MARATHON COUNTY
SOLID WASTE MANAGEMENT BOARD
AGENDA

Date & Time of Meeting: Monday, April 13th, 2026, at 2:00 pm
Meeting Location: Wisconsin Room, 1000 Lake View Drive, Wausau, WI 54403, or Webex

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

Mission Statement: *To provide the residents, businesses, and organizations of the region with a cost effective, comprehensive integrated waste management system. The system consists of programming, education and consulting services on waste reduction, recycling, composting and hazardous waste management, along with landfill disposal, with landfill-gas-to-energy production.*

Members:Thomas Seubert – Chair, *Jean Maszk - Vice-Chair, Tim Sondelski, Kerry Brimmer, Jason Wilhelm, Harlyn Woodward, Al Christensen, Allen Drabek and Marilyn Bhend*

Persons wishing to attend the meeting by Webex/phone may call into the **telephone conference ten (10) minutes prior to the start time indicated above using the following number:**

Phone Number: +1-408-418-9388
Access Code/Meeting Number: 2488 427 8963

Please Note: If you are prompted to provide an "Attendee Identification Number" enter the # sign. No other number is required to participate in the telephone conference.
When you enter the telephone conference**, PLEASE PUT YOUR PHONE ON MUTE!**

1. **Call Meeting to Order**
2. **Public Comment**
3. **Approval of the Minutes of the March 9, 2026, Meeting**
4. **Educational Presentations / Outcome Monitoring Reports and Possible Action:**
   A. Ringle Spring Cleanup - May
   B. Highway 29 Maintenance Update – Entrance
   C. Assembly Bill 605 Signed April 2 – Environmental Fees – Treatment Pilot
   D. Assembly Bill 130 and 131 Signed April 6 – PFAS Requirements
   E. Battery Bill – Act 170
   F. WDNR Proposed Groundwater Rules

5. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration and Possible Action - None**
6. **Next Regular Meeting Time, Location, Agenda Items and Reports to the County Board –** Committee Members are asked to bring ideas for future discussion; next meeting May 11, 2026.
7. **Announcements / Requests**
   A. Solid Waste Management Board Appointments May 2026
8. **Adjournment**

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 one business day before the meeting.

SIGNED /s/ _____
Presiding Officer or Designee

EMAILED TO:
News Dept. at Daily Herald, TPP Printing, Marshfield News, Midwest Radio Group, Record Review
Date: 04/09/26
Time: 12PM
By: LM
Date/Time/By: _____

NOTICE POSTED AT COURTHOUSE:
Date: _____
Time: _____ a.m. / p.m.
By: _____

Marathon County Solid Waste Management Board 2026-2030 Strategic Goals

1. Protect and enhance groundwater and air quality.
2. Maximize economic opportunities.
3. Build strong relationships.
4. Transition to resource management.
5. Sustain safe and productive operations.

MARATHON COUNTY
SOLID WASTE MANAGEMENT BOARD
March 9th, 2026, MINUTES

Attendance:	**Present**	**Not Present**
Thomas Seubert - Chair	X	
Jean Maszk – Vice Chair	X	
Kerry Brimmer	X	
Allen Drabek	X	
Tim Sondelski	X	
Jason Wilhelm	X	
Harlyn Woodward	X	
Al Christensen		X
Marilyn Bhend	X	

Also present: Dave Hagenbucher- (Solid Waste Director), Laurie Miskimins– (Director, Conservation, Planning, and Zoning), Joe Tucker (Parks, Recreation, & Forestry)

1. **Call Meeting to Order-**

   The agenda being properly signed and posted, and the presence of a quorum, the meeting was called to order at 2:00pm by Chair Seubert in the Wisconsin Room, 1000 Lake View Drive, Wausau, WI 54403

2. **Pledge of Allegiance to the Flag**
3. **Public Comment** – None.
4. **Approval of the Minutes of the December 8th, 2025, Meeting -**

   ACTION: Motion / second by Maszk/Drabek to approve February 9, 2026, minutes. Motion carried 5 – yes, 0 – no, 1 – abstain.

   Note: Clarification was sought on the next steps for the Leachate Facility. Director Hagenbucher confirmed design was going forward.

5. **Educational Presentations / Outcome Monitoring Reports and Possible Action-**

   A. Site Safety and Hauler Outreach

   Discussion: Hagenbucher shared that the Annual Hauler Safety Lunch is March 10, 2026. The CB radio communication will be part of what SWD will highlight in this year's lunch. The letter in the packet will be shared with haulers. The lunch is open to anyone interested in learning about safe hauling practices at the landfill, not just the haulers.

   Hagenbucher also provided an update on the truck that ran off the road in February. The SWD talked with the hauler about not letting the driver return to the facility.

   Discussion was held with the SWMB regarding the need for a policy to address situations in which a driver may no longer be permitted on site due to a history of unsafe driving. The SWMB indicated that SWD should establish a consistent policy guided by operational and safety considerations. The Board emphasized that unsafe behavior should be documented prior to prohibiting a driver from accessing the site, and that the policy should be developed in consultation with Corporation Counsel to ensure it is enforceable.

   ACTION: Motion/second : Woodward/Drabek to direct the SWD to work with Corporation Counsel on a policy to adopt. Motion carried by voice vote, no dissent.

B. WCSWMA Open Policy Position

Discussion: Hagenbucher provided background on the Wisconsin Counties Solid Waste Management Association (WCSWMA), noting if you are associated with a County or agency overseeing a solid waste or recycling operation in Wisconsin, you can be a member of this group.

The group has gone through changes in last 5-10 years due to retirements and turnover. Hagenbucher has been working with solid waste agencies across the state to revive this group and work toward common policy priorities and direction related to solid waste management in the state.

There is currently an open policy-maker position on the WCSWMA board. Members of the SWMB can apply. The group meets quarterly in Stevens Point. If a SWMB member is interested, they should follow-up with Director Hagenbucher.

` The SWMB also suggested the group consider booths at future WCA meetings to get more attention and interest in the group.

C. Website Updates and Compliance

Discussion: Hagenbucher explained to the SWMB that the County will be working toward compliance with new website accessibility standards over the next several months. These standards are intended to make websites and attached documents more accessible to individuals with disabilities. As part of this transition, the SWD website will migrate to a .gov domain, and Recycling Connections will no longer manage the SWD website. During this process, some materials may be temporarily taken offline while County staff update documents to meet accessibility requirements.

D. Forestry Plan

Discussion: Hagenbucher and Forester Joseph Tucker recapped that a small clearing of trees was completed last year in preparation for landfill expansion. This led to a discussion about the potential need for ongoing forest management at the landfill, both to maintain forest health and to support landfill operations.

Tucker conducted a general inventory of the forested areas on the site, which total approximately 265 acres. Based on this inventory, he developed a suggested general forestry management schedule. He provided an overview of the tree species present, overall forest health, and considerations related to potential harvesting, including timeframes for harvest.

It was noted that logging operations could occur during the winter, although timber sales conducted in summer or fall often result in stronger market outcomes. Tucker also explained that no harvesting or skidding would occur between April 15 and July 15, meaning forest operations would not take place during that period.

The SWMB discussed whether the landfill forests should be actively managed to the extent feasible, recognizing that forest management activities could occasionally affect the mountain bike trails located on the property. It was also noted that leaving the forest unmanaged could eventually lead to declining tree health and dead trees falling onto the trails. Managing the forest could provide both near-term and long-term resource value and revenue, while also helping maintain forest health for the benefit of the site and surrounding community.

Board members also discussed the importance of engaging the mountain biking community and the ice age trail organization in the conversation and considering the visual screening benefits the forest provides to neighboring properties.

Follow-Up: The Board directed Hagenbucher to engage with the mountain biking group and the

Ice Age Trail Alliance to better understand potential impacts and coordination of scheduling. The SWMB also requested that the SWD return with a projected 5–10-year outlook of potential revenue from future timber sales.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration and Possible Action- None**

7. **Next Regular Meeting Time, Location, Agenda Items and Reports to the County Board -**

   April 13, 2026, at 2pm in the Wisconsin Room of the Lakeview Conference Center

   Committee Members are asked to bring ideas for future discussion; next regular meeting location, date and time are to be determined.

8. **Announcements / Requests-**

   Municipalities looking for a new hauler can reach out to Director Hagenbucher with questions on contracting, MOAs, tipping fees, etc.

   It was also noted there may be new research coming out related to membranes that can filter PFAs. Something to keep an eye on for future discussion.

9. **Adjournment-**

   ACTION: Motion / second by Wilhelm/Drabek to adjourn the meeting at 2:48pm. Motion carried by voice vote, no dissent.

Respectfully submitted,
David Hagenbucher
Director- Solid Waste Department
DH: LM March 11, 2026

State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-4771/1
ZDW:skw

2025 ASSEMBLY BILL 605

October 29, 2025 - Introduced by Representatives B. JACOBSON, MIRESSE, BEHNKE, KNODL, O'CONNOR, PENTERMAN, TITTL and BROWN, cosponsored by Senator TOMCZYK. Referred to Committee on Local Government.

AN ACT ***to renumber and amend*** 289.67 (1) (b); ***to create*** 289.67 (1) (b) 2. of the statutes; **relating to:** retention of environmental repair fees by certain municipal solid waste facilities.

Analysis by the Legislative Reference Bureau

Under current law, a generator of solid waste must pay an environmental repair fee for each ton of solid waste that is disposed of at a licensed solid waste disposal facility. The owner or operator of a licensed solid waste disposal facility must collect environmental repair fees and pay the collected amounts to the Department of Natural Resources.

Under current law, DNR administers the Clean Water Fund Program (CWFP), which provides financial assistance to municipalities for projects to control water pollution. One type of financial assistance under the CWFP is making loans at or below the market rate interest.

Under this bill, if the owner or operator of a municipal solid waste facility receives a CWFP loan for waste water treatment infrastructure, the owner or operator may retain, of the environmental repair fees it collects, an amount equal to the total principal and interest owed on the loan while the loan is in repayment.

For further information see the state and local 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. 289.67 (1) (b) of the statutes is renumbered 289.67 (1) (b) 1. and amended to read:

289.67 **(1)** (b) 1. ~~The~~ Except as provided in subd. 2., the owner or operator of a licensed solid or hazardous waste disposal facility shall collect the environmental repair fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility during the preceding reporting period.

SECTION 2. 289.67 (1) (b) 2. of the statutes is created to read:

289.67 **(1)** (b) 2. If the owner or operator of a municipal solid waste facility receives a loan under the clean water fund program under s. 281.58 for waste water treatment infrastructure, the owner or operator of the municipal solid waste facility may retain, of the amounts collected under subd. 1., an amount equal to the total principal and interest owed on the loan while the loan is in repayment.

(END)

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.

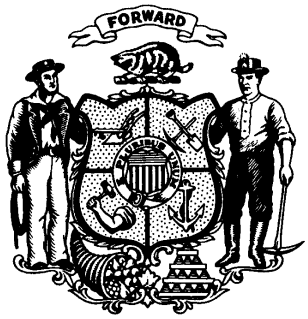
(d) The department may not use any position authorized under par. (a), (b), or (c) to conduct enforcement activity under ch. 292.

(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.

State of Wisconsin



Date of enactment: April 2, 2026
2025 Assembly Bill 713 Date of publication*: April 3, 2026

2025 WISCONSIN ACT 170

AN ACT *to create* 25.46 (1) (eL), 287.07 (6) and 287.175 of the statutes; **relating to:** requiring battery stewardship organizations to administer battery collection and recycling programs and providing a penalty.

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

SECTION 1m. 25.46 (1) (eL) of the statutes is created to read:

25.46 **(1)** (eL) The fees imposed under s. 287.175 (3) (b).

SECTION 1r. 287.07 (6) of the statutes is created to read:

287.07 **(6)** BATTERIES. Beginning on January 1, 2028, no person may dispose of or burn a covered battery, as defined in s. 287.175 (1) (d), in a solid waste disposal facility. Such a battery may be disposed of only by delivery to a collection site or collection event operated under a battery stewardship plan under s. 287.175.

SECTION 2. 287.175 of the statutes is created to read:

287.175 Battery collection and recycling. (1) DEFINITIONS. In this section:

(a) "Battery containing product" means a product that contains or is packaged with a covered battery. "Battery containing product" does not include a product that is an eligible electronic device, as defined in s. 287.17 (1) (gs).

(b) "Battery stewardship organization" means an entity that has been designated by one or more producers to implement a battery stewardship plan under this section. "Battery stewardship organization" does not include a state agency, as defined in s. 16.004 (12) (a).

(c) "Collection rate" means the percentage calculated by dividing the total weight of covered batteries collected in this state by a battery stewardship organization in a calendar year by the average annual weight of covered batteries estimated to have been sold in this state by all producers during that same calendar year and the previous 2 calendar years.

(d) "Covered battery" means a portable battery or a medium format battery that is intended or designed to be easily removed, or is capable of being easily removed, using common household tools. "Covered battery" does not include any of the following:

1. A battery, contained in a medical device that is regulated under the federal food, drug and cosmetic act, 21 USC 301 to 394, that is not designed or marketed for sale or resale at retail locations for personal use.

2. A battery that contains an electrolyte as a free liquid or a product that contains such a battery.

3. A lead acid battery subject to the requirements of s. 287.18 or a product that contains such a battery.

(e) "Medium format battery" means any of the following:

1. For primary batteries, a battery that weighs more than 4.4 pounds but not more than 25 pounds.

2. For rechargeable batteries, a battery that weighs

* 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."

more than 11 pounds, or that has a rating of more than 300 watt-hours, or both, but that does not weigh more than 25 pounds or have a rating of more than 2,000 watt-hours.

(f) "Portable battery" means any of the following:

1. For primary batteries, a battery that weighs no more than 4.4 pounds.

2. For rechargeable batteries, a battery that weighs no more than 11 pounds and that has a rating of no more than 300 watt-hours.

(g) "Primary battery" means a battery that is not capable of being recharged.

(h) 1. "Producer" means a person that sells, offers for sale, or distributes for sale a covered battery or battery containing product in or into this state and that is any of the following:

a. If the covered battery or battery containing product is sold under a brand of the battery's or product's manufacturer, the person that manufactures the battery or product.

b. If the covered battery or battery containing product is sold under a retail brand or under a brand owned by a person other than the battery's or product's manufacturer, the person that owns the brand.

c. If subd. 1. a. and b. do not apply, the person that is the licensee of a brand or trademark under which the covered battery or battery containing product is sold, offered for sale, or distributed for sale in or into this state, regardless of whether the trademark is registered in this state.

d. If subd. 1. a. to c. do not apply to any person within the United States, the person that is the importer of record for the covered battery or battery containing product into the United States for the purpose of selling, offering for sale, or distributing for sale the battery or product in or into this state.

2. "Producer" does not include a retailer unless the retailer owns the brand under which a covered battery or battery containing product is sold.

(i) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells electrically connected to produce electric energy and that is designed to be recharged.

(j) "Recycling" means the process by which covered batteries or battery containing products are returned to productive use as material or energy, including the collection and transport of batteries for recycling. "Recycling" does not include destruction by incineration or other processes or land disposal of recyclable materials and does not include reuse, repair, or any other process by which batteries or battery containing products are returned in their original form or in a form for secondary use.

(k) "Recycling efficiency rate" means the percentage calculated by dividing the weight of components and materials recycled by a battery stewardship organization by the weight of covered batteries collected by the battery stewardship organization.

(L) "Retailer" means a person that only sells or offers for sale a covered battery or battery containing product in this state. "Retailer" does not include a producer.

(2) PROHIBITIONS. (a) Beginning on January 1, 2027, or one year after the effective date of this paragraph .... [LRB inserts date], whichever occurs first, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the producer has designated a battery stewardship organization to implement a battery stewardship plan approved by the department under this section and listed by the department on its website under sub. (8) (f) 3. A producer may contract their obligations under this paragraph to another producer if the producer being contracted is a member of a battery stewardship organization in this state.

(b) Beginning on January 1, 2027, or one year after the effective date of this paragraph .... [LRB inserts date], whichever occurs first, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the covered battery or battery in the battery containing product is marked with an identification of the producer of the battery. This paragraph does not apply if the battery is less than one-half inch in diameter or does not contain a surface with a length that exceeds one-half inch.

(c) Beginning on January 1, 2029, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the covered battery or battery in the battery containing product is marked to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.

(d) A producer, retailer, or battery stewardship organization may not charge a point-of-sale fee to consumers to cover the costs of implementing a battery stewardship plan approved under this section.

(3) BATTERY STEWARDSHIP PLAN. (a) *Plan submittal*. No later than January 1, 2027, or one year after the effective date of this paragraph .... [LRB inserts date], whichever occurs first, each battery stewardship organization shall submit a battery stewardship plan to the department for approval. A battery stewardship plan approved by the department shall have a term of no more than 5 years and shall include all of the following:

1. The names and contact information for each producer that has designated the battery stewardship organization to implement the battery stewardship plan.

2. The brands of all of the covered batteries that

each producer under subd. 1. sells, offers for sale, or distributes for sale in or into this state. All such brands shall be covered by the battery stewardship plan.

3. Performance goals under the plan, and a process for achieving these goals. Performance goals shall include target collection rates for rechargeable batteries and for primary batteries; target recycling efficiency rates of at least 60 percent for rechargeable batteries and 70 percent for primary batteries; and goals for public awareness, convenience, and accessibility. The collection rate goals for each of the first 3 years of implementation of the battery stewardship organization's approved plan shall be based on the estimated total weight of covered batteries that have been sold in this state in the previous 3 calendar years by the producers participating in the plan.

4. A process for making retailers aware of the requirement under sub. (2) (b).

5. Consumer awareness goals and a description of the education and outreach strategy that the battery stewardship organization will implement to promote participation in the organization's approved plan and to provide information necessary for the effective participation of consumers, retailers, and others.

6. A process for making available to collection sites, for voluntary use, signage, written materials, and other promotional materials to inform consumers of the available end-of-life management options for covered batteries collected under the battery stewardship organization's approved plan.

7. Collection site safety training procedures related to covered battery collection activities at collection sites, including a description of operating protocols to reduce risks of spills or fires, response protocols in the event of a spill or fire, and protocols for safe management of damaged batteries that are returned to collection sites.

8. A method for fully funding the battery stewardship organization's approved plan in a manner that equitably distributes the plan's costs among the producers under subd. 1. on the basis of each producer's actual share of covered batteries collected under the plan.

9. Provisions for collecting covered batteries at no cost, regardless of the brand or producer of the covered battery, on a continuous, convenient, visible, and accessible basis.

10. The addresses of collection sites that will accept covered batteries under the plan, and the criteria used to determine whether an entity may serve as a collection site.

11. The names of proposed service providers, including sorters, transporters, and processors, to be used for the final disposition of batteries.

12. Provisions for recordkeeping, tracking, and documenting the management and disposition of collected covered batteries.

13. An explanation for any delay anticipated by the battery stewardship organization in managing medium-format batteries.

(b) *Annual fee.* A battery stewardship organization shall pay a fee of $75,000 to the department upon approval of a plan under this section and a fee of $75,000 annually thereafter. Fees paid under this paragraph shall be deposited in the environmental fund.

(c) *Plan expiration and resubmittal.* A battery stewardship organization shall submit a new plan to the department for approval no less than every 5 years. If the performance goals under the previously approved plan have not been met, the new plan shall include corrective measures to be implemented by the battery stewardship organization to meet those performance goals, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach.

(d) *Plan amendments.* A battery stewardship organization shall provide plan amendments to the department for approval when proposing material changes to the approved plan.

(e) *Notification of certain changes.* A battery stewardship organization implementing a plan approved under this section shall notify the department within 90 days of a producer beginning or ceasing participation in the battery stewardship organization, or within 90 days of adding or removing a processor or transporter under the approved plan.

(f) *More than one battery stewardship organization; cost sharing.* 1. The department may approve plans under this section from more than one battery stewardship organization.

2. The department may approve plans that equitably share the costs, among other battery stewardship organizations, of implementing the parts of those plans that benefit such organizations.

(4) COSTS AND REIMBURSEMENT. (a) *Costs of implementation.* A battery stewardship organization implementing a plan approved under sub. (3) is responsible for all costs associated with implementing the plan, unless the approved plan allows for cost sharing among other battery stewardship organizations with approved plans, as provided under sub. (3) (f).

(b) *Reimbursement of local governments.* A battery stewardship organization implementing a plan approved under this section shall reimburse local governmental units for actual costs incurred as a result of a local government facility or solid waste facility serving as a collection site under the plan.

(c) *Collecting fees from producers.* A battery stewardship organization implementing a plan approved under this section shall collect fees from participating producers sufficient to cover the costs of implementation,

including battery collection, transportation, and processing; education and outreach; and program evaluation. Fees for processing a battery may be assessed only to the producers of batteries of the same chemistry, and only in direct proportion to that producer's share of batteries reported for that chemistry. Fees shall not be assessed in a manner that results in a producer subsidizing the processing of batteries of a chemistry different from the chemistry of the batteries the producer produces. Any fees charged to a producer by a battery stewardship organization shall be reasonable and represent, to the greatest extent possible, actual costs of administering the battery stewardship plan.

(5) COLLECTION AND MANAGEMENT OF COVERED BATTERIES. (a) A battery stewardship organization implementing a plan approved under this section shall do all of the following:

1. Provide for the collection of all covered batteries from any person, regardless of the chemistry or brand of the battery, on a free, continuous, convenient, visible, and accessible basis.

2. Provide to collection sites under the plan, at no cost to the sites, suitable collection containers for covered batteries that are segregated from other solid waste, or make alternative arrangements for the collection of such batteries at the site, with the agreement of the collection site.

3. Ensure that medium format batteries are collected only at household hazardous waste collection sites or other staffed collection sites that meet applicable federal, state, and local requirements for managing medium format batteries.

4. Provide for the collection of damaged and defective batteries, by persons trained to handle and ship such batteries, at collection sites and at each permanent household hazardous waste facility and each household hazardous waste collection event provided by the department. In this paragraph, "damaged and defective batteries" means batteries that are damaged or that have been identified by the manufacturer as being defective for safety reasons, and that have the potential to produce a dangerous evolution of heat, fire, or short circuit.

5. Ensure statewide collection opportunities for all covered batteries.

6. Coordinate activities with others, such as electronic waste recyclers and other battery stewardship plan operators, to provide efficient delivery of services and avoid unnecessary duplication of effort and expense. A battery stewardship organization shall use existing public and private waste collection services and facilities, transporters, consolidators, processors, and retailers if cost-effective, mutually agreeable, and otherwise practical. Participation by public and private waste collection services and facilities, transporters, consolidators, processors, and retailers shall be voluntary.

7. No later than December 31, 2028, provide at least one permanent collection site for portable batteries within a 15-mile radius for at least 95 percent of state residents and at least one permanent collection site, collection service, or collection event for portable batteries for every 30,000 residents of each county.

8. For medium format batteries, provide all of the following no later than December 31, 2028:

a. At least 10 permanent collection sites in this state.

b. Collection sites that are reasonably dispersed throughout this state.

c. A collection event at least once every 3 years in each county that does not have a permanent collection site, which must provide for the collection of all medium format batteries, including damaged and defective medium format batteries.

9. Use as a collection site or the site of a collection event any entity that meets the criteria for a collection site or collection event under an approved battery stewardship plan and that requests to serve as a collection site or collection event, up to the number of collection sites required to comply with subds. 7. and 8.

(b) A battery stewardship organization implementing a plan approved under this section may issue a warning to, suspend, or terminate a collection site or service that does not comply with the criteria under the approved plan or that poses an immediate concern to health and safety.

(c) A battery stewardship organization implementing a plan approved under this section is not required to provide for the collection of recalled batteries, battery containing products, or covered batteries that remain contained in a battery containing product at the time of delivery to a collection site or collection event. A battery stewardship organization may seek reimbursement from the producer of a recalled battery for the costs incurred in collecting, transporting, or processing such batteries. Nothing in this section shall be construed to prohibit a manufacturer of a covered battery or battery containing product from conducting a recall or assisting a battery stewardship organization in conducting a recall.

(6) EDUCATION AND OUTREACH. (a) A battery stewardship organization implementing a plan approved under this section shall do all of the following to promote the implementation of the plan:

1. Develop and maintain a website.

2. Develop and distribute collection site safety training procedures to collection sites to help ensure proper management of covered batteries at collection sites.

3. Provide consumer-focused educational materials, to each collection site used under the plan, that are ac-

cessible by customers of retailers that sell covered batteries or battery containing products.

4. Provide safety information related to covered battery collection activities to the operator of each collection site used under the plan, including appropriate protocols to reduce risks of spills or fires, to respond to a spill or fire, and to manage a collected damaged or defective battery.

5. Provide educational materials to the operator of each collection site used under the plan for the management of recalled batteries.

6. Upon request by a retailer or other potential collection site, provide educational materials describing collection opportunities for covered batteries.

7. Coordinate with other battery stewardship organizations implementing a plan approved under this section, if applicable, in providing education and outreach under this subsection.

(b) A battery stewardship organization implementing a plan approved under this section may do all of the following to promote the implementation of the plan:

1. Develop and distribute periodic press releases and articles.

2. Develop and place advertisements for use on social media or other relevant media platforms.

3. Develop promotional materials about the program and about the restriction on disposing covered batteries under sub. (11).

4. Conduct a survey, during the first year of implementing an approved plan and every 5 years thereafter, of public awareness of the provisions of this section. The battery stewardship organization shall share the results of the surveys with the department.

(7) ANNUAL AUDIT AND REPORTING. (a) No later than June 1, 2029, and each June 1 thereafter, a battery stewardship organization implementing a plan approved under this section shall hire an independent 3rd party to conduct a full audit of the battery stewardship plan and the plan's operation. The audit shall disclose the battery stewardship organization's revenue, expenditures, and liabilities relating to its activities in this state. The auditor shall examine the effectiveness of the battery stewardship plan in collecting and recycling covered batteries that are primary batteries. The auditor shall also examine the cost-effectiveness of the plan and compare it to that of other approved plans in this state or to battery stewardship plans in other states. The battery stewardship organization shall submit the results of the annual audit to the department along with an annual report for the same year that contains all of the following:

1. An independent financial assessment of implementing the plan, including a breakdown of the plan's expenses, such as collection expenses, recycling expenses, education expenses, and overhead expenses.

2. The weight, by chemistry, of covered batteries collected under the plan.

3. The weight of materials recycled from covered batteries collected under the plan, in total, and by method of battery recycling.

4. A calculation of the recycling efficiency rate under the plan.

5. A list of all facilities used in the processing or disposition of covered batteries under the plan and, for domestic facilities, a summary of any violations of environmental laws and regulations during the previous 3 years at each facility.

6. For each facility used for the final disposition of covered batteries under the plan, a description of how the facility recycled or otherwise managed batteries and battery components.

7. The weight and chemistry of covered batteries sent to each facility that is used for the final disposition of batteries. This information may be approximated on the basis of extrapolations of national or regional data for programs in operation in multiple states.

8. The collection rate achieved under the plan, including a description of how this collection rate was calculated and how it compares to the collection rate goals under the plan.

9. The estimated aggregate sales, by weight and chemistry, of covered batteries, including covered batteries contained in or packaged with battery containing products, sold in this state by the battery stewardship organization's participating producers for each of the previous 3 calendar years.

10. A description of how collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate.

11. A description of education and outreach efforts supporting plan implementation, including a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers to promote the collection and recycling of covered batteries; a description of how that education and outreach met the requirements of sub. (6); samples of education and outreach materials; a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved under this section; and a summary of any changes made during the previous calendar year to education and outreach activities.

12. A list of all collection sites and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the plan, with links to websites when available.

13. A description of methods used to collect, transport, and recycle covered batteries under the plan.

14. A summary of progress made toward the perfor-

mance goals under the plan, and an explanation of why performance goals were not met, if applicable.

15. An evaluation of the effectiveness of education and outreach activities.

16. If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of plan implementation, the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, when possible, or to otherwise increase battery recycling efficiency rates achieved by the battery stewardship organization.

(b) A battery stewardship organization implementing a plan approved under this section shall make each annual audit and report under par. (a) available on its website and provide printed or electronic copies upon request.

(8) DEPARTMENT DUTIES AND AUTHORITY. (a) *Plan approvals.* Within 120 days after receiving a proposed battery stewardship plan or proposed amendment under sub. (3) (a) or (d), the department shall approve, conditionally approve, or deny the plan or amendment. The department shall approve any plan or amendment that meets the requirements under sub. (3). If the department denies or conditionally approves a plan or amendment, the department shall notify the battery stewardship organization of the denial or conditional approval in writing and explain how the proposed plan or amendment does not comply with this section; the producer shall submit a revised plan or amendment or notice of plan withdrawal within 60 days of the denial or conditional approval; and the department shall approve or deny the revised plan or amendment within 90 days of resubmittal.

(b) *Public notice.* The department shall publish notice on its website and shall provide notice, upon request, to interested persons, announcing any proposed plan or amendment under sub. (3) (a) or (d).

(c) *Enforcement.* The department may, in addition to any penalties authorized under sub. (12), enforce violations of this section and violations of any battery stewardship plan approved under this section. For purposes of this paragraph, a failure to meet the requirements of this section despite a good faith effort is not a violation.

(d) *Reports.* The department shall review reports submitted under sub. (7) within 90 days after submission.

(e) *Assistance*. The department shall provide technical assistance to producers and retailers related to the requirements under this section.

(f) *Website.* Subject to par. (g), the department shall maintain on its website all of the following:

1. A copy of all approved battery stewardship plans and any amendments to such plans.

2. The names of producers with approved battery stewardship plans.

3. A list of brands of covered batteries covered under an approved battery stewardship plan. The department shall update this list only twice annually.

4. Reports submitted to the department under sub. (7).

(g) *Confidentiality*. Proprietary information submitted to the department under this section may not be open to public inspection and copying under s. 19.35 (1). The department and any other agency may not release, publish, or otherwise make available any proprietary information received under this section. In this paragraph, "proprietary information" means information owned or held by a producer and includes trade secrets, intellectual property, production methods, marketing strategies, business plans, financial data of a business, customer lists, data from research and development, and any other sensitive information about a business or a business's practices.

(10) INDEPENDENT BATTERY COLLECTION. Nothing in this section prevents or prohibits a person from offering or performing a fee-based household collection program or a mail-back program for covered batteries independently of a battery stewardship plan under this section if the services are performed and any facilities are operated in compliance with all applicable federal, state, and local laws and requirements.

(11) INDIVIDUAL BATTERY DISPOSAL. (a) Beginning on January 1, 2028, all of the following apply:

1. A person may dispose of a covered battery only by delivery to a collection site or collection event operated under a battery stewardship plan approved under this section, unless the battery is regulated as hazardous waste.

2. No person may knowingly cause or allow the mixing of a covered battery with recyclable materials that are intended for processing and sorting at a material recovery facility.

3. No person may knowingly cause or allow the mixing of a covered battery with municipal waste that is intended for disposal at a landfill.

4. No person may knowingly cause or allow the disposal of a covered battery in a landfill.

5. No person may knowingly cause or allow the mixing of a covered battery with waste that is intended for burning or incineration.

6. No person may knowingly cause or allow the burning or incineration of a covered battery.

(b) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(c) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by a 3rd party.

(12) PENALTIES. (a) Any person that intentionally and substantially violates this section, other than sub. (11), may be required to forfeit not more than $7,000 for each violation. For purposes of this paragraph, a failure to meet the requirements of this section despite a good faith effort is not a violation.

(c) The attorney general or the district attorney of any county in which a violation of this section occurs may, in addition to any other penalty, bring an action to enjoin any person from violating this section, other than sub. (11).

(d) A retailer is not subject to any penalty under this section.

(13) RULE MAKING. Notwithstanding s. 227.11 (2), nothing in this section shall be construed to confer rule-making authority on the department.

SECTION 3. Nonstatutory provisions.

(1) ASSESSMENT OF BATTERY CONTAINING PRODUCTS. No later than July 1, 2027, a battery stewardship organization, as defined in s. 287.175 (1) (b), implementing a battery stewardship plan approved under s. 287.175 shall submit a report to the department of natural resources on any assessments prepared in other states, if available, of the opportunities and challenges associated with the end-of-life management of portable batteries, as defined in s. 287.175 (1) (f), and medium format batteries, as defined in s. 287.175 (1) (e), that are not intended or designed to be easily removed by a customer and that are contained either in battery containing products, as defined in s. 287.175 (1) (a), medical devices, or electronic products that are not eligible electronic devices, as defined in s. 287.17 (1) (gs). The department of natural resources shall submit this report, to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees of the legislature in the manner required under s. 13.172 (3), with recommendations as to whether s. 287.175 could be applied to batteries that are not intended or designed to be easily removed by a customer in a manner that is identical or analogous to the provisions of s. 287.175 applicable to covered batteries, as defined in s. 287.175 (1) (d).

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

DNR Seeks Public Comment On Economic Impact Of Proposed Groundwater Rules For PFAS

Public Comment Period Open Until May 7

The Wisconsin Department of Natural Resources (DNR) is in the process of preparing an economic impact analysis for proposed rules affecting chapter NR 140 that would set numeric groundwater quality standards to minimize the concentration of certain per- and polyfluoroalkyl substances (PFAS) in groundwater. The DNR seeks public comment on the economic impact of these proposed rule revisions, Board Order DG-02-25. Note that a separate public comment period on the rule itself will be held after the economic impact analysis has been finalized.

The proposed rule will add health-based groundwater quality standards for six PFAS, using the Wisconsin Department of Health Services (DHS)'s January 2025 recommendations. DHS' recommendations are based on federal drinking water standards issued on April 10, 2024, and rely on newly available science and protection of public health.

The six PFAS include the following compounds: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluorobutane sulfonic acid (PFBS) and hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals). Setting groundwater quality standards will allow for consistent use in state regulatory programs to minimize the concentration of these polluting substances in the groundwater resources of the state.

The objective of the proposed rule is to protect public health, given that groundwater is the primary source of drinking water throughout the state. PFAS break down very slowly and can accumulate in people. PFAS may cause reproductive health effects such as decreased fertility and pregnancy-induced hypertension, developmental effects or delays in children, including birth defects and low birth weight, increased risk of some cancers, including prostate, kidney and testicular cancers, decreased antibody response to vaccines and increased cholesterol.

Materials for review may be found on the DNR website under Board Order Number DG-02-25. Comments will be accepted until May 7, 2026.

Please direct any comments on the economic impact analysis or questions to DNR140GroundwaterQualityStandards@wisconsin.gov.

Landfills

The department requires landfills to follow groundwater sampling and reporting requirements in ch. NR 507, Wis. Adm. Code, including for the parameters, and at the frequencies, in Appendices I–IV. These appendices do not currently require PFAS sampling. However, under s. NR 507.15, Wis. Adm. Code, the department may require PFAS monitoring on a case-by-case basis depending on the waste characteristics. To date, the department has requested PFAS sampling at three papermill sludge landfills due to evidence suggesting possible PFAS presence or groundwater impacts. PFAS sampling may also be warranted at other papermill or municipal solid waste landfills where groundwater results show exceedances of other ch. NR 140 Enforcement Standards. Some landfill owners are voluntarily sampling for PFAS in groundwater or leachate. If the department becomes aware of data showing PFAS impacts, it may require further sampling, investigation, and remediation.

The department currently has the authority to require PFAS sampling at landfills when there is evidence of a potential PFAS release. Once NR 140 groundwater standards for PFAS are finalized, the department may exercise its authority to require PFAS sampling at more landfills. The initial focus would likely be on landfills with existing exceedances of other substances under ch. NR 140, Wis. Adm. Code, or papermill sludge landfills that may have accepted PFAS-contaminated waste. For municipal solid waste (MSW) landfills, the department would likely focus on those landfills with reported Enforcement Standard

exceedances of volatile organic compounds (VOCs). In general, these landfills are either closed or are closed units at large active landfills.

There are approximately 169 landfills in Wisconsin that are either a papermill sludge landfill or that have a reported. NR 140 Enforcement Standard exceedance of one or more VOCs since 2016. Some of these are already in investigation or remediation, and others have only singular or sporadic exceedances that were not confirmed in subsequent sampling. Of those 169, there are approximately 138 landfills with more than four reported VOC Enforcement Standard exceedances since 2016. Assuming the department requires each of the 138 landfills to collect at least two samples for PFAS in each of their groundwater monitoring wells in one year, and assuming each site has 10 monitoring wells, the PFAS monitoring cost would be $1,242,000 [$450 sample cost × 10 wells × two times per year × 138 landfills]. Field blanks would also be collected at each site during each sampling event, for an additional cost of $82,800 [$300 field blank cost × two times per year × 138 landfills]. Sampling mobilization costs are not included because those costs would already be incurred as part of each landfill's routine detection-monitoring sampling. The department estimates the total cost for monitoring in year one to be $1,324,800 [$1,242,000 for PFAS monitoring plus $82,800 for field blanks].

The department estimates that after initial PFAS sampling, about 10% of the 138 landfills evaluated—roughly 14 sites—may need additional investigation in the second year. These landfills would conduct further sampling of on-site wells to determine whether significant PFAS discharges are present and if remedial action is needed. To assess the extent of PFAS impacts, additional monitoring wells or piezometers would likely need to be installed around these sites. The department assumes that five additional monitoring wells would need to be installed at each site, and that the cost per well would be around $10,000. Hence, the cost associated with installing new wells would be $700,000 [$10,000 x five wells x 14 sites]. Sampling at these five wells, plus the 10 already at the site, will occur in year two. The year two PFAS monitoring cost would be $189,000 [$450 sample cost × 15 wells × two times per year × 14 landfills]. Field blanks would also be collected at each site during each sampling event, for an additional cost of $8,400 [$300 field blank cost × two times per year × 14 landfills]. Sampling mobilization costs are not included because those costs would already be incurred as part of each landfill's routine detection-monitoring sampling. The department estimates the total cost for monitoring in year two to be $897,400 [$700,000 for well installation, plus $189,000 for PFAS monitoring, plus $8,400 for field blanks].

The department anticipates PFAS groundwater monitoring cost at identified landfills to be $2,222,200 over the two-year period.

Active and closed landfills generally dispose of leachate by sending it to a POTW. Since landfill leachate can contain PFAS, it has the potential to introduce PFAS into the biosolids at the POTWs. Most POTWs in the state apply their treated biosolids to land. The department is required to impose limitations or conditions for PFAS in permits for the land application of sewage sludges under s. 283.82(4), Stats. POTWs may undertake source reduction activities or alternative disposal options to comply with chapter 283, Stats., regardless of whether NR 140 groundwater standards for PFAS are established. Accordingly, the department assumes that no additional costs associated with management of landfill leachate will be incurred a result of the promulgation of groundwater standards for these six PFAS.

Specific Businesses and Business Sectors (Private Businesses)

The department anticipates the following specific businesses will be impacted: facilities that discharge industrial liquid waste through an absorption/seepage pond land treatment system; businesses that contribute wastewater to POTWs whose liquid waste is discharged to groundwater; and privately owned landfills that may be subject to groundwater monitoring because of their potential for PFAS contamination.

Impacts on Public Utility Ratepayers

The department does not anticipate this rule to significantly impact public utility ratepayers.

Impacts on Local Governmental Units

The department assumes that municipal-owned utilities will incur some cost that is primarily related to POTWs and publicly owned landfills, and classifies these as costs to local government.

DRAFT 4/7/2026

The statement of scope for this rule, SS 008-25, was approved by the Governor on February 4, 2025, published in Register No. 831A1 on March 3, 2025, and approved by the Natural Resources Board on April 9, 2025. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to **amend** NR 140.10 Table 1 and 140 Appendix I to Table 1 relating to setting numeric standards to minimize the concentration of polluting substances for certain Per- and Polyfluoroalkyl Substances (PFAS) in groundwater based on the 2025 DHS recommendations.

DG-02-25
Numeric Groundwater Standards for PFAS

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted:

Chapter 160, Stats., including ss. 160.07, 160.11, 160.13, 160.15, 160.19, and 281.15, 281.19(1), and 299.11, Stats., authorize the department to modify and create rules relating to the development of numeric groundwater quality standards.

2. Statutory Authority:

Sections 160.07, 160.11, 160.13, 160.15, 160.19, 281.15, 281.19(1), and 299.11, Stats.

3. Explanation of Agency Authority:

Chapter 160, Stats., establishes an administrative process for developing numeric state groundwater quality standards to be used as criteria for the protection of public health and welfare by all state groundwater regulatory programs. Chapter 160, Stats., directs the department to use this administrative process to establish numeric groundwater quality standards for substances of public health or welfare concern, found in, or having a reasonable probability of being detected in, the groundwater resources of the state.

The department is required to engage in rulemaking for all substances of public health concern for which the Wisconsin Department of Health Services (DHS) develops Enforcement Standard recommendations (s. 160.07(5), Stats.). The DHS develops recommendations for Enforcement Standards for substances of public health concern in accordance with the provisions of s. 160.07(4), Stats. The department, with the assistance of DHS, is required to prepare a document describing methodologies and conclusions for establishing each numeric Enforcement Standard, as described in s. 160.11, Stats. If neither a federal number nor a state drinking water standard exists for a substance, the DHS develops a recommended Enforcement Standard using the methodology specified under s. 160.13(2), Stats. The department is also required to establish by rule Preventive Action Limits for all substances with Enforcement Standards under s. 160.15(1), Stats, following methodologies described in s. 160.15, Stats. Section 160.19, Stats., requires regulatory programs and agencies to review and update their regulations when new groundwater quality standards are adopted to ensure that regulated

activities and facilities are designed and managed to prevent exceedances of such standards. Section 281.15, Stats., states that the department shall promulgate rules setting standards of water quality, applicable to the waters of the state, that protect the public interest, including the protection of public health and welfare, and the present and prospective future use of such waters for public and private water systems. Section 281.19(1), Stats., grants the department the authority to issue general orders and adopt rules applicable throughout the state for the construction, installation, use, and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state.

In accordance with ch. 160, Stats., the reliability of sampling data is to be considered when determining the range of responses that a regulatory agency may take, or require, to address attainment or exceedance of a state groundwater quality standard at an applicable "point of standards application."

Section 299.11, Stats., authorizes the department, in conjunction with the Department of Agriculture, Trade and Consumer Protection (DATCP), to establish uniform minimum criteria for laboratories certified to conduct water analysis testing, accepted methodologies to be followed in conducting tests and sampling protocols, and documentation procedures to be followed when collecting water samples for testing.

4. Related Statutes or Rules:

Chapter NR 809, Wis. Adm. Code, establishes minimum state drinking water standards for the protection of public health, safety and welfare. This administrative code contains numeric water quality protection standards applicable to public water supply systems in Wisconsin.

Wisconsin state drinking water standards, applicable to public drinking water systems, have been established for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Wisconsin state drinking water Maximum Contaminant Levels (MCLs) have been established, in ch. NR 809, Wis. Adm. Code, for PFOA and for PFOS, individually and combined, at 70 nanograms per liter or parts per trillion (ng/L or ppt). The department is currently undertaking a separate rulemaking process (CR 25-068/DG-01-24) to amend ch. NR 809, Wis. Adm. Code, to establish state drinking water standards for PFOA, PFOS, perfluorohexanesulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluorobutanesulfonic acid (PFBS) and hexafluoropropylene oxide dimer acid (HFPO-DA/"GenX"), following the establishment of federal MCLs for these substances.

5. Plain Language Analysis:

PFAS have been widely used in industrial applications and consumer products worldwide since the 1950s. Scientific studies have linked PFAS exposure to a range of adverse health effects, including cancer, liver damage, immune system suppression, and developmental disorders. People can be exposed to PFAS through several pathways, including ingestion of contaminated groundwater.

Most Wisconsin residents rely on groundwater as their primary source of drinking water. In 2022, the department collected and analyzed water samples from 450 private potable wells across the state to assess PFAS contamination in groundwater. The study found that 71 percent of the sampled wells contained at least one detectable PFAS, indicating that PFAS contamination in groundwater is widespread in Wisconsin.

Under Chapter 160 of the Wisconsin Statutes, when a chemical is detected in groundwater, or has the potential to enter groundwater, and poses a risk to human health, the department is authorized to establish numerical groundwater quality standards to minimize the concentration of that substance. Groundwater quality standards consist of an Enforcement Standard, and a Preventive Action Limit. While an Enforcement Standard triggers a regulatory action, a Preventive Action Limit is usually about 10 to 20 percent of an Enforcement Standard and represents an early warning threshold. The statute requires the department to update Chapter NR 140, Wis. Adm. Code, to set groundwater standards using health-based recommendations issued by the Wisconsin Department of Health Services (DHS).

In April of 2024, the U.S. Environmental Protection Agency (EPA) finalized federal drinking water standards for six PFAS: PFOA, PFOS, PFNA, PFHxS, PFBS, and HFPO-DA (GenX chemicals).

In May of 2024, the department sent a letter to DHS formally requesting that DHS recommend state groundwater quality standards for the six PFAS. After conducting a review of the six compounds, DHS developed appropriate recommendations for groundwater quality standards based on statutory requirements. The recommended Enforcement Standards are aligned with the EPA values issued for PFOA, PFOS, PFNA, PFHxS, PFBS, and HFPO-DA individually. Details on the health impacts of these substances are provided in the DHS scientific support documents, available at https://www.dhs.wisconsin.gov/publications/p03694.pdf.

At the end of January 2025, the department initiated rulemaking to update groundwater quality standards consistent with the DHS recommendations. The proposed rulemaking would amend Chapter NR 140, Wis. Adm. Code, and add new groundwater quality standards for the six PFAS identified above. These standards will apply to regulated entities that must comply with Chapter NR 140, Wis. Adm. Code, particularly those activities and facilities that may potentially contribute to groundwater contamination, such as landfills and wastewater treatment facilities.

Establishing new groundwater quality standards PFOA, PFOS, PFHxS, PFNA, PFBS, and HFPO-DA will help protect human health by limiting PFAS concentrations in groundwater. The standards establish clear numerical thresholds that determine when regulatory action is required, providing consistency and certainty for both regulatory authorities and the entities they regulate. While some efforts to address PFAS contamination are occurring independently of this rulemaking, without the establishment of these groundwater standards there would be no enforceable regulatory thresholds to trigger action. The absence of clear standards would make it more difficult for regulatory programs to require or prioritize measures to prevent, reduce, or control PFAS releases from contamination sources. The rule also establishes standards for bottled water providers and allows private well owners to seek assistance through the Well Compensation Program when PFAS levels exceed groundwater quality standards. By reducing PFAS contamination in groundwater, the rule will help lower the risk of adverse health effects associated with exposure to these substances, particularly for individuals who rely on groundwater for drinking water.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The EPA establishes health-based drinking water MCLs, cancer risk levels, and health advisories (HAs) that are used to assess the quality of groundwater that is used as a drinking water source. Federal drinking water MCLs are established based on scientific risk assessments and, in some cases, economic and technological considerations. Cancer risk

levels are established as the concentration of a chemical in drinking water that corresponds to a specific excess estimated lifetime cancer risk. Federal lifetime health advisories (LHAs) are developed based on an established health risk acceptable daily intake (ADI) level or reference dose (RfD). An ADI or RfD is the daily oral exposure to a chemical that is likely to be without an appreciable risk over a lifetime.

In April of 2024, EPA established National Primary Drinking Water Regulation (NPDWR) public drinking water system MCLs for six PFAS: PFOA, PFOS, PFHxS, PFNA, PFBS, and HFPO-DA. Five of the six PFAS were assigned individual MCLs: 4 ng/L for PFOA, 4 ng/L for PFOS, and 10 ng/L each for PFHxS, PFNA, and HFPODA. PFBS is addressed using a Hazard Index (HI) approach that also includes PFHxS, PFNA, and HFPODA. The HI MCL is calculated by dividing the measured concentration of each of these four PFAS in drinking water by its respective Health-Based Water Concentration (HBWC), and then summing the results together. If the total HI exceeds 1.0 (unitless), the mixture MCL is considered exceeded. The HBWCs are 10 ng/L for PFHxS, PFNA, and HFPODA, and 2,000 ng/L for PFBS.

The proposed amendments to ch. NR 140, Wis. Adm. Code, would add new state numeric groundwater quality standards for PFOA, PFOS, PFHxS, PFNA, PFBS and HFPO-DA. The proposed Enforcement Standards are consistent with the individual federal MCLs for PFOA, PFOS, PFHxS, PFNA, and HFPO-DA, and with the HBWC for PFBS. Table 1 lists the proposed Enforcement Standards and compares them to the EPA federal numbers (MCLs or HBWCs).

Table 1. Proposed enforcement standards and comparison to EPA federal numbers

PFAS compound	Proposed Enforcement Standards (in ng/L or ppt)	EPA federal numbers (in ng/L or ppt)
PFOA	4	4 (MCL)
PFOS	4	4 (MCL)
PFHxS	10	10 (MCL)
PFNA	10	10 (MCL)
PFBS	2,000	2,000 (HBWC)
HFPO-DA	10	10 (MCL)

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held an online preliminary public hearing on the statement of scope on March 6, 2025. Thirty-nine members of the public attended the hearing. The public comment period ended on March 6, 2025. The department received 11 written comments on the proposed statement of scope from individuals and organizations. Ten supplied testimonies in support. One joint statement from the Wisconsin Paper Council, Wisconsin Manufacturers & Commerce, and Midwest Food Products Association made several suggestions, including conducting additional outreach with the regulated community and incorporating economic impact costs into the scope statement.

8. Comparison with Similar Rules in Adjacent States:

Minnesota, Michigan, Illinois, and Iowa use groundwater protection values/levels/standards in their regulation of practices and activities that might impact the quality of groundwater.

Minnesota, Michigan, and Illinois have promulgated individual state groundwater protection standards. Iowa uses established federal standards (federal drinking water MCLs, LHAs and established cancer risk levels) as its state groundwater protection standards.

Groundwater protection quality values/levels/standards are usually developed based on health risk assessments. States may use state-specific health risk assessments, factors, and methodologies in calculating and developing their groundwater protection standards. This use of different health risk assessment factors and methodologies has led to the establishment of different state groundwater protection values/levels/standards for the same substance. The proposed Enforcement Standards in Wisconsin for PFOA, PFOS, PFHxS, PFNA, PFBS, and HFPO-DA are the same as those in Illinois, and in Iowa, with the exception of PFBS in Iowa, which is addressed through a hazard index approach for mixtures of PFHxS, PFNA, PFBS, and HFPO-DA. Compared to Michigan, the proposed Enforcement Standards in Wisconsin are more stringent for PFOA, PFOS, PFHxS, and HFPO-DA, and less stringent for PFNA and PFBS. Compared to Minnesota, the proposed Enforcement Standards in Wisconsin are more stringent for PFHxS, and less stringent for PFOA, PFOS and PFBS. Table 2 presents the thresholds for each of the six PFAS in Wisconsin and adjacent states, followed by state-specific details.

Table 2. Proposed enforcement standards and comparison to thresholds in adjacent states.

PFAS compound	Wisconsin proposed Enforcement Standards (in ng/L or ppt)	Minnesota thresholds (in ng/L or ppt)	Michigan thresholds (in ng/L or ppt)	Illinois thresholds (in ng/L or ppt)	Iowa thresholds (in ng/L or ppt)
PFOA	4	0.24	8	4	4
PFOS	4	2.3	16	4	4
PFHxS	10	47	51	10	10
PFNA	10	NA	6	10	10
PFBS	2,000	100	420	2,000	Hazard Index MCL standard of 1 (unitless) for mixtures of PFHxS, PFNA, PFBS and HFPO-DA.
HFPO-DA	10	NA	370	10	10

Minnesota: The State of Minnesota has established state groundwater protection "Health Risk Limits" (HRLs) under Minnesota Statutes Section 103H.201. In 2025, the state of Minnesota established an HRL for PFOA at 0.24 ng/L and an HRL for PFOS at 2.3 ng/L. In 2023, Minnesota established an HRL for PFHxS at 47 ng/L and an HRL for PFBS at 100 ng/L.

Michigan: The State of Michigan has established state groundwater protection quality standards. Michigan "Drinking Water Criteria and Risk Based Screening Levels (RBSLs) are Michigan state groundwater protection standards authorized in accordance with Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451 (NREPA). As established under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, and as amended [MCL 324.20120a(5)], Michigan state drinking water standards become the PFOA and PFOS generic cleanup criteria for groundwater used as

drinking water. Michigan has established RBSLs for PFOA at 8 ng/L, for PFOS at 16 ng/L, for PFHxS at 51 ng/L, for PFNA at 6 ng/L, for PFBS at 420 ng/L and for HFPO-DA at 370 ng/L.

Illinois: Illinois groundwater quality standards are enforceable standards used for the beneficial use and protection of groundwater in the state. 35 Illinois Administrative Code (IAC) Part 690 establishes regulations for groundwater quality, including standards for the quality of groundwater. In April 2025, updates to 35 IAC Part 690 Groundwater Quality were published in the Illinois Register that included state groundwater quality standards for six PFAS. Those Part 690 PFAS groundwater standards for “Class I Potable Resource” groundwater are: PFOA = 4 ng/L, PFOS = 4 ng/L, PFHxS = 10 ng/L, PFNA = 10 ng/L, for PFBS = 2,000 ng/L and for HFPO-DA = 10 ng/L.

Iowa: The State of Iowa has not established specific state groundwater protection standards. In accordance with Iowa Environmental Protection Regulations 567 IAC Chapter 133, Iowa uses established federal EPA lifetime health advisory levels, "negligible risk levels" (NRLs) for carcinogens (estimate of one additional cancer case per million people over a lifetime of exposure) and federal drinking water MCLs as "Action Levels" in their regulation of practices and activities that may adversely impact groundwater quality. Current federal MCLs for PFAS are: PFOA = 4.0 ng/L, PFOS = 4.0 ng/L, PFHxS = 10 ng/L, PFNA = 10 ng/L and HFPO-DA = 10 ng/L. A Hazard Index MCL standard of 1 (unitless) has been established to regulate mixtures of one or more of PFHxS, PFNA, PFBS and HFPO-DA.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

In accordance with s. 160.07, Stats., the department is required, for substances of public health concern, to propose rules establishing recommendations from DHS as state groundwater quality Enforcement Standards. In accordance with s. 160.15, Stats., the department is required to establish by rule a Preventive Action Limit for each substance for which an Enforcement Standard is established.

To develop proposed groundwater standards, DHS follows the process described in ss. 160.07 to 160.17, Stats. This includes a review of federal numbers, state drinking water standards, acceptable daily intake values from the EPA, research studies, and peer-reviewed scientific research. DHS then develops a scientific support document describing the findings of their review and the basis for the recommended proposed groundwater standards. At the conclusion of its review, DHS provides the department its recommendations for groundwater quality standards for the protection of public health.

DHS recommended new groundwater quality standards for PFOA, PFOS, PFHxS, PFNA, PFBS and HFPO-DA in a document titled *Scientific Support Documents for Public Health Recommended Groundwater Standards - Cycle 12, February 2025*. This document is available at the DHS website: https://www.dhs.wisconsin.gov/publications/p03694.pdf.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department does not anticipate economic impacts to small businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses, nor are any design or operational standards contained in the rule.

Entities that may be affected by the rule include facilities that are regulated under a variety of department programs, and may include facilities such as landfills and wastewater treatment facilities that might discharge liquid waste to groundwater.

The numeric groundwater standards adopted in ch. NR 140, Wis. Adm. Code, are not self-implementing. They are implemented through other statutory provisions and administrative rules that use the groundwater standards in regulatory actions, requirements, responses, and enforcement mechanisms. State regulatory agencies, in exercising their statutory authority and duties that are established elsewhere in statutes and administrative rules, are required to establish regulations that ensure that regulated facilities and activities will not cause state groundwater quality standards to be exceeded.

After the department establishes groundwater standards in ch. NR 140, Wis. Adm. Code, each state regulatory agency is required to review its administrative rules and amend or create rules necessary to ensure that the activities, practices, and facilities regulated by the regulatory agency comply with the new standards (s. 160.19, Stats.). The implementation and compliance costs of this rule could be affected – either increased or decreased – by changes in the regulatory authority or requirements of the programs that use the standards.

In recent years, several actions related to PFAS source reduction have occurred. On a voluntary basis, industry has begun transitioning to alternatives for certain PFAS, and PFOA and PFOS are no longer manufactured in the United States.

In addition, certain activities – such as the cleanup of PFAS-contaminated sites and limitations or conditions on the land application of biosolids and sludge containing PFAS – are already being implemented under existing departmental authority and would occur regardless of the establishment of PFAS groundwater standards. Therefore, a cost associated with these activities is not included in the cost estimate of this rulemaking.

The department estimates that costs will be incurred by both industrial and publicly owned wastewater treatment facilities that discharge treated liquid waste to groundwater through a land treatment or disposal system, such as an absorption pond or seepage cell. In total, six municipal facilities and four industrial facilities are anticipated to be impacted after the groundwater standards are established. These costs are associated with PFAS monitoring of discharged liquid waste, PFAS monitoring of groundwater, source reduction measures, and treatment of liquid waste prior to discharge to groundwater. In addition, the department estimates that 138 landfills will be required to conduct PFAS groundwater monitoring in the first year of the rule implementation, with 14 sites requiring additional monitoring in the second year. The department anticipates that the highest two-year cost will be $9,893,388 as a result of the establishment of groundwater standards for PFOA, PFOS, PFHxS, PFNA, PFBS and HFPO-DA.

2025 Wisconsin Act 200 provides funding for several activities aimed at addressing PFAS contamination in the state. Some of these funded activities may overlap with actions evaluated in the economic impact analysis for this rule. Because the specific allocation and implementation details of these funds have not yet been finalized, the potential cost reductions associated with this funding are not reflected in the estimates presented in this economic impact analysis. As a result, the cost estimates should be considered conservative and may overestimate the potential economic impact of this rule.

The department will review public comments received on the draft EIA and work to finalize the EIA for submission with the proposed rule.

11. Effect on Small Business (initial regulatory flexibility analysis):

The department does not anticipate economic impacts to small businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses, nor are any design or operational standards contained in the rule.

12. Agency Contact Person:

Carla Romano, Ground Water Section Manager
Phone: 608-910-3458
E-mail: carla.romano1@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Carla Romano, DG/5
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921
Phone: 608-910-3458
E-mail: DNR140GroundwaterQualityStandards@wisconsin.gov

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar.

- Access the Wisconsin Administrative Register (https://docs.legis.wisconsin.gov/code/register).
- Access the department's Hearings and Meetings Calendar (https://dnr.wisconsin.gov/calendar).
- Submit comments through the Wisconsin Administrative Rules Website (https://docs.legis.wisconsin.gov/code/chr/active).

RULE TEXT

SECTION 1. NR 140.10 Table 1 is amended to read:

NR 140.10 Table 1

Table 1
Public Health Groundwater Quality Standards

Substance[1]	Enforcement Standard (micrograms per liter − except as noted)	Preventive Action Limit (micrograms per liter − except as noted)
Acetochlor	7	0.7
Acetochlor ethane sulfonic acid + oxanilic acid (Acetochlor − ESA + OXA)	230	46
Acetone	9 milligrams/liter (mg/1)	1.8 mg/1
Alachlor	2	0.2
Alachlor ethane sulfonic acid (Alachlor − ESA)	20	4
Aldicarb	10	2
Aluminum	200	40
Ammonia (as N)	9.7 mg/l	0.97 mg/l
Anthracene	3000	600
Antimony	6	1.2
Arsenic	10	1
Asbestos	7 million fibers per liter (MFL)	0.7 MFL
Atrazine, total chlorinated residues	3[2]	0.3[2]
Bacteria, *E. coli*	0	0
Barium	2 mg/l	0.4 mg/l
Bentazon	300	60
Benzene	5	0.5
Benzo(b)fluoranthene	0.2	0.02
Benzo(a)pyrene	0.2	0.02
Beryllium	4	0.4
Boron	1000	200
Bromodichloromethane	0.6	0.06
Bromoform	4.4	0.44
Bromomethane	10	1
Butylate	400	80
Cadmium	5	0.5
Carbaryl	40	4
Carbofuran	40	8
Carbon disulfide	1000	200
Carbon tetrachloride	5	0.5
Chloramben	150	30
Chlordane	2	0.2
Chlorodifluoromethane	7 mg/l	0.7 mg/l
Chloroethane	400	80

Chloroform	6	0.6
Chlorpyrifos	2	0.4
Chloromethane	30	3
Chromium (total)	100	10
Chrysene	0.2	0.02
Cobalt	40	8
Copper	1300	130
Cyanazine	1	0.1
Cyanide, free[3]	200	40
Dacthal	70	14
1,2−Dibromoethane (EDB)	0.05	0.005
Dibromochloromethane	60	6
1,2−Dibromo−3−chloropropane (DBCP)	0.2	0.02
Dibutyl phthalate	1000	100
Dicamba	300	60
1,2−Dichlorobenzene	600	60
1,3−Dichlorobenzene	600	120
1,4−Dichlorobenzene	75	15
Dichlorodifluoromethane	1000	200
1,1−Dichloroethane	850	85
1,2−Dichloroethane	5	0.5
1,1−Dichloroethylene	7	0.7
1,2−Dichloroethylene (cis)	70	7
1,2−Dichloroethylene (trans)	100	20
2,4−Dichlorophenoxyacetic Acid (2,4−D)	70	7
1,2−Dichloropropane	5	0.5
1,3−Dichloropropene (cis/trans)	0.4	0.04
Di (2−ethylhexyl) phthalate	6	0.6
Dimethenamid/Dimethenamid−P	50	5
Dimethoate	2	0.4
2,4−Dinitrotoluene	0.05	0.005
2,6−Dinitrotoluene	0.05	0.005
Dinitrotoluene, Total Residues[4]	0.05	0.005
Dinoseb	7	1.4
1,4−Dioxane	3	0.3
Dioxin (2, 3, 7, 8−TCDD)	0.00003	0.000003
Endrin	2	0.4
EPTC	250	50
Ethylbenzene	700	140
Ethyl ether	1000	100
Ethylene glycol	14 mg/l	2.8 mg/l
Fluoranthene	400	80
Fluorene	400	80
Fluoride	4 mg/l	0.8 mg/l
Fluorotrichloromethane	3490	698
Formaldehyde	1000	100
Heptachlor	0.4	0.04
Heptachlor epoxide	0.2	0.02
Hexachlorobenzene	1	0.1

Hexafluoropropylene oxide dimer acid (HFPO-DA)	10 nanograms/liter (ng/l)	1 ng/l
N−Hexane	600	120
Hydrogen sulfide	30	6
Lead	15	1.5
Lindane	0.2	0.02
Manganese	300	60
Mercury	2	0.2
Methanol	5000	1000
Methoxychlor	40	4
Methylene chloride	5	0.5
Methyl ethyl ketone (MEK)	4 mg/l	0.8 mg/l
Methyl isobutyl ketone (MIBK)	500	50
Methyl tert−butyl ether (MTBE)	60	12
Metolachlor/s−Metolachlor	100	10
Metolachlor ethane sulfonic acid + oxanilicacid (Metolachlor − ESA + OXA)	1.3 mg/l	0.26 mg/l
Metribuzin	70	14
Molybdenum	40	8
Monochlorobenzene	100	20
Naphthalene	100	10
Nickel	100	20
Nitrate (as N)	10 mg/l	2 mg/l
Nitrate + Nitrite (as N)	10 mg/l	2 mg/l
Nitrite (as N)	1 mg/1	0.2 mg/l
N−Nitrosodiphenylamine	7	0.7
Pentachlorophenol (PCP)	1	0.1
Perchlorate	1	0.l
Perfluorobutanesulfonic acid (PFBS)	2000 ng/l	200 ng/l
Perfluorohexanesulfonic acid (PFHxS)	10 ng/l	1 ng/l
Perfluorononanoic acid (PFNA)	10 ng/l	1 ng/l
Perfluorooctanesulfonic acid (PFOS)	4 ng/l	0.4 ng/l
Perfluorooctanoic acid (PFOA)	4 ng/l	0.4 ng/l
Phenol	2 mg/l	0.4 mg/l
Picloram	500	100
Polychlorinated biphenyls (PCBs)	0.03	0.003
Prometon	100	20
Propazine	10	2
Pyrene	250	50
Pyridine	10	2
Selenium	50	10
Silver	50	10
Simazine	4	0.4
Styrene	100	10
Tertiary Butyl Alcohol (TBA)	12	1.2
1,1,1,2−Tetrachloroethane	70	7
1,1,2,2−Tetrachloroethane	0.2	0.02
Tetrachloroethylene	5	0.5
Tetrahydrofuran	50	10

Thallium	2	0.4
Toluene	800	160
Toxaphene	3	0.3
1,2,4−Trichlorobenzene	70	14
1,1,1−Trichloroethane	200	40
1,1,2−Trichloroethane	5	0.5
Trichloroethylene (TCE)	5	0.5
2,4,5−Trichlorophenoxy−propionic acid(2,4,5−TP)	50	5
1,2,3−Trichloropropane	60	12
Trifluralin	7.5	0.75
Trimethylbenzenes (1,2,4− and 1,3,5− combined)	480	96
Vanadium	30	6
Vinyl chloride	0.2	0.02
Xylene[5]	2 mg/l	0.4 mg/l

[1] Appendix I contains Chemical Abstract Service (CAS) registry numbers, common synonyms and trade names for most substances listed in Table 1.

[2] Total chlorinated atrazine residues includes parent compound and the following metabolites of health concern: 2−chloro−4−amino−6−isopropylamino−s−triazine (formerly deethylatrazine), 2−chloro−4−amino−6−ethylamino−s−triazine (formerly deisopropylatrazine) and 2−chloro−4,6−diamino−s−triazine (formerly diaminoa-trazine).

[3] "Cyanide, free" refers to the simple cyanides (HCN, CN^-) and /or readily dissofoaciable metal−cyanide complexes. Free cyanide is regulatorily equivalent to cyanide quantified by approved analytical methods for "amenable cyanide" or "available cyanide".

[4] Dinitrotoluene, Total Residues includes the dinitrotoluene (DNT) isomers: 2,3−DNT, 2,4−DNT, 2,5−DNT, 2,6−DNT, 3,4−DNT and 3,5−DNT.

[5] Xylene includes meta−, ortho−, and para−xylene combined.

Note: Consistent with the Department of Health Services' recommendation for the NR 140 ammonia standard, the department will use total ammonia, which is the sum of ionized ammonia and un−ionized ammonia in groundwater, in applying groundwater ammonia standards.

Note: Acronyms in common use for oxanilic acid (for the pesticide metabolites acetochlor oxanilic acid and metolachlor oxanilic acid in Table 1 above) include both "OA" and "OXA".

SECTION 2. NR 140 Appendix I to Table 1 is amended to read:

NR 140 Appendix I to Table 1

CHAPTER NR 140
APPENDIX I TO TABLE 1
PUBLIC HEALTH GROUNDWATER QUALITY STANDARDS

Substance	**CAS RN[1]**	**Common synonyms/*Tradename*[2]**
Acetochlor	34256−82−1	*Cadence, Degree, Harness, Keystone, Over-time, Volley*
Acetochlor ethane sulfonic acid + oxanilic acid	187022−11−3 (ESA) 184992−44−4 (OXA)	Acetochlor − ESA + OXA

Acetone	67−64−1	*Propanone*
Alachlor	15972−60−8	*Lasso*
Alachlor ethane sulfonic acid	142363−53−9	Alachlor−ESA, Alachlor Ethane Sulfonate, MON 5775
Aldicarb	116−06−3	*Temik*
Aluminum	7429−90−5	
Ammonia	7664−41−7	
Anthracene	120−12−7	Para−naphthalene
Asbestos	1332−21−4	
Bentazon	25057−89−0	*Basagran*
Benzene	71−43−2	
Benzo(b)fluoranthene	205−99−2	B(b)F,3,4−Benzofluoranthene
Benzo(a)pyrene	50−32−8	BaP, B(a)P
Boron	7440−42−8	
Bromodichloromethane	75−27−4	Dichlorobromomethane, BDCM
Bromoform	75−25−2	Tribromomethane
Bromomethane	74−83−9	Methyl bromide
Butylate	2008−41−5	S−ethyl di−isobutylthiocarbamate, *Sutan+*
Carbaryl	63−25−2	*Sevin*
Carbofuran	1563−66−2	*Furadan*
Carbon disulfide	75−15−0	Carbon bisulfide
Carbon tetrachloride	56−23−5	Tetrachloromethane, Perchloroethane
Chloramben	133−90−4	
Chlordane	57−74−9	
Chlorodifluoromethane	75−45−6	HCFC−22, Freon 22
Chloroethane	75−00−3	Ethyl chloride, Monochloroethane
Chloroform	67−66−3	Trichloromethane
Chlorpyrifos	2921−88−2	*Dursban, Lorsban, Warhawk, Hatchet, Yuma, Whirlwind, Eraser*
Chloromethane	74−87−3	Methyl chloride
Chromium (total)	7440−47−3	
Chrysene	218−01−9	1,2−Benzphenanthrene
Cobalt	7440−48−4	
Cyanazine	21725−46−2	*Bladex* , 2−chloro−4−ethylamino−6−nitriloisopropylamino−s−triazine
Cyanide, free	57−12−5	
Dacthal	1861−32−1	DPCA, Chlorothal, *Dacthalor*, 1,4−benzene-dicarboxylic acid
Dibromochloromethane	124−48−1	Chlorodibromomethane, DBCM
1,2−Dibromo−3−chloropropane	96−12−8	DBCP, Dibromochloropropane
1,2−Dibromoethane	106−93−4	EDB, Ethylene dibromide, Dibromoethane
Dibutyl phthalate	84−74−2	DP, Di−*n*−butyl phthalate, *n*−Butyl phthalate
Dicamba	1918−00−9	*Banvel*

1,2−Dichlorobenzene	95−50−1	o−Dichlorobenzene, o−DCB
1,3−Dichlorobenzene	541−73−1	m−Dichlorobenzene, m−DCB
1,4−Dichlorobenzene	106−46−7	p−Dichlorobenzene, p−DCB
Dichlorodifluoromethane	75−71−8	*Freon 12*
1,1,−Dichloroethane	75−34−3	Ethylidine chloride
1,2−Dichloroethane	107−06−2	1,2−DCA, Ethylene dichloride
1,1−Dichloroethylene	75−35−4	1,1−DCE, 1,1−Dichloroethene, Vinylidene chloride
1,2−Dichloroethylene (cis)	156−59−2	cis−Dichloroethylene, 1,2−Dichloroethene (cis)
1,2−Dichloroethylene (trans)	156−60−5	trans−1,2−Dichloroethylene
2,4−Dichlorophenoxyacetic acid	94−75−7	2,4−D
1,2−Dichloropropane	78−87−5	Propylene dichloride
1,3−Dichloropropene (cis/trans)[3]	542−75−6	*Telone*~~,~~ DCP, Dichloropropylene
Di(2−ethylhexyl) phthalate	117−81−7	DEHP, Bis(2−ethylhexyl) phthalate, 1,2−Benzenedicarboxylic acid, Bis (2−ethyl- hexyl)ester
Dimethenamid/Dimethinamid−P	87674−68−8 163515−14−8 (−P)	*Frontier, Outlook, Propel, Establish, Sortie, Tower*
Dimethoate	60−51−5	
2,4−Dinitrotoluene	121−14−2	2,4−DNT, 1−methyl−2,4−dinitrobenzene
2,6−Dinitrotoluene	606−20−2	2,6−DNT, 2−methyl−1,3−dinitrobenzene
Dinitrotoluene, Total Residues	25321−14−6	Dinitrotoluene, DNT
Dinoseb	88−85−7	2−(1−methylpropyl)−4,6−dinitrophenol
1,4−Dioxane	123−91−1	*p*−Dioxane
Dioxin	1746−01−6	2,3,7,8−TCDD,2,3,7,8−Tetrachlorodibenzo−p−dioxin
Endrin	72−20−8	
EPTC	759−94−4	*Eptam, Eradicane*
Ethylbenzene	100−41−4	Phenylethane, EB
Ethyl ether	60−29−7	Diethyl Ether
Ethylene glycol	107−21−1	
Fluoranthene	206−44−0	Benzo(jk)fluorene
Fluorene	86−73−7	2,3−Benzidine, Diphenylenemethane
Fluoride	7681−49−4	
Fluorotrichloromethane	75−69−4	*Freon11*, Trichlorofluoromethane
Formaldehyde	50−00−0	
Heptachlor	76−44−8	*Velsicol*
Heptachlor epoxide	1024−57−3	
Hexachlorobenzene	118−74−1	Perchlorobenzene, *Granox*
Hexafluoropropylene oxide dimer acid (HFPO-DA)	13252-13-6	HFPO-DA, GenX

N−Hexane	110−54−3	Hexane, Skellysolve B
Hydrogen sulfide	7783−06−4	Dihydrogen sulfide
Lindane	58−89−9	
Manganese	7439−96−5	
Mercury	7439−97−6	
Methanol	67−56−1	Methyl alcohol, Wood alcohol
Methoxychlor	72−43−5	
Methylene chloride	75−09−2	Dichloromethane, Methylene dichloride
Methyl ethyl ketone	78−93−3	MEK, 2−Butanone
Methyl isobutyl ketone	108−10−1	MIBK, 4−Methyl−2−pentanone, Isopropylacetone, *Hexone*
Methyl tert−butyl ether	1634−04−4	MTBE, 2−Methoxy−2−methyl−propane, tert−Butyl methyl ether
Metolachlor/s−Metolachlor	51218−45−2 87392−12−9 (s−)	*Dual, Bicep, Milocep, Stalwart, Parallel, Prefix, Charger, Brawl, Cinch, Dual Magnum, Boundary*
Metolachlor ethane sulfonic acid + oxanilic acid	171118−09−5 (ESA) 152019−73−3 (OXA)	Metolachlor − ESA + OXA
Metribuzin	21087−64−9	Sencor, Lexone
Molybdenum	7439−98−7	
Monochlorobenzene	108−90−7	Chlorobenzene
Naphthalene	91−20−3	
N−Nitrosodiphenylamine	86−30−6	NDPA
Pentachlorophenol	87−86−5	PCP, Pentachlorohydroxybenzene
Perchlorate	14797−73−0	Perchlorate and perchlorate salts, Perchlo-rate ion
Perfluorobutanesulfonic acid (PFBS)	375-73-5	PFBS
Perfluorohexanesulfonic acid (PFHxS)	355-46-4	PFHxS
Perfluorononanoic acid (PFNA)	375-95-1	PFNA
Perfluorooctanoic acid (PFOA)	335-67-1	PFOA
Perfluorooctane sulfonate (PFOS)	1763−23−1	PFOS
Phenol	108−95−2	
Picloram	1918−02−1	*Tordon*, 4−amino−3,5,6−trichloropicolinic acid
Polychlorinated biphenyls[4]		PCBs
Prometon	1610−18−0	*Pramitol, Prometone*
Pyrene	129−00−0	Benzo(def)phenanthrene
Pyridine	110−86−1	Azabenzene
Simazine	122−34−9	*Princep,* 2−chloro−4,6−diethylamino−s−tri- azine
Styrene	100−42−5	Ethenylbenzene, Vinylbenzene

Tertiary Butyl Alcohol	75−65−0	TBA
1,1,1,2−Tetrachlorethane	630−20−6	1,1,1,2−TCA, 1,1,1,2−PCA
1,1,2,2,−Tetrachloroethane	79−34−5	1,1,2,2−TCA, 1,1,2,2−PCA
Tetrachloroethylene	127−18−4	Perchloroethylene, PERC, Tetrachloroethene
Tetrahydrofuran	109−99−9	THF
Toluene	108−88−3	Methylbenzene
Toxaphene	8001−35−2	
1,2,4−Trichlorobenzene	120−82−1	
1,1,1−Trichloroethane	71−55−6	Methyl chloroform, 1,1,1−TCA
1,1,2−Trichloroethane	79−00−5	1,1,2−TCA, Vinyl trichloride
Trichloroethylene	79−01−6	TCE, Chloroethene
2,4,5−Trichlorophenoxy−propionic acid	93−72−1	2,4,5−TP, *Silvex*
1,2,3−Trichloropropane	96−18−4	1,2,3−TCP, Glycerol trichlorohyrin
Trifluralin	1582−09−8	*Treflan*
1,2,4−Trimethylbenzene	95−63−6	
1,3,5−Trimethylbenzene	108−67−8	
Vanadium	7440−62−2	
Vinyl chloride	75−01−4	VC, Chloroethene
Xylene[5]		

[1]Chemical Abstracts Service (CAS) registry numbers are unique numbers assigned to a chemical substance. The CAS registry numbers were published by the U.S. Environmental Protection Agency in 40 CFR Part 264, Appendix IV

[2]Common synonyms include those widely used in government regulations, scientific publications, commerce and the general public. A trade name, also known as the proprietary name, is the specific, registered name given by a manufacturer to a product. Trade names are listed in *italics.* Common synonyms and trade names should be cross-referenced with CAS registry number to ensure the correct substance is identified.

[3]This is a combined chemical substance which includes cis 1,3-Dichloropropene (CAS RN 10061-01-5) and trans 1,3-Dichloropropene (CAS RN 10061-02-6).

[4]Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals (same molecular composition, different molecular structure and formula), including constituents of Aroclor-1016 (CAS RN12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1), and Aroclor-1260 (CAS RN 11096-82-5).

[5]Xylene (CAS RN 1330-20-7) refers to a mixture of three isomers, meta-xylene (CAS RN 108-38-3), ortho-xylene (CAS RN 95-47-6), and para-xylene (CAS RN 106-42-3)

SECTION 3. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 4. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

BY _____
Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary