



BRRTS #: 07-xx-xxxxx

## Sample Off-site Exemption Letter (RR-600)

Date

Name of person being granted the exemption  
Address  
City State ZIP

Subject: Off-site Liability exemption for property located at **property address, city, WI (of impacted site)** with **soil, sediment and/or groundwater** contamination from an off-site source  
**parcel #:**

Dear **Name of person being granted the exemption:**

### Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at **address**, which will be referred to in this letter as "the Property." Refer to the attached Attachment 1 for a site map of the Property. The Department received a \$700 fee for providing this letter pursuant to s. 292.13 (2) and (3), Stats, and ch. NR 749, Wis. Admin. Code.

### Summary Determination

The Department, based on the information made available to it, is confirming that **Name of person with the exemption** qualifies for the off-site liability exemption, and **Name of person with the exemption** is not responsible for investigation or cleanup of the contamination that originated on a neighboring property. The Property **owner/ leasee** would have limited responsibility under ss. 292.12 and 292.13, Stats, for the **soil/ groundwater, vapors and/or sediment** contamination that has migrated or is migrating onto the Property.

### Request

You have requested that the Department determine if **name of the owner or lessee** is exempt from ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the **soil, sediment, vapors and/or groundwater**, that you believe is migrating onto the Property from an off-site source.

Section 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. In order to make this determination, the Department has reviewed information about the Property, including **soil, sediment, vapors and/or groundwater** sampling data for the Property and/or other sites contained in the following documents:

- The Off-Site Application form dated **date**;

List titles of other reports or information and dates that were reviewed, include author and date.

### **Background**

The Department considered the documents listed above in making the determinations presented in this letter. A summary of the environmental conditions may be included here

### **Determination**

Based upon the available information and in accordance with s. 292.13, Stats., the Department makes the following determinations regarding the presence of List the contaminants present contamination in the soil, sediment, vapors and/or groundwater.

The Department, based on the information available, has determined that the Property owner/lessee has met the conditions in s.292.13, Stats., to qualify for the liability exemption, including but not limited to the following provisions:

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by name of person with the exemption.
2. Name of person with the exemption did not possess or control the hazardous substance on the property on which the discharge originated.
3. Name of person with the exemption did not cause the discharge.
4. Name of person with the exemption will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil, sediment or groundwater contamination originating from off-site onto the Property, provided that name of person with the exemption does not take possession or control of the property on which the discharge originated.

### **Exemption Conditions**

The Department's determination, as set forth in this letter, is subject to the conditions specified in ss. 292.13(1) and (1m), Wis. Stats, including but not limited to:

1. The facts upon which the Department based its determination are accurate and do not change.
2. Name of person with the exemption agrees to allow the following parties to enter the Property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. Name of person with the exemption agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
4. Name of person with the exemption agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge. Include any conditions here

5. **FOR ALL SITES WITH SOIL CONTAMINATION FROM OFF-SITE** With respect to soil or sediment contamination only, **name of person with the exemption** agrees to take one or more specified actions directed by the Department, if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment. This would occur after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge. **Include any specified actions here if known at time letter is written (restrict access, cap, etc.)**

### **Responsibilities for Continuing Obligations**

In addition to the conditions above, after the contamination at the source property is remediated, the Department's approval of the clean-up may include continuing obligations at the source property as well as your Property. Often residual contamination remains after an approved environmental cleanup is completed. This approval may include requirements to maintain engineering controls, such as a cap or soil cover, to reduce the impact of the contamination. In that event, you may also be required to obtain DNR approval to construct a water supply well on your Property. If the request for cleanup approval includes requirements for your Property, the party conducting the cleanup is required to notify you before the DNR reviews the proposal for final approval of the clean-up.

### **Conclusion**

The Department has granted **name of person with the exemption** an off-site exemption under s. 292.13, Stats. Please note that the Department may revoke the determinations made in this letter if it determines that any of the requirements under ss. 292.13, Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to **name of person with the exemption**, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this Property, if such a determination is requested in accordance with the requirements of s. 292.13, Wis. Stats.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all determinations such as this in a Department database that is available on the Internet at <http://dnr.wi.gov/topic/Brownfields/botw.html>

If you have any questions or concerns regarding this letter, please contact me at **(xxx) xxx-xxxx**, by email at **firstname.lastname@wisconsin.gov**.

Sincerely,

**Name & title of the project manager**

**Attachments:**