

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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> party lawsuit defense. Likewise, the Civil Immunity statute would continue to provide LGU liability protection, and if necessary, 3<sup>rd</sup> 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](mailto:DNRRRComments@wisconsin.gov) after the event.