



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6475/P1
MCP/EHS/EVM:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 66.0401 (1m) (intro.), 196.49 (4) and 196.491 (3) (d) 8.; and **to**
2 **create** 20.155 (1) (s), 196.379, 196.49 (4m) and 196.491 (3) (d) 9. of the statutes;
3 **relating to:** a solar farm grant program for properties contaminated with
4 PFAS, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a solar farm grant program, administered by the Public Service Commission. Under this program, PSC is required to issue grants from a sum sufficient general purpose revenue appropriation to developers of solar farm projects for the purpose of developing solar farms on eligible land. "Eligible land" is defined in the bill as land that is contaminated with a perfluoroalkyl or polyfluoroalkyl substance (PFAS), if the PFAS was contained in biosolids that originated from a publicly owned waste water treatment facility that were applied to an agricultural field, and if the land application was done in compliance with all applicable requirements and prohibitions that were in effect at the time of the land application. The bill defines a "solar farm" as an area of land on which a large number of solar photovoltaic panels or other devices used for collecting solar energy are installed in order to generate electricity. Also under the bill, PSC must promulgate rules specifying any restrictions that a political subdivision may impose on the installation or operation of a solar farm. Political subdivisions are prohibited from imposing any requirements that are more restrictive than those contained in PSC rules.

Current law prohibits a person from beginning construction of a large electric generating facility (LEGF) unless the PSC grants a certificate of public convenience

and necessity (CPCN) for the proposed facility. An LEGF is defined as a facility with a nominal operating capacity of 100 megawatts or more. In addition, a public utility may not engage in certain construction, expansion, or other projects, unless the PSC grants a certificate of authority (CA) for the proposed project. Current law prohibits PSC from issuing either a CPCN or a CA unless it determines that brownfields are used to the extent practicable. As an exception to this requirement, the bill requires that, for solar farms, PSC may not issue a CPCN or CA unless it determines that eligible land is used to the extent practicable.

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:

1 **SECTION 1.** 20.155 (1) (s) of the statutes is created to read:

2 20.155 (1) (s) *Solar farm grant program.* A sum sufficient for the solar farm
3 grant program under s. 196.379.

4 **SECTION 2.** 66.0401 (1m) (intro.) of the statutes is amended to read:

5 66.0401 (**1m**) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** (intro.) No political
6 subdivision may place any restriction, either directly or in effect, on the installation
7 or use of a wind energy system that is more restrictive than the rules promulgated
8 by the commission under s. 196.378 (4g) (b) or on the development or operation of a
9 solar farm for which a grant has been awarded under s. 196.379 that is more
10 restrictive than the rules promulgated by the commission under s. 196.379 (3). No
11 political subdivision may place any restriction, either directly or in effect, on the
12 installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind
13 energy system, unless the restriction satisfies one of the following conditions:

14 **SECTION 3.** 196.379 of the statutes is created to read:

15 **196.379 Solar farm grant program. (1)** In this section:

16 (a) "Eligible land" means land that is contaminated with PFAS, if all of the
17 following conditions apply:

1 1. The PFAS was contained in biosolids that originated from a publicly owned
2 waste water treatment facility and that were applied to an agricultural field.

3 2. The land application was done in compliance with all applicable
4 requirements and prohibitions that were in effect at the time of the land application.

5 (b) "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance.

6 (c) "Solar farm" means an area of land on which a large number of solar
7 photovoltaic panels or other devices used for collecting solar energy are installed in
8 order to generate electricity.

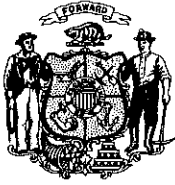
9 **(2)** From the appropriation under s. 20.155 (1) (s), the commission shall issue
10 grants under this section to developers of solar farm projects for the purpose of
11 developing solar farms on eligible land. The commission may establish criteria for
12 evaluating applications and awarding grants under this section.

13 **(3)** The commission shall promulgate rules that specify the restrictions a
14 political subdivision may impose on the development or operation of a solar farm for
15 which a grant has been awarded under this section. The rules promulgated under
16 this subsection shall be consistent with the conditions specified in s. 66.0401 (1m) (a)
17 to (c).

18 **SECTION 4.** 196.49 (4) of the statutes is amended to read:

19 196.49 (4) The Except as provided in sub. (4m), the commission may not issue
20 a certificate under sub. (1), (2), or (3) for the construction of electric generating
21 equipment and associated facilities unless the commission determines that
22 brownfields, as defined in s. 238.13 (1) (a) or s. 560.13 (1) (a), 2009 stats., are used
23 to the extent practicable.

24 **SECTION 5.** 196.49 (4m) of the statutes is created to read:



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5628/P2
MCP:cdc&amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 292.80 of the statutes; **relating to:** an exemption from civil
2 liability and remedial or preventative action for certain discharges of PFAS.

Analysis by the Legislative Reference Bureau

This bill exempts certain persons from civil liability and any remedial or preventative action ordinarily required by the Department of Natural Resources with respect to any perfluoroalkyl and polyfluoroalkyl substance (PFAS) that is present on a property or that has been discharged from a property. The exemption applies to agricultural producers who apply PFAS-containing biosolids from a municipal sewage treatment facility to agricultural fields, if the application was done in compliance with any applicable regulations in effect at the time of the application and if the property owner allows DNR access to the property to complete its own remedial or preventative actions. The exemption also applies to other property owners whose property is contaminated with PFAS from biosolids originating from a municipal sewage treatment facility that were applied to someone else's agricultural fields, if the property owner allows DNR access to the property to complete its own remedial or preventative actions.

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:



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6349/P1
MCP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** grants to remediate PFAS contamination on agricultural
2 land.

Analysis by the Legislative Reference Bureau

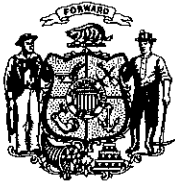
This bill requires the Department of Natural Resources to provide grants to owners of agricultural land that has been contaminated by PFAS (per- and polyfluoroalkyl substances) for the purpose of conducting remediation activities, such as installing water filtration systems and drilling wells. A landowner is eligible for a grant if the contamination is the result of applying PFAS-containing biosolids from a municipal wastewater facility to agricultural fields; the application was done in compliance with any applicable regulations in effect at the time of the application; and the land will no longer be used for agricultural purposes.

Under the bill, the governor must allocate money received by the state under the federal American Rescue Plan Act of 2021 to fund the grants. Because federal law requires ARPA funding to be spent by December 31, 2024, the bill prohibits grants from being distributed after that date.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) GRANTS FOR PFAS REMEDIATION.



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6348/P1

MCP:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** grants to municipalities for disposing of PFAS-containing
2 biosolids outside of this state.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to provide grants to municipalities as reimbursement for any landfill fees paid to dispose of, outside of this state, biosolids containing PFAS (per- and polyfluoroalkyl substances) from a municipal wastewater facility.

Under the bill, the governor must allocate money received by the state under the federal American Rescue Plan Act of 2021 to fund the grants. Because federal law requires ARPA funding to be spent by December 31, 2024, the bill prohibits grants from being distributed after that date.

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

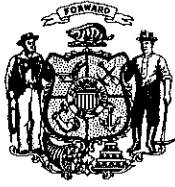
3 **SECTION 1. Nonstatutory provisions.**

4 (1) GRANTS FOR PFAS BIOSOLID DISPOSAL. The department of natural resources
5 shall distribute grants to municipalities, as defined in s. 283.01 (7), as
6 reimbursement for any landfill fees required to be paid by the municipality to dispose

1 of, outside of this state, biosolids containing perfluoroalkyl or polyfluoroalkyl
2 substances from a municipal wastewater facility. No grants may be disbursed under
3 this subsection after December 31, 2024.

4 (2) FEDERAL ARPA FUNDS. Of the moneys the governor accepts from the federal
5 government under s. 16.54 pursuant to section 602 of the federal Social Security Act
6 as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the
7 governor shall allocate an amount equal to the amount distributed by the
8 department of natural resources for grants under sub. (1).

9 (END)



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6347/P1
MCP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** studying a location for a landfill that accepts PFAS biosolids.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to conduct a study into potential locations for a landfill that will accept from municipal wastewater facilities biosolids that contain PFAS (per- and polyfluoroalkyl substances).

Under the bill, the governor must allocate money received by the state under the federal American Rescue Plan Act of 2021 to fund the study. Because federal law requires ARPA funding to be spent by December 31, 2024, the bill requires DNR to submit its findings and recommendations to the legislature by that date.

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

2 **SECTION 1. Nonstatutory provisions.**

3 (1) PFAS LANDFILL STUDY. The department of natural resources shall conduct
4 a study into potential locations for a landfill that will accept from municipal
5 wastewater facilities biosolids that contain perfluoroalkyl and polyfluoroalkyl
6 substances. No later than December 31, 2024, the department shall submit its
7 written findings, conclusions, and recommendations to the chief clerk of each house

1 of the legislature for distribution to the appropriate standing committees under s.
2 13.172 (3).

3 (2) FEDERAL ARPA FUNDS. Of the moneys the governor accepts from the federal
4 government under s. 16.54 pursuant to section 602 of the federal Social Security Act
5 as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the
6 governor shall allocate an amount to the department of natural resources sufficient
7 to fund the study under sub. (1).

8 (END)



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6404/P1
ZDW:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** studying the cost and feasibility of PFAS disposal methods.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to conduct a study of the cost and feasibility of using incinerators, thermal oxidizers, cement kilns, or other thermal destruction methods for disposing of PFAS (per- and polyfluoroalkyl substances).

Under the bill, the governor must allocate money received by the state under the federal American Rescue Plan Act of 2021 to fund the study. Because federal law requires ARPA funding to be spent by December 31, 2024, the bill requires DNR to submit its findings and recommendations to the legislature by that date.

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

2 **SECTION 1. Nonstatutory provisions.**

3 (1) PFAS DESTRUCTION METHODS STUDY. The department of natural resources
4 shall conduct a study of the cost and feasibility of using incinerators, thermal
5 oxidizers, cement kilns, or other thermal destruction methods for disposing of
6 perfluoroalkyl and polyfluoroalkyl substances. No later than December 31, 2024, the

1 department shall submit its written findings, conclusions, and recommendations to
2 the chief clerk of each house of the legislature for distribution to the appropriate
3 standing committees under s. 13.172 (3).

4 (2) FEDERAL ARPA FUNDS. Of the moneys the governor accepts from the federal
5 government under s. 16.54 pursuant to section 602 of the federal Social Security Act
6 as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the
7 governor shall allocate an amount to the department of natural resources sufficient
8 to fund the study under sub. (1).

9 (END)