

Frequently Asked Questions about the P2 Plan Requirements to Maintain Eligibility for the VRP

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1. Q: Why do we have to be implementing P2 Plans to eligible for the VRP? Who or what authorizes the DEQ to ask for P2 Plans?

A: The Wyoming legislature included the requirement for implementing P2 Plans as part of the legislation that created and authorizes the Voluntary Remediation Program. Under the Environmental Quality Act (EQA), Article 16, “**Voluntary Remediation of Contaminated Sites**,” facilities that wish to remain eligible to participate in the VRP are required to be implementing a pollution prevention plan. [W.S. 35-11-1602(a)(ii)]

2. [Q: Is the DEQ going to review and approve my P2 Plan?](#)

A: No. The DEQ is not going to review and approve P2 Plans. However, in the case of facilities which are required by Chapter 1 to be implementing a written plan, an authorized DEQ representative (e.g., a facility inspector) may ask to see a facility’s written P2 Plan if the facility owner/operator states that one has been developed and is being implemented.

3. [Q: Do I need to submit the P2 Plan when I submit the VRP application?](#)

A: No. The VRP application will ask that you *certify* that an appropriate P2 Plan was being implemented at the facility-site and for the release in question, in accordance with the time frames described in the rule.

4. [Q: Is the DEQ telling me that it is mandatory to have a P2 Plan?](#)

A: No. P2 Plans are not mandatory as a general policy. However, the implementation of a P2 Plan at your facility is one of the eligibility criteria that *must* be met if you want the facility to be eligible to participate in the VRP.

5. Q: Do I have to “join” the VRP now, after implementing a P2 Plan?

A: No. Implementing a P2 plan at your facility keeps that facility eligible to be entered into the VRP if necessary in the future, in the event of a contaminant release. The DEQ does not need to review or have your P2 plan on file; there are no fees associated with the P2 Plan. If you do enter a site into the VRP to clean up a spill or release, then the standard application and oversight fees are applicable for that site.

6. Q: Do I have to have a P2 plan to join the VRP?

A: For VRP applications submitted on or after January 1, 2011 it depends on the date when the contamination release occurred. The *only* circumstance in which a P2 Plan is *not* required is if the site owner can document that the release occurred before the VRP legislation was enacted in 2000, as outlined in this table:

Date of Contaminant Release	P2 Plan Requirement for VRP Eligibility
On or before March 9, 2000	No P2 Plan required.
March 10, 2000 thru Dec. 31, 2010	P2 Plan must be developed and implemented before submitting the VRP application for that release.
On or after January 1, 2011	P2 Plan must be developed and be implemented prior to the contamination release date.

7. Q: Why should I join the VRP?

A: The VRP is the only program in DEQ where a **liability assurance** may be issued if cleanup is completed successfully at your facility or business. A liability assurance can be useful if you anticipate ever selling or buying a property where a spill may have occurred, as that assurance is filed with the property deed and gives buyers/sellers a level of comfort in terms of their potential environmental liability.

The VRP is also the only program where a **Use Control Area (UCA)** may be considered at a facility/property. If a site is designated as a UCA then the owner may be allowed to clean up contaminated soils to concentrations that are less stringent than the standard residential clean-up levels, which means future uses of that site would be restricted to non-residential uses. Site owners conducting a cleanup through in the VRP may have the option to petition the local government and land-use authorities for a UCA designation.

8. Q: Is there a specific format or content for a P2 Plan that I must follow?

A: No. The DEQ is not going to be issuing a standard form or format for P2 Plans. The VRP statute does not require that these plans be in any specific format. We are developing and posting *examples* of different types of P2 Plans and P2 checklists as guidelines for various facility types and industry sectors. These plans are presented only as a guideline for developing your own pollution prevention plan, and are not a substitute for knowing the rules and requirements of the VRP. A given facility will be responsible for developing an appropriate P2 Plan based on the specific activities, chemicals, products, layout, operational procedures, staffing, etc. at that facility.

9. Q: If a Spill Prevention Control and Countermeasure (SPCC) plan is in place at the time of the release, does that SPCC plan fulfill the rule's requirements for a P2 Plan in order to be eligible to enter the VRP program?

A: The simplest answer to this question is “probably not.”
SPCC plans are specifically mentioned in the rule, Section 6(f):

Section 6. Requirements for written P2 Plans.

6(f) “Other documents, such as Spill Prevention Control and Countermeasure Plans and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section, as determined by the Administrator.”

However, a careful reading of the rest of Section 6 [(a) through (e)] indicates that a qualifying P2 Plan must address all the components of pollution prevention as defined in the rule Section 2, which are: source reduction, reduction of contaminants entering the waste stream, and preventing spills/releases.