



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1788/P3
MCP:skw&cjs

DOA:.....Richter, BB0435 - PFAS community grant program

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

PFAS community grant program

The bill creates a community grant program, administered by DNR, to address perfluoroalkyl and polyfluoroalkyl substances (PFAS). Under the program, DNR must provide grants to cities, towns, villages, counties, tribal governments, utility districts, lake protections districts, sewerage districts, and municipal airports (municipalities). DNR may award a grant only if the applicant tested or trained with a PFAS-containing firefighting foam in accordance with applicable state and federal law, or a third party tested or trained with PFAS-containing firefighting foam within the boundaries of the municipality; the applicant applied biosolids to land under a water pollution permit issued by DNR; PFAS are impacting the applicant's drinking water supply or surface water or groundwater within the municipality and the responsible party is unknown or is unwilling or unable to take the necessary response actions; or PFAS contamination in groundwater is impacting private wells within the area controlled by the municipality.

Under the bill, grants provided under this program may be used to investigate potential PFAS impacts in order to reduce or eliminate environmental contamination; treat or dispose of PFAS-containing firefighting foam containers; sample a private water supply within three miles of a site or facility known to contain PFAS or to have caused a PFAS discharge; assist private well owners with the cost of installation of filters, treatment, or well replacement; provide a temporary emergency water supply, a water treatment system, or bulk water to replace water contaminated with PFAS; conduct emergency, interim, or remedial actions to mitigate, treat, dispose of, or remove PFAS contamination; remove or treat PFAS in public water systems in areas where PFAS levels exceed the maximum contaminant level for PFAS in drinking water or an enforcement standard for PFAS groundwater or in areas where the state has issued a health advisory for PFAS; create a new public water system or connect private well owners to an existing public water system in areas with widespread PFAS contamination in

BILL

private wells; or sample and test water in schools and daycares for PFAS contamination.

An applicant that receives a grant under this program must contribute matching funds equal to at least 20 percent of the amount of the grant. The applicant must apply for a grant on a form prescribed by DNR and must include any information that DNR finds is necessary to determine the eligibility of the project, identify the funding requested, determine the priority of the project, and calculate the amount of a grant. In awarding grants under this program, DNR must consider the applicant's demonstrated commitment to performing and completing eligible activities, including the applicant's financial commitment and ability to successfully administer grants; the degree to which the project will have a positive impact on public health and the environment; and any other criteria that DNR finds necessary to prioritize the funds available for awarding grants.

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

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

SECTION 1. 292.67 of the statutes is created to read:

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

(a) "Class B firefighting foam" has the meaning given in s. 299.48 (1) (a).

(b) "Municipality" means a city, village, town, county, tribal governing body, utility district, lake protection district, sewerage district, or municipal airport.

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

(2) **FINANCIAL ASSISTANCE.** The department shall administer a program to provide grants from the appropriation under s. 20.370 (4) (mw) to municipalities that meet the requirements under sub. (3) for the purpose of conducting any of the eligible activities under sub. (4).

(3) **ELIGIBILITY PREREQUISITES.** A grant may be awarded under sub. (2) only if one of the following has occurred:

BILL**SECTION 1**

(a) The municipality tested or trained with a class B firefighting foam that contained intentionally added PFAS in accordance with applicable state and federal law, or a 3rd party tested or trained with a class B firefighting foam that contained intentionally added PFAS within the area controlled by the municipality.

(b) The municipality applied biosolids to land under a permit issued by DNR under s. 283.31.

(c) PFAS are impacting the municipality's drinking water supply or surface water or groundwater within the area controlled by the municipality and the responsible party is unknown or is unwilling or unable to take the necessary response actions.

(d) PFAS contamination in groundwater is impacting private wells within the area controlled by the municipality.

(4) ELIGIBLE ACTIVITIES. The department may award a grant under sub. (2) for any of the following activities:

(a) Investigating potential PFAS impacts to the air, land, or water at a site or facility for the purpose of reducing or eliminating environmental contamination.

(b) Treating or disposing of PFAS-containing firefighting foam containers from a municipal site or facility.

(c) Sampling a private water supply within 3 miles of a site or facility known to contain PFAS or to have caused a PFAS discharge.

(d) Assisting owners of private wells with the cost of installation of filters, treatment, or well replacement.

BILL**SECTION 1**

(e) Providing a temporary emergency water supply, a water treatment system, or bulk water to replace water contaminated with PFAS.

(f) Conducting emergency, interim, or remedial actions to mitigate, treat, dispose of, or remove PFAS contamination to the air, land, or waters of the state.

(g) Removing or treating PFAS in a public water system using the most cost-effective method to provide safe drinking water in areas where PFAS levels exceed the maximum contaminant level for PFAS under ch. 281 or an enforcement standard for PFAS under ch. 160 or where the state has issued a health advisory for PFAS.

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

(i) Sampling and testing water for PFAS contamination 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.

(5) APPLICATION. A municipality shall apply for a grant on a form prescribed by the department and shall include any information that the department finds necessary to determine the eligibility of the project, identify the funding requested, determine the priority of the project, and calculate the amount of a grant.

(6) EVALUATION CRITERIA. The department, in awarding grants under this section, shall consider all of the following criteria:

(a) The municipality's demonstrated commitment to performing and

BILL**SECTION 1**

completing eligible activities, including the municipality's financial commitment and ability to successfully administer grants.

(b) The degree to which the project will have a positive impact on public health and the environment.

(c) Other criteria that the department finds necessary to prioritize the funds available for awarding grants.

(7) **MATCHING FUNDS.** The department may not distribute a grant under this section unless the applicant contributes matching funds equal to at least 20 percent of the amount of the grant. Matching funds may be in the form of cash, in-kind contributions, or both.

(8) **RULEMAKING.** The department shall promulgate rules necessary to administer this section, including procedures for submission, review, and determination of applications for assistance under this section. The rules promulgated under this subsection shall give priority to providing assistance to owners of private wells contaminated with PFAS.

SECTION 9132. Nonstatutory provisions; Natural Resources

(1) **EMERGENCY RULES FOR PFAS COMMUNITY GRANT PROGRAM.** The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules relating to the community grant program under s. 292.67. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under

BILL**SECTION 9132**

this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., for emergency rules promulgated under this subsection, the department is not required to prepare a statement of scope of the rules or to submit the proposed rules in final draft form to the governor for approval.

(END)