

# WHAT IS THE ACCP FUND

The Wisconsin Legislature created the Agricultural Chemical Cleanup Program (ACCP) under s. 94.73, Wis. Stats., to ease the financial burden associated with the cleanup of agricultural chemicals. An agricultural chemical is a fertilizer or non-household pesticide.

Responsible persons who incurred costs within the last three years may apply to the Department of Agriculture, Trade and Consumer Protection (DATCP) for reimbursement of eligible costs from the ACCP fund in accordance with the requirements of **ATCP 35, Wis. Adm. Code**. A responsible person may be the person who owned or controlled the discharged agricultural chemical, the owner of the property where the discharge occurred, or the person who caused the discharge. Cleanup costs for transportation spills are often applicable back to the site where the product originated.

A cost is considered **incurred** on the date the payment is made. To remain eligible, all costs must be submitted within three years of the date of the check. Costs incurred more than three years prior to the reimbursement application being submitted are not eligible for reimbursement.

Only certain costs that are considered reasonable and necessary are eligible for reimbursement. Examples of costs eligible for reimbursement include consultant fees, sampling and analyzing soil and groundwater, installing monitoring wells, and removing or treating contaminated soil or groundwater. Examples of costs ineligible for reimbursement include attorney's fees, loss of income, replacement of the spilled agricultural chemical, and decreased property values. Consultants and contractors need to be hired based on competitive bids in order for the work to be eligible for reimbursement.

Reimbursement is based upon each discharge site. The combined amount paid to all responsible persons at a discharge site may not exceed the \$650,000 reimbursement limit for a site<sup>1</sup>. If you know of other potentially responsible persons who may have incurred cleanup costs at this site, or may incur costs in the future, you must notify them that you are filing an application for reimbursement. ATCP 35.20, Wis. Adm. Code, states you may be held liable for the eligible costs to which they were entitled if you fail to notify them.

There is a deductible within the ACCP. The first \$7,500 in cleanup costs must be paid by responsible persons who: are licensed by the DATCP to sell or apply pesticides or manufacture fertilizers, employ more than 25 persons or have gross annual sales of more than \$2,500,000. Farmers, private applicators, and others must pay the first \$3,000.

After the deductible has been paid, the ACCP reimburses 75% of all eligible costs up to \$650,000 per discharge site. A responsible person must receive our approval prior to incurring any additional costs beyond that of the competitive bid. Therefore, when the project expands and costs are expected to exceed the original bid, the responsible person must submit a new cost estimate for the next phase of work. After we review the cost estimate, our approval will indicate how much they are approved to spend.

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<sup>1</sup> - The discharge site maximum increased from \$400,000 in eligible costs to \$650,000 in eligible costs effective July 1, 2017 per 94.73, Wis. Stats.