

# WMC Litigation Center: Sues DNR over innocent-landowner contamination liability

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**MADISON** – The WMC Litigation Center, a non-profit law firm affiliated with Wisconsin Manufacturers & Commerce (WMC), filed a lawsuit on behalf of two small-business owners in Jefferson County Circuit Court against the Wisconsin Department of Natural Resources (DNR), challenging its cleanup mandates under the Spills Law.

The DNR's cleanup mandates require people and businesses to clean up contamination at their property, regardless of its cause. Under these mandates, landowners are liable for contamination by a previous owner or for pollutants that migrate onto their property through groundwater.

“The DNR is holding innocent people liable for the actions of others,” said WMC Litigation Center Executive Director Scott Rosenow. “The government should not be able to require homeowners and businesses to pay for someone else’s pollution, which is often very expensive to clean up.”

The WMC Litigation Center is representing two small-business owners, Ralph and Mary Ruffolo, who wish to retire and sell their bicycle and skateboard shop in Kenosha. But the DNR is requiring them to clean up soil and groundwater contamination, likely to exceed \$100,000 in cleanup costs. The petroleum contamination likely occurred over 60 years ago, two decades before the Ruffolos purchased the property.

“The Ruffolos did not cause the contamination, nor were they aware of it until recently,” said Rosenow. “The DNR’s cleanup mandates interfere with the fundamental right to own property and are patently unfair to innocent landowners

and businesses.”

The WMC Litigation Center represents WMC and other clients in legal actions to foster and protect the free enterprise system from government entities that act beyond their authority. To learn more about the Litigation Center, visit [www.wmclitigationcenter.org](http://www.wmclitigationcenter.org).