EXHIBIT 2
DATE 1/21/09
HB 153

VCPs must include:

The plan must include (1) an environmental assessment of the facility; (2) a remediation proposal; and (3) the written consent of current owners of the facility or property to both the implementation of the voluntary cleanup plan and access to the facility by the applicant and its agents and DEQ. The applicant is also required to reimburse DEQ for any costs that the state incurs during the review and oversight of a voluntary cleanup effort.

Types of VCRA facilities

- Pesticide
- Oil refinery
- Metal plating
- Dry cleaning
- Federal
- Chemical manufacturing
- Railroad
- Engine repair
- Mining
- Wood treating
- Salvaging
- Manufactured gas plant
- Dump

VCRA Guide

The VCRA application guide assists potential applicants in meeting the requirements of VCRA. It provides a format that meets VCRA requirements.

VCRA guide online:

http://www.deq.state.mt.us/StateSuperfund/vcraguide.asp

For more information:

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http://deq.mt.gov/StateSuperfund/vcra.asp

Montana's Voluntary Cleanup and Redevelopment Act

(VCRA)

§§ 75-10-730 to 738, MCA

Montana Department of Environmental Quality

What is VCRA?

- Part of the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) (State Superfund law)
- Provides a mechanism by which entities can voluntarily cleanup property with DEQ oversight

History

The law was enacted in 1995 to permit and encourage voluntary cleanup of facilities where releases or threatened releases of hazardous or deleterious substances exist. It provides interested persons with a method of determining what the cleanup responsibilities will be for reuse or redevelopment of existing facilities. Any entity (such as facility owners, operators, local governments, or prospective purchasers) may submit an application for approval of a voluntary cleanup plan to DEQ.

Purpose of VCRA

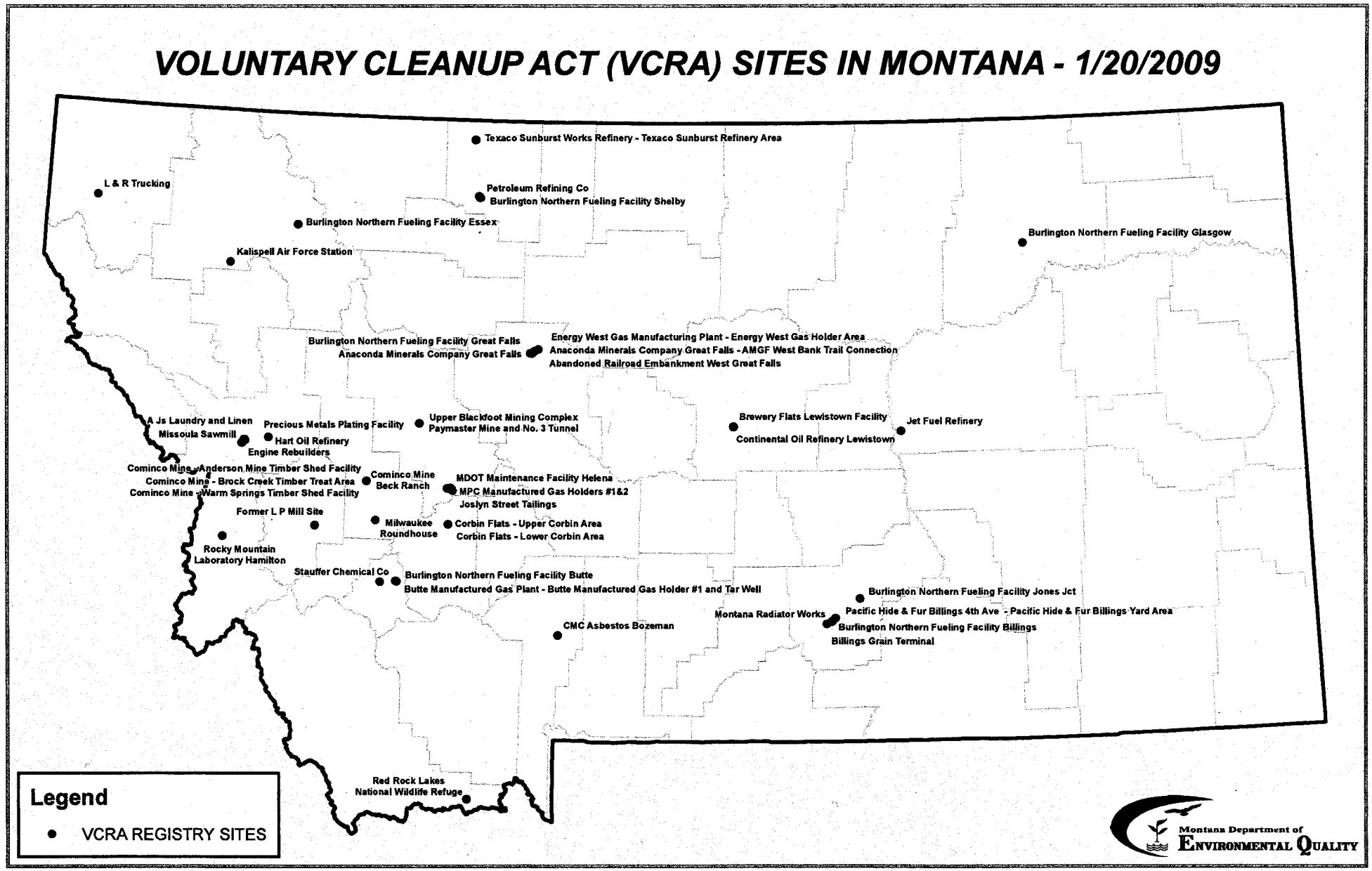
- To protect public health, welfare, and safety and the environment
- To foster cleanup, transfer, reuse, or redevelopment of real property
- To encourage and facilitate prompt cleanup activities
- To eliminate impediments to sale and redevelopment
- To minimize administrative processes and costs

VCRA Statistics

- 27 VCPs approved for 25 facilities, as of January 2009
- 17 cleanups complete
- 9 facilities delisted from the CECRA list
- 13 facilities in stages of the VCRA process

Incentives

The act offers several incentives to parties voluntarily performing facility cleanup. Some of those incentives include:

- Any entity can apply
- Cleanup can occur on an entire facility or a portion of a facility, and cleanup can be conducted in phases
- DEQ cannot take enforcement action against a party conducting an approved voluntary cleanup for the work addressed in the plan
- Streamlined process with short review times
- More control over development of plan
- Less expensive to develop plan
- Specific closure provisions with opportunity for DEQ involvement, closure letter and delisting

VOLUNTARY CLEANUP ACT (VCRA) SITES IN MONTANA - 1/20/2009