the property?***

The size of the property is the total combined acreage of a single, legally defined parcel, or multiple contiguous legally defined parcels, subject to a combined investigation and remedial action approved

by the department, for which one or more Certificates of Completion will be issued.

For example, a former heavy industrial site was divided into two legally defined parcels, 3 acres each, and the investigation and cleanup of the two parcels were conducted together. In this case, the combined size of the property would be 6 acres, so one fee of \$19,447 would be required and the department would issue two Certificates of Completion (see page 3).

***What if a property had more than one former use?***

If a property had more than one former use, the highest fee is required. For example, if you have a property that was used as a farm and then was used as a chemical manufacturing facility, you would need to pay the fee for the property's use as a Heavy Industrial Property (see former use definitions on pages 3-4).

**Contacts and More Information**

For more information, please contact the DNR project manager assigned to your site, or Michael Prager, Land Recycling Team leader, at (608) 261-4927, or michael.prager@wisconsin.gov.

Other helpful department publications include:

- [Fact Sheet #2: Voluntary Party Remediation and Exemption from Liability, publication # RR-506](#); and
- [Voluntary Party Liability Exemption Insurance Application, Form # 4400-224](#).

To order these and any other publications, or to find out more information about the Remediation and Redevelopment Program, see the DNR's web site at: [dnr.wi.gov/topic/brownfields/](http://dnr.wi.gov/topic/brownfields/).

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240.

This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

# Voluntary Party Liability Exemption Insurance Fees

## *JULY 5, 2013 TO JULY 5, 2016*

Pursuant to s. NR 754.11(3), Wis. Adm. Code, the department has published this schedule of insurance fees. This published schedule of fees applies to voluntary parties receiving a Certificate of Completion before July 5, 2016. Please see information below describing property use and size.

<b>PREVIOUS USE OF PROPERTY</b>	<b>TOTAL ACREAGE OF PROPERTY</b>	
	<b>0 to 4.99 acres</b>	<b>5 acres and above</b>
<b>Residential</b>	\$6,419	\$7,159
<b>Agricultural</b>	\$10,415	\$11,725
<b>Commercial</b>	\$11,168	\$12,562
<b>Light Industrial</b>	\$13,391	\$15,086
<b>Heavy Industrial</b>	\$17,209	\$19,447

**Former Use Definitions:**

*Agricultural Properties* include: dairy, pig, turkey or chicken farms; ranches; agricultural services; forestry services; fish farms; granaries; or grain or seed agricultural cooperatives. Agricultural chemical manufacturing, blending, mixing, storage and distribution of fertilizers, pesticides, insecticides or fungicides are considered heavy industrial properties, not agricultural properties (see below).

*Residential Properties* include: homes; townhomes; condominiums; and apartment buildings. If a dry cleaning operation with an on-site plant is or was located in an apartment complex, then the site is deemed a light industry property (see below).

*Commercial Properties* include: sites that provide business or retail services that have never been utilized for any type of fabrication, manufacturing, mining or waste management activity. Examples of commercial properties include shopping centers; auto repair shops; strip malls; retail and wholesale businesses; gasoline stations; hospitals; nursing homes; medical offices; warehousing of non-chemical products; educational services; museums; motion picture and film processing locations; lumber yards; auto sales dealers; communication services; TV stations; motels, hotels or office complexes.

*Light Industrial Properties* include: chemical warehouses; food product preparation plants; textile mill product manufacturing firms; furniture or fixture manufacturing; tobacco manufacturing; leather goods fabrication; dry cleaners that had a dry cleaning plant on premises; fabricated metal products; electric or electronic equipment (e.g. computers, semi-conductor,

lighting, etc.); instruments or related scientific test equipment; consumer goods manufacturing, or printing or publishing activities.

*Heavy Industrial Properties* include: manufacturing of chemical or allied products; rubber or related products (e.g. tire inner tubes, rubber footwear, etc.); lumber or wood products; stone; clay; or glass products; primary metal industries (e.g. blast furnaces, primary or secondary metal reclaiming, foundries or battery recycling facilities); machinery (e.g. generators, engines, construction equipment, etc.); foundry fill or fly ash landfills; salvage yards; manufactured gas plant sites; electroplating facilities; wastewater treatment facilities; military sites or bases; rail yards; transportation equipment (e.g. autos, etc.); paper or allied products (e.g. pulp mills, paper mills, wood treating firms); leather tanning; petroleum, coal aggregate or metal mining extraction or related services; fuels storage; utilities; pipeline operations; refining of petroleum or its derivatives; waste disposal, transfer and treatment (including landfills, incineration, recycling, reclamation, land treatment and underground injection); midnight dumping; or agricultural chemical manufacturing, blending, mixing, storage or distribution of fertilizers, pesticides, insecticides, or fungicides.



# Voluntary Party Liability Exemptions

RR-506

October 2013

## Voluntary Party Liability Exemptions in Wisconsin

The cleanup and redevelopment of contaminated properties has become a critical land use issue for public and private entities across the country. These brownfields – abandoned or underused properties where redevelopment is hindered by real or perceived contamination – are often the key to a successful community redevelopment project.

In 1994, the Wisconsin State Legislature created the Voluntary Party Liability Exemption (VPLE), under Section 292.15, Wis. Stats., of the Hazardous Substance Discharge Law, also known as the Spill Law.

The VPLE is a process by which a person – including a local government – can voluntarily conduct an environmental investigation and cleanup of a property and then receive limits on their liability for historical contamination on a property.

More than 130 parties have received a COC since the VPLE was created in 1995. Many developers, lenders and prospective purchasers of brownfields choose this route versus a traditional cleanup path, since the exemption provides certain liability assurances helpful to investors as well as future property owners.

## What are the Benefits of the VPLE?

- Clear and certain assurance that all contamination on a property has been cleaned up to the satisfaction of the state.
- Liability exemption for current and future owners for historic environmental contamination.
- Protects owner if remedy fails or environmental standards change.

## How is VPLE different than traditional closure process?

Generally, VPLE provides an exemption from all future liability which, unlike a closure letter, cannot be reopened. Also, the VPLE applies to the entire property and a closure letter only applies to a specific discharge or contamination area on a property. In addition, Sites part of the VPLE process usually have closer DNR oversight throughout the cleanup process. The differences are described in detail in the table on page 5.

## What is the Voluntary Party Liability Exemption?

If you successfully complete an investigation and cleanup of a property – i.e. DNR determines the investigation and cleanup of the property, and any hazardous substances that have migrated off the property are complete – you will receive protection from historic, pre-existing contamination under Wisconsin environmental laws.



An investigation and cleanup of a property, under ch. NR 750, Wis. Adm. Code, includes Phase I and Phase II environmental site assessments followed by a full site investigation.

The DNR recommends that the Phase I and Phase II environmental site assessments be conducted in accordance with EPA's and ASTM's All Appropriate Inquiry (AAI) standards.

A Phase I Environmental Site Assessment (ESA) "may include, but is not limited to, reviewing records, interviewing persons, and conducting physical inspections of the site." A Phase II ESA assessment is conducted to "physically confirm that contamination exists" in areas identified in the Phase I ESA. This assessment may include "field sampling of media, laboratory analysis of samples and visual confirmation of environmental contamination at the site."

Under NR 750, Wis. Adm. Code, a "Environmental investigation of the property" means a study of the entire property, including any discharges that have or may have migrated off the property, and approved by the department, consisting of a Phase I and Phase II environmental assessment and a site investigation, based on information documented in these environmental assessments.

A voluntary party will submit a cleanup plan, which is reviewed and approved by the DNR. Once the DNR approves a completed cleanup, the voluntary party will receive a Certificate of Completion (COC). The COC exempts a voluntary party from liability under most provisions of the Spill Law, as well as certain provisions of other state laws.

## **What is the Hazardous Substance Spill Law?**

The Hazardous Substance Spill Law, also known as the Spill Law, s. 292.11, Wis. Stats., requires that persons who "possess," "cause" or "control" a hazardous substance discharge take actions necessary to restore the environment to the extent practicable and minimize harmful effects from the discharge.

Agency oversight is required and conducted by the DNR's Remediation and Redevelopment (RR) Program. The certificate assures that no additional environmental work will be required of the party with respect to hazardous substance discharges that occurred prior to the approval of the site investigation, even if in the future:

- (1) environmental standards change;
- (2) cleanup action fails; or
- (3) the hazardous substance contamination that was the subject of the cleanup is discovered to be more extensive than originally thought.

The COC also applies to future owners of the property as a successor or assignee of the voluntary party. In order to maintain the liability exemption, however, the future owner must continue any required maintenance and monitoring of the property.

## **Who is Eligible for the VPLE?**

This process is an elective, rather than a mandatory, environmental cleanup process. Any interested businesses, individuals or local governments – even the party who caused the contamination – are eligible to participate in the program.

## What Type of Sites Are Eligible for the VPLE?

Properties with a discharge of a hazardous substance are eligible for VPLE, including certain landfills. Some solid and hazardous waste sites are excluded from the VPLE process, as described in s. 292.15(7), Wis. Stats.

To access the VPLE application form, please use the following link:  
[dnr.wi.gov/files/PDF/forms/4400/4400-178.pdf](http://dnr.wi.gov/files/PDF/forms/4400/4400-178.pdf)

## Are There Fees to Participate in the VPLE?

Yes, voluntary parties must submit an application and pay the appropriate fees to participate in the process. Fees are required under ch. NR 750, Wis. Admin. Code, and help cover DNR technical oversight costs.

To begin the VPLE process, voluntary parties must submit their application with a nonrefundable \$250 application fee per legally described property. In addition, an advance deposit is required before the DNR can begin providing

technical oversight. The advance deposit for VPLE properties is \$2,000 if the property is one acre or less and \$4,000 if the property is larger than one acre.

***Please Note!*** *The advance deposit does not always cover total DNR oversight costs.*

If the DNR oversight costs are less than the advance deposit, the voluntary party will receive a refund from the DNR. However, if the advance deposit is depleted and additional cleanup work needs DNR review, the DNR will bill the voluntary party on a quarterly basis for the agency's oversight costs, charging at an hourly rate.

The amount of oversight costs depend on the complexity of the site and the level of technical review that is necessary. While some voluntary parties have received refunds after the DNR issues their Certificate of Completion, the amount of oversight costs can be higher than the advance deposit.

## Situations When the Voluntary Party Liability Exemption (VPLE) Could Help You!

**Situation #1:** *A company is considering purchasing a former industrial property to build a new office and is willing to conduct an environmental cleanup. As a way to ensure the property has met state DNR cleanup requirements, company officials applied for a Certificate of Completion (COC), so when they complete the cleanup the DNR will not come back at a later date and make the company do additional work for these pre-existing discharges.*

**Situation #2:** *A business owner is selling her property that she used to operate as a gas station. However, the bank for the prospective buyer will not allow the buyer to purchase the property unless the buyer is protected from environmental liability. By applying for and receiving the VPLE exemption, the seller can assure the new owner he/she would have the appropriate liability protection.*

**Situation #3:** *A company that owns a contaminated property is looking to move the liability for this site off its balance sheets. After the environmental cleanup is completed, the company applies for a Certificate of Completion (COC), works with the DNR through the VPLE process and receives the COC. The COC provided the assurance that the company took care of any liability issues at the property, allowing the company to remove this risk from their financial statements and greatly increasing the chance the property could be redeveloped and/or sold in the future.*

## How to Participate in the VPLE Process

In order to participate in the Voluntary Party Liability Exemption (VPLE) process, please take the following steps.

- (1) Send a completed application form, [Form# 4400-178](#), to the DNR staff contact and DNR region where the property is located – please see map on page 6 to find the correct DNR region and staff contact. The application form can be downloaded from the RR Program’s web site at: [dnr.wi.gov/topic/Brownfields/Pubs.html](http://dnr.wi.gov/topic/Brownfields/Pubs.html), or contact your regional DNR office for an application form. Please submit the required \$250 application fee for each legally described property, payable to the “Wisconsin Department of Natural Resources,” with your application. This application fee is non-refundable.
- (2) Submit to DNR an advance deposit of \$2,000 for properties smaller than 1 acre, or \$4,000 for properties 1 acre or larger. The DNR must receive the advance deposit within 30 days of the applicant receiving a letter from the DNR acknowledging receipt of the application. *While the advance deposit and application fee can be sent together with the application, please include separate checks for the deposit and fee.*
- (3) Submit to DNR Phase I and Phase II Environmental Assessment reports. If you own the property or caused the discharge, immediately notify the DNR of any hazardous substance discharges in accordance with s. 292.11(2), Wis. Stats., and ch. NR 706, Wis. Adm. Code.
- (4) After the DNR approves the Phase I and Phase II Environmental Site Assessments, complete the environmental investigation of all areas of concern on the property, in accordance with ch. NR 716, Wis. Adm. Code. The investigation should address any hazardous substance discharge on or migrating from the property.
- (5) Submit a remedial action options report that is prepared in accordance with ch. NR 722, Wis. Adm. Code.
- (6) Upon receiving DNR approval of the environmental investigation and remedial action options report, conduct a cleanup of the property and any contamination which may have migrated off the property.
- (7) Upon completing the cleanup and having met all requirements for case closure in ch. NR 726, Wis. Adm. Code, request a Certificate of Completion in accordance with the appropriate paragraph under s. 292.15(2), Wis. Stats. All applicable fees including the fee to add the site to the BRRTS database, must be paid before the Certificate of Completion can be issued.
- (8) If natural attenuation is part of the cleanup, and you want the Certificate of Completion before the groundwater has met enforcement standards (under Chapter NR 140, Wis. Adm. Code for groundwater quality), you should also submit the insurance fee and application as required by ch. NR 754, Wis. Adm. Code, in order to obtain the Certificate of Completion. Please see the RR Program fact sheet on VPLE insurance at: [dnr.wi.gov/files/PDF/pubs/rr/RR661.pdf](http://dnr.wi.gov/files/PDF/pubs/rr/RR661.pdf), for more information.
- (9) The DNR will issue a Certificate of Completion if the applicant has met all appropriate requirements, including fine fee payment.
- (10) As necessary, maintain and monitor the property as required by any conditions listed in the Certificate of Completion.
- (11) If the cost to provide oversight is less than the advance deposit, you will receive a refund from the DNR.

## Differences Between The VPLE And The Traditional Closure Process

	<b>Voluntary Party Liability Exemption Path (s. 292.15, Wis. Stats.)</b>	<b>Traditional Closure Path (s. 292.11, Wis. Stats.)</b>
<b>Participation</b>	<ul style="list-style-type: none"> <li>• Elective</li> <li>• Application required</li> </ul>	<ul style="list-style-type: none"> <li>• Required by law</li> <li>• “Responsible Party” letter received from DNR requiring environmental investigation and response action</li> </ul>
<b>DNR Involvement, Fees</b>	<ul style="list-style-type: none"> <li>• DNR reviews and approves Phase I and II environmental site assessments, site investigations, clean-up plans and case closures</li> <li>• DNR fees: \$250 application fee; oversight fees (billed hourly): \$2,000 or \$4,000 advance deposit required; fee to add site to database at closure per ch. NR 749.</li> </ul>	<ul style="list-style-type: none"> <li>• When requested by the responsible party, DNR may provide written review as well as technical and redevelopment assistance for a fee, per ch. NR 749, Wis. Adm. Code</li> <li>• DNR will approve case closure</li> </ul>
<b>Responsibility for Environmental Response</b>	<ul style="list-style-type: none"> <li>• Any party may conduct an environmental investigation and cleanup of property</li> <li>• Voluntary party is responsible to ensure the investigation and cleanup are approved by the DNR</li> </ul>	<ul style="list-style-type: none"> <li>• Person who possesses, controls or causes hazardous substance discharge must conduct all necessary response actions</li> <li>• Voluntary action may be taken by other parties</li> </ul>
<b>Scope of Response</b>	<ul style="list-style-type: none"> <li>• Phase I &amp; II environmental site assessments required</li> <li>• Requires environmental investigation of entire property, including contamination that has migrated beyond property boundaries</li> <li>• Response actions must be conducted in accordance with NR 700 rule series</li> </ul>	<ul style="list-style-type: none"> <li>• Requires investigation and cleanup of known or suspected contamination at the site</li> <li>• Investigation and cleanup includes contamination that has migrated beyond property boundaries</li> <li>• Response actions must be conducted in accordance with NR 700 rule series</li> </ul>
<b>Future Liability After DNR Approval, Closure</b>	<ul style="list-style-type: none"> <li>• Voluntary party receives closure letter from DNR, per ch. NR 726, Wis. Adm. Code</li> <li>• Voluntary party receives “Certificate of Completion” (COC) or partial COC</li> <li>• Voluntary party not responsible for additional environmental work at the property due to past releases, even if:                             <ul style="list-style-type: none"> <li>○ environmental standards change;</li> <li>○ cleanup action fails to fully restore the environment; or</li> <li>○ the contamination is found to be more extensive than anticipated.</li> </ul> </li> <li>• “Certificate of Completion” applies to future owners as successor or assignees</li> </ul>	<ul style="list-style-type: none"> <li>• Voluntary party receives closure letter from DNR, per ch. NR 726, Wis. Adm. Code</li> <li>• Closure letter and any applicable conditions are transferred with property</li> <li>• If additional contamination found, case may be reopened and further action required from current property owner or person who caused discharge, per s. NR 727.13, Wis. Adm. Code</li> </ul>

## **For More Information**

Please visit the following RR Program web page for more information about voluntary cleanups in Wisconsin: [dnr.wi.gov/topic/brownfields/vple.html](http://dnr.wi.gov/topic/brownfields/vple.html). A detailed VPLE question and answer section is available on the web site.

## **DNR Contacts**

Please direct questions about the Voluntary Party Liability Exemption to the brownfield specialist in your regions - [dnr.wi.gov/topic/Brownfields/Contact.html](http://dnr.wi.gov/topic/Brownfields/Contact.html).

## **The Voluntary Party Liability Exemption (VPLE)**

The cleanup and redevelopment of contaminated properties has become a critical land use issue for public and private entities across the country. These brownfields – abandoned or underused properties where redevelopment is hindered by real or perceived contamination – are often the key to a successful community redevelopment project.

*The VPLE is a process by which a person, organization or local government, can voluntarily conduct an environmental investigation and cleanup of a property and then receive limits on their liability for historical contamination on a property.*

- *Clear and certain assurance that all contamination on a property has been cleaned up to the satisfaction of the state.*
- *Liability exemption for current and future owners for historic environmental contamination.*
- *Protects owner if remedy fails or environmental standards change.*

*Generally, VPLE provides an exemption from all future liability which, unlike a closure letter, cannot be reopened. Also, the VPLE applies to the entire property and a closure letter only applies to a specific discharge or contamination area on a property. In addition, Sites part of the VPLE process usually have closer DNR oversight throughout the cleanup process.*

The VPLE process allows eligible parties that conduct an environmental investigation and cleanup of a property to receive a Certificate of Completion (COC). A COC limits future environmental liability.

***If a voluntary party is relying on natural attenuation to restore groundwater quality, and they want to receive a COC prior to achieving compliance with the enforcement standards, they are required to pay an environmental insurance fee. This insurance fee is in addition to the required VPLE application and oversight fees.***

If the DNR suspects that natural attenuation has failed, they can then use this insurance to finance further investigation or cleanup at the property. ***The voluntary party will not have to file a claim or pay any additional costs if the department determines that natural attenuation has failed.***

## **Indemnification**

An indemnity agreement is a contract where one party agrees to protect another party against certain future claims or losses. In this case, Tyco Fire Products, LP is asking Marinette County to indemnify this site from any future environmental claims.

Tyco wants MCABI to assume environmental liabilities and MCABI and the County of Marinette covenant not to sue Tyco, and agree to indemnify, defend and hold Tyco harmless from any claims, demands, costs, losses and damages that arise or accrue with respect to any environmental liabilities.

This is the main reason we are seeking the VPLE. Tyco is seeking the VPLE with MCABI. We have asked Marinette County to also seek the VPLE. The cost is 250 to apply. The cost of the DNR site work, etc. would be 2-4K and be MCABI's responsibility for all three entities. Multiple applicants does not increase this cost.