Follow-up Questions & Answers* to the March 4, 2015
Issues & Trends Conference Call:

LGU Exemptions and Property Acquisition

Presenter: Dan Kolberg, P.E., Local Government Specialist, Wisconsin DNR

Q. - Is 3rd party liability protection available at the state level through the LGU exemption or only from the federal level through the CERCLA Liability process?

A. - The code of federal regulations specifically mentions the availability of the 3rd party liability defense, which the state Spills Law doesn’t. However, the state LGU exemption is a broad protection, and could certainly be used as part of a 3rd party lawsuit defense. Likewise, the Civil Immunity statute would continue to provide LGU liability protection, and if necessary, 3rd party defense after the LGU no longer owns the property, based on the exemption held while in ownership.

*Follow-up questions submitted to the Presenter or to DNRRRComments@wisconsin.gov after the event.