



Why S.O.H2O Urges a Veto of Senate Bill 312

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S.O.H2O urges the Governor to veto SB 312 because it will strip the authority of the DNR to force Tyco/Johnson Controls to implement a remediation plan for the PFAS contamination they caused in Marinette and Town of Peshtigo.

Wisconsin's "Spills Law" resides in Chapter 292 of the State Statutes. Senate Bill 312 does many things, including amending the "Spills Law." Any assertion that the legislation doesn't affect the "Spills Law" is just nonsense. This one section removes the very authority the DNR is exercising to force Tyco/Johnson Controls to remediate the contamination they caused.

There is no reason to have this language in SB 312 other than to give corporate polluters a PFAS escape clause from DNR authority under the Spills Law.

Senate Bill 312 adds the following language

"292.32 Limitations on department actions relating to PFAS."

(4) PFAS testing and enforcement on nonstate lands. (c) ... "For persons that are not eligible for an innocent landowner grant under s. 292.34 (3), the department may not take any enforcement action based on the results of PFAS testing on samples taken from lands not owned by the state unless that testing demonstrates that PFAS levels exceed any promulgated standard under state or federal law."

How to interpret this section of Senate Bill 312:

- "NONSTATE LANDS" (Private property such as Tyco's Fire Technology Center or their Stanton Street facility next to the Menominee River.)
- "not eligible for an innocent landowner grant" (This would be a polluter, like a corporation named as a responsible party by the DNR, like Tyco/Johnson Controls.)
- "may not take any enforcement action" (The DNR would lose any authority to order remedial action, i.e. clean it up.)
- "exceed any promulgated standard under state or federal law." (A promulgated standard for groundwater would be a DNR rule that has gone through a more than three-year process and approved by the Natural Resources Board (NRB), the Governor, and the Legislative Committee for the Joint Committee for Review of Administrative Rules (JCRR). Wisconsin has failed to establish any PFAS groundwater standards over the last six years thanks in part to the legislature's manipulation of the NRB. The federal government doesn't regulate groundwater, Wisconsin must set its own groundwater standards. We don't have any for PFAS.