

Enhancement of VCP
Q & A July 8, 2021
2:00 -3:00 PM

About the webinar:

The Enhancement of Nebraska's Voluntary Cleanup Program (VCP) webinar will provide an overview of the program and include case studies that showcase how the VCP has benefited Nebraska. A comparison of other state programs and their liability relief options will also be discussed. Participants are highly encouraged to share their thoughts on the State of Nebraska incorporating some of these options into the VCP.

Questions from Webinar:

- 1. VCP is focused on pre-existing or not previously identified contamination issues, and is not intended for consideration of spills or recent contaminations, correct?**

The VCP is available to all types of contaminated properties including both recent spills and legacy contamination.

- 2. Is there a database where we can look up where sites in a county or region are located that are in the process of becoming enrolled in Superfund or VCP?**

You can use the Interactive Map Server linked below to search for sites by NDEE Program in a particular region. Selecting a site will link you to an online database where you can access all publicly available records for that facility. The EPA also has a similar database called Superfund Enterprise Management System where you can search for public records by region. A link to this database is also provided below.

<https://deqmaps.nebraska.gov/deqmappointal/nebraskaMapPortal.html>

<https://www.epa.gov/enviro/sems-search>

- 3. Is the individual or group conducting the "environmental investigation" required to be NDEE approved?**

No, the individual is free to choose any environmental consultant they want. NDEE does have a list of local consultants available on the Agency website for those needing assistance in selecting a consultant.

<http://dee.ne.gov/ConsuDir.nsf/Address.xsp>

- 4. Are there additional program costs beyond the \$2k fee and \$3k initials costs? Are there grants available to cover the costs of VCP? Is there a maximum or cap for the oversight fees?**

Yes, there are additional costs beyond the \$2,000 application fee and initial \$3,000 deposit. Once NDEE's oversight costs exceed the initial deposit, the applicant will begin receiving monthly invoices. There is no maximum cap for the oversight fees. If an applicant has completed the VCP, and NDEE has not expended all of the \$3,000 deposit, any remaining funds will be refunded to the applicant. The Environmental Protection Agency does offer competitive Brownfield Cleanup Grants annually that can be used to cover NDEE's oversight costs in the VCP.

<https://www.epa.gov/brownfields/brownfields-cleanup-grants>

5. If a site enrolls in Brownfields programs is a NFA letter offered, or is it only VCP? What is offered from BF programs?

A No Further Action (NFA) letter is only offered through the VCP. The Brownfields Program offers Phase I and Phase II Environmental Site Assessments and testing of building materials for asbestos-containing materials, lead-based paint, and mold at no cost to eligible applicants. The Brownfields program also provides funding to help defray costs for asbestos removal and disposal and small-scale soil cleanup/excavation projects depending on available funding.

6. Another question - does AEM data (compiled by Natural Resource Districts and Eastern Nebraska Water Resources Assessment) have the potential to impact the EI process - by highlighting whether the surface suspected contamination interacts with AEM-identified groundwater? Is there training available on how this AEM data can be utilized during site selection or when applying for funds?

In VCP Environmental Investigations (EI) completed to date, Airborne Electromagnetic (AEM) data has not been used to delineate the nature and extent of contamination, but there is nothing in the VCP that precludes it. The NDEE does not offer training on AEM data collection nor provide funding to assist with VCP costs.

7. Could you develop a list of what you described for the individual states that highlight their program differences from Nebraska?

A list of individual state voluntary response programs, including their incentive programs can be found in the following online document.

https://www.epa.gov/sites/default/files/2017-12/documents/state_brownfields_voluntary_response_program_report_508_11-2017_web.pdf

8. Is VCP going to be part of the process for Mead, NE?

Yes.

9. Is there any way to obtain the facility ID number to look up all VCP enrolled sites in a 16-county region (for our Development District)?

Similar to Question #2, you can use the Interactive Map Server linked below to search for sites by NDEE Program in a particular region. To search for VCP sites select the "Remedial Action Plan (RAP)" program. The search will compile a list of sites in your selected region and include the Facility ID number.

<https://deqmaps.nebraska.gov/deqmapportal/nebraskaMapPortal.html>

Additionally, every site that is currently enrolled or has completed the VCP is listed on our Public Record, which can be found via the link below.

<http://dee.ne.gov/NDEQProg.nsf/OnWeb/VCPPR>

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10. Could you clarify if there is an NFA for petroleum releases vs NFA in VCP?

Yes, the Petroleum Remediation Section (PRS) is a separate program that only addresses releases of petroleum products from underground storage tanks. The PRS has their own NFA letter that is issued when the petroleum release is cleaned up or does not pose a threat to human health or the environment. To receive a NFA letter for contaminants not petroleum related (e.g., chlorinated solvents, pesticides, metals, etc.), an entity must enroll the site in the VCP and complete the cleanup plan.