



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 103**  
[2011 Senate Bill 253]

**Liability for Environmental  
Contamination**

Under current law, a person in control of or that causes a hazardous substance discharge is generally required to restore the environment to the extent practicable. If such a person takes steps to become a “voluntary party,” including by conducting an environmental investigation of and performing a cleanup of the property to the satisfaction of the Department of Natural Resources (DNR) and conducting any required maintenance and monitoring of the property, the person may be exempt from further environmental liability even if the cleanup is not completely successful.

Prior to 2011 Wisconsin Act 103, this “voluntary party” liability exemption was not available for a landfill that was licensed by the DNR. The Act expands this exemption so that it is available for a landfill unless the landfill was licensed by the DNR and had a plan of operation approved by the DNR under current law or was initially licensed on or after May 21, 1975, and the DNR determined that the landfill’s design and plan of operation complied substantially with the requirements for approval under current law.

The Act also authorizes the DNR to remove a person from the voluntary party exemption process if the person fails to make reasonable progress toward completing the requirements of this exemption. The Act also eliminates the DNR’s authority to cap the monetary amount that a voluntary party may be required to spend on a cleanup at 125% of the anticipated cost.

**Effective date:** December 21, 2011

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LAK:jb;ksm

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.