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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 559**

**Assembly Amendment 2**

### 2019 SENATE BILL 559

Under current law, a public inland lake protection and rehabilitation district must let all contracts for the performance of any work or purchase of any materials in excess of \$2,500 to the lowest responsible bidder.

Senate Bill 559 increases this \$2,500 threshold to \$10,000.

### ASSEMBLY AMENDMENT 2

Assembly Amendment 2 adds new provisions regarding per- and polyfluoroalkyl substances (PFAS). Specifically, the amendment does all of the following:

- Adds to the purposes of the University of Wisconsin System freshwater collaborative<sup>1</sup>, studying, with schools of public health, PFAS, the human health effects of PFAS, the safe destruction and disposal of PFAS, and safe levels of PFAS in the human body, groundwater, and drinking water, and providing information relating to these studies to the public. The collaborative is directed to consult all available research and science in conducting these studies.
- Requires the Board of Regents to submit a report showing the scientifically safe levels determined by the collaborative studies, described above, to the legislative standing committees having jurisdiction over natural resources by January 1, 2021.
- Directs the Department of Natural Resources (DNR) to do all of the following when no responsible party for contamination is available:
  - Test water samples for the presence of any PFAS for which DNR has received a recommendation from the Department of Health Services (DHS) under the state groundwater law in noncommunity water systems, municipal water systems, and private wells with owner consent, that are in proximity to sites or facilities listed in the DNR's Bureau for Remediation and Redevelopment Tracking System as containing PFAS contamination or as having discharged PFAS substance.
  - Investigate emerging contaminants that are PFAS in those areas.
  - Provide temporary potable water or treatment systems in those areas.

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<sup>1</sup> Among other provisions, 2019 Assembly Bill 801 and the companion bill, 2019 Senate Bill 712, make an appropriation to the Board of Regents of the University of Wisconsin System to fund and create a freshwater collaborative among no more than six institutions that have certain purposes. Assembly Amendment 2 to Senate Bill 559 provides that provisions of the amendment specific to the freshwater collaborative are void if either Assembly Bill 801 or Senate Bill 712 are not enacted.

- Entitles DNR to recover the costs of testing, investigations, and providing temporary potable water, as described above, from a responsible party who has used a fire fighting foam containing a PFAS substance for which the costs are incurred.
- Requires DNR to promulgate emergency rules<sup>2</sup> establishing criteria for certifying laboratories to test for PFAS, and to certify laboratories that meet these criteria. Emergency rules establishing criteria for certifying laboratories to test for any PFAS in drinking water must be based on federal Environmental Protection Agency protocols for testing for PFAS. When promulgating emergency rules establishing criteria for certifying laboratories to test for any PFAS in nondrinking water, DNR must take into consideration the latest version of the federal Department of Defense Quality Systems Manual for Environmental Laboratories. Before these criteria are established, DNR may require testing for PFAS substance to be done according to nationally recognized standards.
- Directs DNR to include in its 2021-23 biennial budget request funding for addressing any PFAS substance for which it has received a recommendation from DHS under the state groundwater law.

## **BILL HISTORY**

Representative Swearingen offered Assembly Amendment 2 on February 21, 2020. On the same date, the Assembly adopted the amendment on a voice vote, and voted to recommend concurrence in the bill, as amended, by a vote of Ayes, 62; Noes, 35.

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<sup>2</sup> The amendment exempts the DNR from requirements of s. 227.24, Stats., which would otherwise require the department to make findings of emergency and provide evidence of necessity for the preservation of public peace, health, safety, or welfare for such rules.