



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2015 Wisconsin Act 204 [2015 Senate Bill 545]	Hazardous Substances Cleanup and Voluntary Party Liability Exemptions for Contaminated Sediments
---	---

2015 Wisconsin Act 204 makes a number of changes related to laws governing cleanups of sites with residual contamination remaining after completion of a hazardous substance cleanup, including the following:

- The Act redefines a type of remediation tool called an “engineering control” so that it does not include a “sediment cover.”
- Act 204 also establishes the methods and actions that can be required by the Department of Natural Resources or Department of Agriculture, Trade, and Consumer Protection with respect to the use of an engineering control used for contaminated sediments, including with respect to proof of financial responsibility of the entity responsible for the cleanup.
- The Act provides that cleanup cost liability for bona fide purchasers of property, if certain conditions are met.

Act 204 also provides opportunity for the party responsible for cleanup of contaminated sediments to choose to pursue a “voluntary party liability exemption (VPLE),” which is comparable to the opportunity provided under Wisconsin law for upland site and groundwater cleanup projects. A VPLE is not available for a property where an “engineering control” is used to address contaminated sediment that remains on the site after completion of the cleanup project.

Effective date: March 3, 2016

Prepared by: Larry Konopacki, Principal Attorney

April 8, 2016

LAK:mcm;jal

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.wisconsin.gov>.