State of Wisconsin

2025 Assembly Bill 131

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT ***to renumber*** 281.58 (8e); ***to amend*** 281.61 (6), 281.75 (7) (c) 2. a., 281.75 (11) (a) 5. and 292.11 (9) (e) 7.; ***to create*** 20.370 (1) (mw), 20.370 (6) (es), 20.370 (6) (et), 20.370 (6) (eu), 66.0811 (4), 196.49 (7), 281.58 (8e) (bm), 281.75 (1) (eg), 281.75 (1) (er), 281.75 (9m), 283.82 (4), 292.11 (9) (e) 1m. g., 292.11 (9) (g), 292.74 and 292.76 of the statutes; **relating to:** programs and requirements to address PFAS and modifying and creating administrative rules.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			2025-26	2026-27
20.370 Natural resources, department of				
(1) FISH, WILDLIFE, AND PARKS				
(mw) General program operations — PFAS	SEG	C	-0-	-0-
(6) ENVIRONMENTAL AIDS				
(es) Environmental aids — PFAS community grant program; PFAS fund	SEG	C	-0-	-0-
(et) Environmental aids — airport and industrial possessor PFAS grant program; PFAS fund	SEG	C	-0-	-0-
(eu) Environmental aids — compensation for well contamination and abandonment; PFAS fund	SEG	C	-0-	-0-

SECTION 2. 20.370 (1) (mw) of the statutes is created to read:

20.370 **(1)** (mw) *General program operations — PFAS.* As a continuing appropriation, from the PFAS fund, the amounts in the schedule for addressing and preventing perfluoroalkyl and polyfluoroalkyl substances contamination in this state.

SECTION 3. 20.370 (6) (es) of the statutes is created to read:

20.370 **(6)** (es) *Environmental aids — PFAS community grant program; PFAS fund.* As a continuing appropriation, from the PFAS fund, the amounts in the schedule to provide financial assistance under s. 292.74

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

to municipalities for activities to address perfluoroalkyl and polyfluoroalkyl substances contamination.

SECTION 4. 20.370 (6) (et) of the statutes is created to read:

20.370 **(6)** (et) *Environmental aids — airport and industrial possessor PFAS grant program; PFAS fund.* As a continuing appropriation, from the PFAS fund, the amounts in the schedule to provide financial assistance under s. 292.76 to eligible entities for activities to address perfluoroalkyl and polyfluoroalkyl substances contamination.

SECTION 5. 20.370 (6) (eu) of the statutes is created to read:

20.370 **(6)** (eu) *Environmental aids — compensation for well contamination and abandonment; PFAS fund.* As a continuing appropriation, from the PFAS fund, the amounts in the schedule to provide financial assistance under s. 281.75 (9m) for wells contaminated with perfluoroalkyl or polyfluoroalkyl substances.

SECTION 6. 66.0811 (4) of the statutes is created to read:

66.0811 **(4)** Notwithstanding subs. (2) and (3) and s. 66.0901 (11), a municipal public utility or a metropolitan sewerage district created under ch. 200 may use funds derived from its water or sewerage services for up to one-half the cost of pretreatment or other perfluoroalkyl and polyfluoroalkyl substances source reduction measures for an interconnected customer or other regular customer if the costs incurred are less than the costs of the upgrades otherwise required at the endpoint treatment facility and if the costs are approved by the governing body of the municipality or the metropolitan sewerage district.

SECTION 7. 196.49 (7) of the statutes is created to read:

196.49 **(7)** With respect to a water public utility or a combined water and sewer public utility, the commission may not investigate, impose a penalty against, or bring an action to enjoin the public utility for failing to obtain a certificate of authority before commencing a project for which one is required under this section if all of the following apply:

(a) The public utility undertook the project in response to a public health concern caused by PFAS, as defined in s. 292.74 (1) (d), the presence of which was unknown to the public utility until shortly before it commenced the project, and the public utility provides evidence showing that the utility has exceeded or is likely to exceed the applicable promulgated state or federal standard for that type of PFAS.

(b) The public utility promptly notifies the commission of the work and, within 30 days after commencing the work, submits the appropriate application and supporting documentation to the commission.

(c) The total cost of the project is not greater than $2,000,000.

SECTION 8. 281.58 (8e) of the statutes is renumbered 281.58 (8e) (am).

SECTION 9. 281.58 (8e) (bm) of the statutes is created to read:

281.58 **(8e)** (bm) If the department, when ranking projects under this subsection or determining an applicant's eligibility for assistance under this section, considers whether an applicant that intends to extend service outside the boundaries of a municipality because of water contamination is small or disadvantaged, the department shall, to the extent allowable under federal law, determine the applicant to be small or disadvantaged if the area receiving the extended service would normally be determined to be small or disadvantaged, regardless of whether the existing service area would normally be determined to be small or disadvantaged.

SECTION 10. 281.61 (6) of the statutes is amended to read:

281.61 **(6)** PRIORITY LIST. The department shall establish a priority list that ranks each safe drinking water loan program project. The department shall promulgate rules for determining project rankings that, to the extent possible, give priority to projects that address the most serious risks to human health, that are necessary to ensure compliance with the Safe Drinking Water Act, 42 USC 300f to 300j-26, and that assist applicants that are most in need on a per household basis, according to affordability criteria specified in the rules. For the purpose of ranking projects under this subsection, the department shall treat a project to upgrade a public water system to provide continuous disinfection of the water that it distributes as if the public water system were a surface water system that federal law requires to provide continuous disinfection. <u>If the department, when ranking projects under this subsection or determining an applicant's eligibility for assistance under this section, considers whether an applicant that intends to extend service outside the boundaries of a local governmental unit because of water contamination is small or disadvantaged, the department shall, to the extent allowable under federal law, determine the applicant to be small or disadvantaged if the area receiving the extended service would normally be determined to be small or disadvantaged, regardless of whether the existing service area would normally be determined to be small or disadvantaged.</u>

SECTION 11. 281.75 (1) (eg) of the statutes is created to read:

281.75 **(1)** (eg) "Noncommunity water supply"

means a public water system served by one or more wells that regularly serves water to at least 25 of the same people for over 6 months per year or serves a transient population of at least 25 people for 60 days of the year.

SECTION 12. 281.75 (1) (er) of the statutes is created to read:

281.75 **(1)** (er) "PFAS" means any perfluoroalkyl or polyfluoroalkyl substance.

SECTION 13. 281.75 (7) (c) 2. a. of the statutes is amended to read:

281.75 **(7)** (c) 2. a. Equipment used for treating the water, including a filtration device and up to 2 replacement filters;

SECTION 14. 281.75 (9m) of the statutes is created to read:

281.75 **(9m)** PFAS CONTAMINATION. (a) 1. Notwithstanding sub. (4) (a), the owner or operator of a noncommunity water supply may apply for financial assistance under this section for a well contaminated with PFAS.

2. Notwithstanding sub. (4) (a) and (b), a public, private, or tribal elementary or secondary school, a child care center that is licensed under s. 48.65, a child care program that is established or contracted for under s. 120.13 (14), or a child care provider that is certified under s. 48.651 may apply for financial assistance under this section for a well contaminated with PFAS. This subdivision does not apply to a school or child care facility that is served by a municipal water system.

3. A person receiving financial assistance under subd. 1. or 2. shall comply with all requirements of this section that are applicable to private water supplies.

(b) 1. The department shall provide to the following noncommunity water supplies financial assistance equal to the specified percentage of project costs:

a. Except as provided in subd. 1. b., for a noncommunity water supply that is eligible under par. (a) 1., 60 percent.

b. For a noncommunity water supply that is eligible under par. (a) 1. and that is owned by a nonprofit organization, 100 percent.

c. For an applicant eligible under par. (a) 2., 100 percent.

2. For private water supplies eligible under sub. (4), financial assistance shall be based on the applicant's annual family income relative to the median household income of the county in which the applicant resides. The department shall provide to the following applicants financial assistance equal to the specified percentage of project costs:

a. For an applicant with an annual family income below the median household income of the county, 100 percent.

b. For an applicant with an annual family income that is 100 to 199 percent of the median household income of the county, 80 percent.

c. For an applicant with an annual family income that is 200 to 299 percent of the median household income of the county, 60 percent.

d. For an applicant with an annual family income that is 300 percent of the median household income of the county or higher, 25 percent.

(c) Notwithstanding subs. (1) (b) and (6) (a), for purposes of this subsection, PFAS contamination shall be established by analysis of at least one sample of water that exceeds a PFAS standard in rules promulgated under s. 281.17 (8) or the national drinking water standards in 40 CFR 141 and 143, an enforcement standard under ch. 160, a department of health services recommendation for an enforcement standard for a substance of public health concern developed under s. 160.07 (4), or a health advisory level from the department of health services. The sample shall be tested by a laboratory certified under s. 299.11.

(d) Notwithstanding sub. (7) (a) and (b), financial assistance under this subsection may not pay any portion of eligible costs in excess of the following amounts:

1. For construction or reconstruction of a private water supply well, $30,000.

2. For connection to an existing alternative private water supply, $16,000.

3. For connection to a public water system, $30,000.

4. For installation of a treatment system, $10,000.

5. For well abandonment, $16,000.

(e) Notwithstanding sub. (8), the department may not require a recipient of financial assistance under this subsection to make a copayment.

(f) Notwithstanding sub. (11) (b) 2., the department may provide financial assistance under this subsection for a water treatment system on a private water supply if the construction and pump installation of the existing well complies with the requirements of the rules promulgated under ch. 280 and the PFAS samples for the existing well do not exceed twice the PFAS standard, recommendation, or health advisory level.

SECTION 15. 281.75 (11) (a) 5. of the statutes is amended to read:

281.75 **(11)** (a) 5. If the claim is based on a contaminated private water supply, one or more of the contaminants upon which the claim is based was introduced into the well intentionally or negligently by a claimant or a person who would be directly benefited by payment of the claim.

SECTION 16. 283.82 (4) of the statutes is created to read:

283.82 **(4)** (a) The department shall include limitations or conditions for perfluoroalkyl and polyfluoroalkyl substances in a permit for the land application of sewage sludge. If the average of at least 2 sample results exceeds a 20 ug/kg concentration for perfluorooctanoic acid and perfluorooctanesulfonic acid combined, the department shall include a limitation or condition on perfluoroalkyl and polyfluoroalkyl substances, unless there is an enforcement standard promulgated under ch. 160 for perfluorooctanoic acid and perfluorooctanesulfonic acid. The department may require groundwater monitoring as a condition of the permit.

(b) No later than 120 days after the effective date of this paragraph .... [LRB inserts date], the department shall issue a general permit that requires perfluoroalkyl and polyfluoroalkyl monitoring conditions for sewage sludge that will apply to all permittees with valid permits on the effective date of this paragraph .... [LRB inserts date], that do not have limitations or conditions addressing perfluoroalkyl and polyfluoroalkyl substances. The general permit shall specify monitoring frequencies, as determined by the department. The department shall modify an individual permit as provided under par. (a) if sample results conducted under the general permit exceed a 20 ug/kg concentration for perfluorooctanoic acid and perfluorooctanesulfonic acid combined. Nothing in this paragraph alters the procedures, requirements, or authorities to which the permittee or department are entitled under any other provision of law. This paragraph does not apply to issuance or renewal of permits that comply with par. (a). The general permit issued under this paragraph is valid until all individual permits issued under this section comply with par. (a).

SECTION 17. 292.11 (9) (e) 1m. g. of the statutes is created to read:

292.11 **(9)** (e) 1m. g. The local governmental unit acquired the property through purchase, the property is contaminated by PFAS, as defined in par. (g) 1. c., and the property is considered to be brownfield, as defined in s. 238.13 (1) (a).

SECTION 18. 292.11 (9) (e) 7. of the statutes is amended to read:

292.11 **(9)** (e) 7. Subdivision 1m. does not apply to property described in subd. 1m. f. or g. unless the local governmental unit enters into an agreement with the department to ensure that the conditions in subds. 2. and 4. are satisfied.

SECTION 19. 292.11 (9) (g) of the statutes is created to read:

292.11 **(9)** (g) 1. In this paragraph:

a. "Immediate action" means a response action that is taken within a short period of time after the discharge of a hazardous substance occurs, or after the discovery of a hazardous substance discharge or environmental pollution, to halt the discharge, contain or remove discharged hazardous substances, or remove contaminated environmental media in order to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to air, lands, and waters of the state, and to eliminate any imminent threat to public health, safety, or welfare.

ag. "Industrial possessor" means a person that owns an industrial property and who is responsible under s. 292.11 (3) solely because the person possesses PFAS that is discharged on the industrial property, the discharge of PFAS was caused by the landspreading of wastewater or industrial waste contaminated by PFAS, and the person did not cause the discharge of PFAS.

b. "Industrial waste" has the meaning given in s. 281.01 (5).

bg. "Interim action" means a response action taken to contain or stabilize a discharge of a hazardous substance in order to minimize any threats to public health, safety, or welfare or the environment while other response actions are being taken or planned for a site or facility.

c. "PFAS" means any perfluoroalkyl or polyfluoroalkyl substance.

cm. "Remedial action" means a response action, other than an immediate action or interim action, taken to control, minimize, restore, or eliminate the discharge of hazardous substances or environmental pollution so that the hazardous substances or environmental pollution do not present an actual or potential threat to public health, safety, or welfare or the environment. "Remedial action" includes actions designed to prevent, minimize, stabilize, or eliminate the threat of discharged hazardous substances and actions to restore the environment to the extent practicable and meet all applicable environmental standards, including storage, disposal, containment, treatment, recycling, or reuse and any monitoring required to assure that such actions protect public health, safety, and welfare and the environment.

d. "Wastewater" means sewage, as defined in s. 281.01 (13), and includes sewage sludge that is the residue material resulting from the treatment of sewage.

2. Subject to subds. 3. and 4., and except as provided in subd. 2. d., all of the following persons are exempt from subs. (3), (4), and (7) (b) and (c) with respect to PFAS contamination:

a. A person contracted to spread wastewater or industrial waste contaminated by PFAS, if the spreading was conducted in substantial compliance with any applicable license or permit for all substances other than PFAS and the license or permit did not address PFAS at the time of spreading. This subd. 2. a. does not apply to a person or owner of a business or entity, as defined in s.

292.15 (1) (b), that generated wastewater or industrial waste or owns or owned the property on which industrial waste was spread.

b. A person that owns property that is used primarily for agricultural or residential purposes and upon which wastewater or industrial waste contaminated by PFAS was spread, if the spreading was conducted pursuant to a license or a permit. This subd. 2. b. does not apply if the person caused a discharge of PFAS as the result of an activity or use of the property that was not agricultural or residential. Noncompliance with license or permit conditions unrelated to PFAS may not be construed to affect the applicability of this subd. 2. b.

c. A person that owns commercial property upon which wastewater or industrial waste contaminated by PFAS was spread, if the spreading was conducted pursuant to a permit and the permit did not address PFAS at the time of the spreading. Noncompliance with permit conditions unrelated to PFAS may not be construed to affect the applicability of this subd. 2. c.

d. An industrial possessor. A person exempt under this subd. 2. d. is subject to s. 292.11 (3), (4), and (7) (b) and (c). An industrial possessor is exempt only from conducting remedial action for purposes of addressing the PFAS discharge. An industrial possessor is not exempt from conducting immediate actions and interim actions for purposes of addressing PFAS discharge.

e. A publicly owned or operated fire department that responded to an emergency that required the use of PFAS, or that conducted training for such an emergency, if the emergency response or training was done in compliance with applicable federal, state, and local regulations. The exemption under this subd. 2. e. does not apply to training or testing conducted at public use airports, as defined under s. 114.002 (18m).

f. A municipal waste landfill, as defined in s. 289.01 (22), that disposed of PFAS-contaminated leachate at a publicly owned treatment works. This subd. 2. f. applies only if the municipal waste landfill installs and operates department-approved leachate pretreatment to treat all leachate for PFAS no later than December 31, 2032, unless the municipal waste landfill demonstrates that pretreatment technology is not available or if, by December 31, 2032, the municipal waste landfill demonstrates to the department meaningful progress towards installation of leachate pretreatment. A municipal waste landfill may enter into an agreement with another landfill or wastewater treatment facility to provide department-approved pretreatment to treat all leachate for PFAS and shall provide a copy of the agreement to the department. This subd 2. f. does not apply if the PFAS contamination originates from a discharge at the location of the municipal waste landfill.

g. A licensed collection and transportation service or licensed transfer facility that transfers municipal solid waste or disposes of municipal solid waste into a solid waste disposal facility licensed under ch. 289 and in accordance with the solid waste disposal facility plan of operation.

h. A person that owns, leases, manages, or contracts for property on which the PFAS contamination did not originate, unless the person also owns, leases, manages, or contracts for the property on which the PFAS discharge originated.

i. A person that spread waste materials from the animal product or food processing industry contaminated by PFAS from an animal product or food processing facility, or the owner or operator of an animal product or food processing facility that contracted with a person that spread waste materials from the animal product or food processing industry contaminated by PFAS from an animal product or food processing facility, if the spreading was conducted in substantial compliance with any applicable license or permit for all substances other than PFAS and the license or permit did not address PFAS at the time of the spreading.

j. A person holding a valid permit under ch. 283, including general permit coverage under s. 283.82 (4) (b), with respect to PFAS discharged in compliance with limits or conditions in the permit.

3. The exemptions under subd. 2. a. to h. do not apply to the owner of a business or entity, as defined in s. 292.15 (1) (b), that does any of the following:

a. Owns or operates an industrial or manufacturing facility that has used or is using PFAS in industrial or manufacturing processes or operations.

b. Owns or operates a commercial facility that has used or is using PFAS in its processes or operation and the commercial facility caused a discharge.

c. Conducts or conducted permitted landspreading of industrial wastes.

4. A person to which subd. 2. applies shall provide access to the property described in subd. 2. for any activity conducted under this chapter.

5. Nothing in this paragraph may be construed to limit a person's eligibility for an exemption under s. 292.13.

SECTION 20. 292.74 of the statutes is created to read:

292.74 PFAS community grant program. (1) DEFINITIONS. In this section:

(a) "Immediate action" means a response action that is taken within a short period of time after the discharge of a hazardous substance occurs, or after the discovery of a hazardous substance discharge or environmental pollution, to halt the discharge, contain or remove discharged hazardous substances, or remove contaminated environmental media in order to restore the environment

to the extent practicable and to minimize the harmful effects of the discharge to air, lands, and waters of the state, and to eliminate any imminent threat to public health, safety, or welfare.

(b) "Interim action" means a response action taken to contain or stabilize a discharge of a hazardous substance in order to minimize any threats to public health, safety, or welfare or the environment while other response actions are being taken or planned for a site or facility.

(c) "Municipality" means a city, village, town, county, tribal governing body, utility district, lake protection district, sewerage district, or technical college district.

(d) "PFAS" means any perfluoroalkyl or polyfluoroalkyl substance.

(e) "Remedial action" or "remedy" means a response action, other than an immediate action or interim action, taken to control, minimize, restore, or eliminate the discharge of hazardous substances or environmental pollution so that the hazardous substances or environmental pollution do not present an actual or potential threat to public health, safety, or welfare or the environment. "Remedial action" includes actions designed to prevent, minimize, stabilize, or eliminate the threat of discharged hazardous substances and actions to restore the environment to the extent practicable and meet all applicable environmental standards, including storage, disposal, containment, treatment, recycling, or reuse and any monitoring required to assure that such actions protect public health, safety, and welfare and the environment.

(2) FINANCIAL ASSISTANCE. The department shall administer a program to provide financial assistance to municipalities for all of the following activities to address PFAS contamination:

(a) Sampling private water supplies.

(b) Installing treatment or constructing wells at a public water system necessary to address PFAS levels in exceedance of a state or federal maximum contaminant level for PFAS, an enforcement standard for PFAS promulgated under ch. 160, or a state health advisory level for PFAS issued by the department of health services.

(c) Creating a new public water system or connecting private well owners to an existing public water system in an area in which there is PFAS contamination in private water supplies.

(d) Sampling for PFAS in a public, private, or tribal elementary or secondary school, a child care center that is licensed under s. 48.65, a child care program that is established or contracted for under s. 120.13 (14), or a child care provider that is certified under s. 48.651 and is not served by a municipal water system and is not already required to sample for PFAS under rules promulgated under s. 281.17 (8) (a).

(e) Sampling of high capacity irrigation wells and soil on agricultural property to identify PFAS contamination.

(f) Sampling for PFAS in wastewater, biosolids, liquid waste, sludge, influent, industrial waste, or treatment plant effluent that is intended for landspreading or to implement source reduction strategies.

(g) Sampling for PFAS in leachate, groundwater, or private wells that are part of a monitoring plan at a municipally owned or operated solid waste landfill.

(h) Designing, purchasing, or installing onsite treatment systems that remove PFAS from leachate at a municipally owned or operated solid waste landfill.

(i) Investigating potential or known PFAS contamination to identify contamination and determine remedy selection and design for determining immediate, interim, and remedial actions to restore the air, land, or water.

(j) Conducting immediate action, interim action, or remedial action to mitigate, treat, dispose of, or remove PFAS contamination to the air, land, waters, or other natural resources of the state consistent with this chapter and requirements established by administrative rules promulgated under this chapter.

(3) APPLICATION. A municipality may apply for financial assistance under this section on a form prescribed by the department that includes all of the following information:

(a) The applicant's name and information and an authorized point of contact for the applicant.

(b) A copy of an ordinance or resolution authorizing the applicant to enter into a financial assistance agreement with the department.

(c) Information about the site where grant activities will be conducted, including the site's address, tax identification number, and property owner, a description of the property location, and population information for the property.

(d) Details about the project for which financial assistance is requested, including the project's purpose, description, scope, deliverables, timeline, maps, site plans, engineering plans, bids if applicable, permits if applicable, and access permission agreements.

(e) Financial information about the project for which financial assistance will be expended, including the project budget, the financial assistance request amount, and the funding source for matching funds.

(f) If water quality sampling is proposed for the project for which financial assistance is requested, sample results, a post-project sampling plan, sampling protocols, and health advisories issued by the department,

the department of health services, or the applicable local health official.

(g) For a project involving an existing site, the bureau for remediation and redevelopment tracking system activity number, information about the qualified environmental consultant for the site, and a description of all of the following:

1. The current and past uses of the property and the surrounding area.

2. The environmental investigation and actions to date.

3. The known or potential exposure pathways and receptors.

4. Necessary environmental actions.

5. Other contaminants of concern that may be addressed by the proposed action.

6. The status of all environmental reports and department approvals, including all of the following:

a. The Phase I environmental site assessment.

b. The Phase II environmental site assessment.

c. The conceptual site model.

d. The site investigation work plan.

e. The site investigation.

f. The interim action plan.

g. The remedial action options report.

h. The remedial action plan.

i. The material management plan.

j. Any other environmental report submitted to the department for the site.

(4) EVALUATION CRITERIA. In providing financial assistance under this section, the department shall prioritize proposed projects that address PFAS contamination in private wells and may consider the degree to which a proposed project will have a positive impact on public health and the environment and any other criteria the department determines are necessary to prioritize available funds.

(5) FINANCIAL ASSISTANCE AGREEMENTS. Prior to providing financial assistance to a municipality under this section, the department shall enter into a financial assistance agreement with the municipality. The governing body of the municipality shall pass a resolution or enact an ordinance authorizing the municipality to enter into the financial assistance agreement.

(6) MATCHING FUNDS. (a) For financial assistance awarded for an activity described under sub. (2) (a) and (c) to (j), the department shall require the recipient to provide matching funds equal to at least 20 percent of the amount provided by the department.

(b) For financial assistance awarded for an activity described under sub. (2) (b), the department shall require the recipient to provide matching funds equal to at least 40 percent of the amount provided by the department.

(c) Matching funds under this subsection may be in the form of cash, in-kind contributions, force account work, or other sources deemed eligible by the department.

(7) OUTREACH, ADMINISTRATIVE, AND TECHNICAL ASSISTANCE. The department may provide outreach, administrative, and technical assistance to municipalities that receive financial assistance under this section. The department may enter into an agreement with the University of Wisconsin-Extension or similar qualified service provider to provide the outreach, administrative, and technical assistance to municipalities.

SECTION 21. 292.76 of the statutes is created to read:

292.76 Airport and industrial possessor; PFAS grant program. (1) DEFINITIONS. In this section:

(ad) "Eligible entity" means any of the following:

1. The owner or operator of a public use airport.

2. Industrial possessor.

(ag) "Immediate action" means a response action that is taken within a short period of time after the discharge of a hazardous substance occurs, or after the discovery of a hazardous substance discharge or environmental pollution, to halt the discharge, contain or remove discharged hazardous substances, or remove contaminated environmental media in order to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to air, lands, and waters of the state, and to eliminate any imminent threat to public health, safety, or welfare.

(am) "Industrial possessor" has the meaning given in s. 292.11 (9) (g) 1. a.

(b) "Interim action" means a response action taken to contain or stabilize a discharge of a hazardous substance in order to minimize any threats to public health, safety, or welfare or the environment while other response actions are being taken or planned for a site or facility.

(c) "PFAS" means any perfluoroalkyl or polyfluoroalkyl substance.

(d) "Public-use airport" has the meaning given in s. 114.002 (18m).

(e) "Remedial action" means a response action, other than an immediate action or interim action, taken to control, minimize, restore, or eliminate the discharge of hazardous substances or environmental pollution so that the hazardous substances or environmental pollution do not present an actual or potential threat to public health, safety, or welfare or the environment. "Remedial action" includes actions designed to prevent, minimize, stabilize, or eliminate the threat of discharged hazardous substances and actions to restore the environment to the extent practicable and meet all applicable environmental standards, including storage, disposal, containment,

treatment, recycling, or reuse and any monitoring required to assure that such actions protect public health, safety, and welfare and the environment.

(2) FINANCIAL ASSISTANCE. The department may administer a program to provide financial assistance to an eligible entity with PFAS contamination to take actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the PFAS discharge to the air, lands, or waters of the state. An eligible entity that receives financial assistance under this section shall comply with the requirements of this chapter and the rules promulgated under this chapter.

(3) ELIGIBILITY. Before submitting an application for financial assistance under sub. (4), an eligible entity shall do all of the following:

(a) Comply with the requirements under s. 292.11 (2).

(b) Notify the department, on a form provided by the department, of the intent to apply for financial assistance.

(c) Consult with the department regarding the proposed project.

(4) APPLICATION. An eligible entity may apply for financial assistance under this section on a form prescribed by the department that includes all of the following information:

(a) The applicant's name and information and an authorized point of contact for the applicant.

(b) If applicable, a copy of an ordinance or resolution authorizing the applicant to enter into a financial assistance agreement with the department.

(c) Information about the site where grant activities will be conducted, including the site's address, tax identification number, and property owner, a description of the property location, and population information for the property.

(d) Details about the project for which financial assistance is requested, including the project's purpose, description, scope, deliverables, timeline, maps, site plans, engineering plans, bids if applicable, permits if applicable, and access permission agreements.

(e) Financial information about the project for which financial assistance will be expended, including the project budget, the financial assistance request amount, and the funding source for matching funds.

(f) If water quality sampling is proposed for the project for which financial assistance is requested, sample results, a post-project sampling plan, sampling protocols, and health advisories issued by the department, the department of health services, or the applicable local health official.

(g) For a project involving an existing site, the bureau for remediation and redevelopment tracking system activity number, information about the qualified environmental consultant for the site, and a description of all of the following:

1. The current and past uses of the property and the surrounding area.

2. The environmental investigation and actions to date.

3. The known or potential exposure pathways and receptors.

4. Necessary environmental actions.

5. Other contaminants of concern that may be addressed by the proposed action.

6. The status of all environmental reports and department approvals, including all of the following:

a. The Phase I environmental site assessment.

b. The Phase II environmental site assessment.

c. The conceptual site model.

d. The site investigation work plan.

e. The site investigation.

f. The interim action plan.

g. The remedial action options report.

h. The remedial action plan.

i. The material management plan.

j. Any other environmental report submitted to the department for the site.

(5) EVALUATION CRITERIA. In providing financial assistance under this section, the department shall prioritize actions that minimize any threats to public health, safety, or welfare or the environment, actions necessary to stabilize a PFAS discharge, and actions necessary to halt or contain the PFAS discharge.

(6) FINANCIAL ASSISTANCE AGREEMENTS. Prior to providing financial assistance to an eligible entity under this section, the department shall enter into a financial assistance agreement with the eligible entity. If applicable, the governing body of the county, city, village, or town that owns the public-use airport shall pass a resolution or enact an ordinance authorizing the public-use airport to enter into the financial assistance agreement.

(7) PHASED AWARDS. The department may establish in the financial assistance agreement the phases of actions to be carried out by an eligible entity that is an owner or operator of a public use airport, including phases for investigation, immediate actions, interim actions, and remedial actions. The department may establish in the financial assistance agreement the phases of actions to be carried out by an eligible entity that is an industrial possessor, including phases for investigation, immediate actions, interim actions, and voluntary remedial actions. The department may condition funding for each phase on the availability of funds for the program and may rescind a financial assistance agreement if a recipient fails to make reasonable progress towards completion of the actions of a phase. The department may

include in the financial assistance agreement any of the following:

(a) A requirement that a technical work plan be submitted to the department for approval for the phase of work for which financial assistance is being provided.

(b) Eligible expenses.

(c) A schedule of maximum costs for eligible expenses.

(d) Reporting requirements.

(e) Deadlines for completion of actions within each phase.

(f) A deductible for each phase of 20 percent of the budgeted cost of eligible expenses that must be incurred by the eligible entity before reimbursement may be issued for any remaining eligible expense.

(8) CLAIMS FOR REIMBURSEMENT. The eligible entity may submit a claim to the department for reimbursement for eligible expenses incurred after a financial assistance agreement is executed for a phase under sub. (7) if all of the following apply:

(a) The eligible entity has completed the work in the phase for which reimbursement is requested, as described in the financial assistance agreement and rules promulgated under this chapter.

(b) The eligible entity has submitted a report on the completion of the phase to the department for approval and the department has issued a written approval of the report.

(c) The eligible entity has incurred and paid for eligible expenses in the phase that exceed the deductible for that phase.

SECTION 22. NR 811.12 (1) (g) 2. of the administrative code is renumbered NR 811.12 (1) (g) 2. (intro.) and amended to read:

NR 811.12 **(1)** (g) 2. (intro.) ~~Test wells to be converted to permanent wells or test wells to be pumped at a rate of 70 gallons per minute or more for a period of more than 72 hours~~ All of the following test wells shall be approved by the department prior to their construction~~.~~:

SECTION 23. NR 811.12 (1) (g) 2. a., b. and c. of the administrative code are created to read:

NR 811.12 **(1)** (g) 2. a. Test wells to be converted to permanent wells.

b. Test wells to be pumped at a rate of 70 gallons per minute or more for a period of more than 72 hours.

c. Test wells located in special well casing depth areas that are designated by the department as special well casing depth areas based in whole or in part on the presence of perfluoroalkyl or polyfluoroalkyl substances. Approval under this subd. 2. c. shall include review and approval of specifications and plans relating to drilling, well casing, and filling and sealing.

SECTION 24. PSC 184.06 of the administrative code is amended to read:

PSC 184.06 Emergency work. In case of an emergency resulting from the failure of power supply or from fire, storm, or similar events, a utility may begin necessary repair work without receiving prior commission authorization. In case of an emergency resulting from the contamination of water supply, a utility may begin necessary repair, temporary treatment, or other emergency work to address the issue without receiving prior commission authorization. The utility shall promptly notify the commission of the emergency work and shall, within 30 days after commencing the work, furnish the commission with the information required under s. PSC 184.04 (3).

SECTION 25. Nonstatutory provisions.

(1) REMEDIAL ACTION AT SITES CONTAMINATED BY PFAS. The department of natural resources may begin response and remedial actions, including site investigations, at any site contaminated by perfluoroalkyl or polyfluoroalkyl substances where a responsible party has not been identified or where the responsible party qualifies for an exemption under s. 292.11 (9) (g) 2. The department of natural resources may contract with a 3rd party to conduct response and remedial actions under this subsection. The department of natural resources shall prioritize response and remedial actions at sites with the highest levels of perfluoroalkyl or polyfluoroalkyl substances and sites with the greatest threats to public health or the environment as a result of perfluoroalkyl or polyfluoroalkyl substances.

(2) PFAS TESTING LABORATORIES.

(a) The department of natural resources and the Board of Regents of the University of Wisconsin System shall enter into a memorandum of understanding to jointly ensure that the state laboratory of hygiene provides guidance and other materials, conducts training, and provides assistance to laboratories in this state that are certified under s. 299.11 (7) to test for contaminants other than perfluoroalkyl or polyfluoroalkyl substances to become certified under s. 299.11 (7) to test for perfluoroalkyl or polyfluoroalkyl substances, and to assist laboratories in this state that are certified under s. 299.11 (7) to test for perfluoroalkyl or polyfluoroalkyl substances in reducing the costs of such testing and shortening the timeline for receiving such testing results.

(b) The Board of Regents of the University of Wisconsin System, in coordination with the department of natural resources, may provide grants to laboratories in this state that are certified under s. 299.11 (7) to test for perfluoroalkyl or polyfluoroalkyl substances, or that are seeking such certification, to assist with the cost of purchasing equipment necessary for testing for perfluoroalkyl or polyfluoroalkyl substances. A grant under

this paragraph may not exceed 40 percent of the cost of such equipment. All laboratories in this state that are certified under s. 299.11 (7) to test for perfluoroalkyl or polyfluoroalkyl substances, or that are seeking such certification, shall be given equal opportunity to receive a grant under this paragraph.

(c) The state laboratory of hygiene shall prepare a report on its efforts under this subsection and shall deliver the report to the joint committee on finance and the standing committees with jurisdiction over natural resources and the environment no later than August 31, 2027.

(3) PFAS STUDIES AND REPORTING.

(a) In this subsection, "PFAS" has the meaning given in s. 292.74 (1) (d).

(b) The department of natural resources and the Board of Regents of the University of Wisconsin System shall enter into a memorandum of understanding to jointly do all of the following, with the assistance of University of Wisconsin institutions, the department of natural resources and other relevant state agencies, county land and water conservation departments, and local 3rd parties, if available:

1. Study and analyze the cost, feasibility, and effectiveness of different methods of treating PFAS before they are released into a water system or water body.

2. Conduct a cost-benefit analysis of different options for disposing of biosolids or sludge that contains or may contain PFAS.

3. Study and analyze the cost, feasibility, and effectiveness of different destruction and disposal methods for PFAS.

4. For sites contaminated by PFAS, in consultation with persons who are able and qualified to conduct environmental remediation in this state, study and analyze the cost, feasibility, and effectiveness of different methods for remediating PFAS that leave the contaminated medium in place and methods that remove the contaminated medium.

5. Study and analyze the migration of PFAS into the bay of Green Bay, including where the PFAS are entering the bay and what effects PFAS may have in the bay.

6. Study and analyze the migration of PFAS into the Wisconsin River and its tributaries and the Mississippi River and its tributaries, including where the PFAS are entering surface waters and unconfined groundwater and what effects PFAS may have in those rivers.

7. Create a comprehensive, interactive map showing all available PFAS testing data and whether each data point on the map exceeds any applicable promulgated state or federal standard for PFAS. Such data may not contain any personally identifiable information unless the entity to which the data applies is a municipal entity that is required to test and disclose its results under ch. 281 or 283.

8. Request funding from the joint committee on finance for any additional studies related to PFAS.

(c) The Board of Regents of the University of Wisconsin System shall require the University of Wisconsin System to provide to the joint committee on finance and the standing committees with jurisdiction over natural resources and the environment a progress report no later than 2 years after the effective date of this paragraph and, no later than 4 years after the effective date of this paragraph, the map and reports on the studies required under par. (b).

(4) REPORTS TO LEGISLATURE ON PROGRESS UNDER THIS ACT. For a period of 3 years after the effective date of this subsection, the department of natural resources shall, every 6 months, submit a report to the joint committee on finance and to the standing committees with jurisdiction over natural resources and the environment. The first report under this subsection shall be submitted no later than 6 months after the effective date of this subsection. The report shall include a detailed description of the department's expenditures under this act and a detailed description of the department's progress in implementing the provisions of this act.

(5) PFAS TESTING. In the 2025-27 fiscal biennium, the department of natural resources shall conduct additional voluntary PFAS testing activities.

(6) FED POSITION DECREASE.

(a) The authorized FTE positions for the department of natural resources, funded from the appropriation under s. 20.370 (4) (mm), are decreased by 9 FED positions.

(b) The authorized FTE positions for the department of natural resources, funded from the appropriation under s. 20.370 (4) (ms), are decreased by 1 FED position.

(7) GPR POSITION INCREASE.

(a) The authorized FTE positions for the department of natural resources are increased by 1 GPR position, to be funded from the appropriation under s. 20.370 (1) (ma), for the purpose of supporting and administering the PFAS grant programs and fulfilling responsibilities for PFAS-related work within the department.

(b) The authorized FTE positions for the department of natural resources are increased by 7 GPR positions, to be funded from the appropriation under s. 20.370 (4) (ma), for the purpose of supporting and administering the PFAS grant programs and fulfilling responsibilities for PFAS-related work within the department.

(c) The authorized FTE positions for the department of natural resources are increased by 2 GPR posi-

tions, to be funded from the appropriation under s. 20.370 (9) (ma), for the purpose of supporting and administering the PFAS grant programs and fulfilling responsibilities for PFAS-related work within the department.

(d) The department may not use any position authorized under par. (a), (b), or (c) to conduct enforcement activity under ch. 292.

(8) RECONCILIATION PROVISION. If neither 2025 Senate Bill 127 nor 2025 Assembly Bill 130 is enacted in the 2025-26 legislative session, then this act is void.

SECTION 26. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of administrative rules takes effect as provided in s. 227.265.