State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2170/1
MCP:skw/wlj/emw

2025 SENATE BILL 127

March 14, 2025 - Introduced by Senators WIMBERGER, CABRAL-GUEVARA, FELZKOWSKI, NASS and TOMCZYK, cosponsored by Representatives MURSAU, SWEARINGEN, ARMSTRONG, BEHNKE, FRANKLIN, GREEN, GUNDRUM, B. JACOBSON, KNODL, MAXEY, MURPHY, NOVAK, O'CONNOR, SPIROS, STEFFEN, TUCKER and TUSLER. Referred to Committee on Natural Resources, Veteran and Military Affairs.

AN ACT ***to create*** 292.11 (9) (g) of the statutes; **relating to:** exempting certain persons from PFAS enforcement actions under the spills law.

Analysis by the Legislative Reference Bureau

Under current law provisions known as the "spills law," a person that possesses or controls a hazardous substance or that causes the discharge of a hazardous substance must notify the Department of Natural Resources immediately, restore the environment to the extent practicable, and minimize the harmful effects from the discharge. If action is not being adequately taken, or the identity of the person responsible for the discharge is unknown, DNR may take emergency action to contain or remove the hazardous substance; the person that possessed or controlled the hazardous substance that was discharged or that caused the discharge of the hazardous substance must then reimburse DNR for expenses DNR incurred in taking such emergency actions. The spills law allows DNR to enter property to take emergency action if entry is necessary to prevent increased environmental damages, and to inspect any record relating to a hazardous substance for the purpose of determining compliance with the spills law. DNR may also require that preventive measures be taken by any person possessing or having control over a hazardous substance if existing control measures are inadequate to prevent discharges.

The bill exempts the following persons from all of these provisions under the spills law, if the person grants DNR permission to remediate the land at DNR's expense:

1. A person that spread biosolids or wastewater residuals contaminated by PFAS in compliance with any applicable license or permit.

2. A person that owns land upon which biosolids or wastewater residuals contaminated by PFAS were spread in compliance with any applicable license or permit.

3. A fire department, public-use airport, or municipality that responded to emergencies that required the use of PFAS or that conducted training for such emergencies in compliance with applicable federal regulations.

4. A solid waste disposal facility that accepted PFAS.

5. 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.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

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

292.11 **(9)** (g) 1. In this paragraph, "PFAS" means any perfluoroalkyl or polyfluoroalkyl substance.

2. All of the following persons are exempt from subs. (3), (4), and (7) (b) and (c) with respect to PFAS contamination if the person grants permission to the department to remediate the land at the department's expense:

a. A person that spread biosolids or wastewater residuals contaminated by PFAS in compliance with any applicable license or permit.

b. A person that owns land upon which biosolids or wastewater residuals contaminated by PFAS were spread in compliance with any applicable license or permit.

c. A fire department, public-use airport, as defined in s. 114.002 (18m), or municipality that responded to an emergency that required the use of PFAS or that

conducted training for such an emergency in compliance with applicable federal regulations.

d. A solid waste disposal facility that accepted PFAS.

e. 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.

(END)