

TOWN OF PESHTIGO, WISCONSIN

RESOLUTION NO. 202402-01

Resolution Regarding Wisconsin 2023 Senate Bill 312 Grant Program Legislation

WHEREAS, Wisconsin 2023 Senate Bill (SB) 312 creates needed new programs to address PFAS-affected communities such as Town of Peshtigo while extending important legal protections to victims of PFAS pollution by identifying “innocent landowners”; and,

WHEREAS, six (6) categories have been developed in order for “innocent landowner” qualification; and,

WHEREAS, Wisconsin Legislative Council was tasked with reviewing “*the criteria under which an entity may qualify as an ‘innocent landowner’ under the bill*”; and,

WHEREAS, Wisconsin Legislative Council provided a memorandum concluding that a company or other entity that manufactures PFAS would likely NOT fall within any of the identified six (6) categories; and,

WHEREAS, Wisconsin Legislative Council was also tasked with reviewing “*the Department of Natural Resources’ (DNR) enforcement authority under the bill with respect to a person who recklessly or intentionally causes environmental contamination*”; and,

WHEREAS, Wisconsin Legislative Council included in the aforementioned memorandum determination that “*except with respect to certain limited situations, the bill does not prohibit DNR from taking enforcement action against a person who recklessly or intentionally caused environmental contamination*”; and,

WHEREAS, Wisconsin Legislative Council identified four (4) ways SB 312 affects DNR’s authority concluding that “*in limited situations, it could be argued that a person who qualifies for one of the six ‘innocent landowner’ eligibility categories may have acted recklessly or may have intentionally caused PFAS contamination*” i.e. “*a municipal fire department that has trained using firefighting foam may have acted recklessly or intentionally with respect to its use of PFAS in a given instance. However, the situations where the bill would arguably shield reckless or intentional conduct would generally relate to actions taken by government entities or actions taken by persons operating pursuant to a government permit (e.g., a permit to spread biosolids)*”; and,

WHEREAS, Wisconsin Legislative Council ultimately determined “*the bill does not otherwise provide any general exemption from DNR enforcement that would apply to a business that recklessly or intentionally caused PFAS contamination*”; and,

WHEREAS, SB 312 has cleared its final legislative stage on February 22, 2024; and,

WHEREAS, Wisconsin Towns Association, League of Wisconsin Municipalities and Wisconsin Counties Association representing all levels of local government issued a statement of support for SB 312 on February 22, 2024 noting “*this bill provides for municipal grant program to assist local governments with the costs of remediating and testing for PFAS*” and “*the authors have*

worked with multiple stakeholders and the [DNR] to develop this proposal” and “over the past several months they have listened and made modifications multiple times to try to strike a balanced approach”; and,

WHEREAS, Governor Evers has signaled an intention to veto SB 312 with correspondence stating “the town of Campbell, Peshtigo, and Marinette have consistently voiced their opposition to SB 312” and “these folks are not ‘activists’; they are community leaders in our state fighting for access to safe drinking water for their residents and communities” while citing a part-time Town of Peshtigo resident ineligible to vote within the Town and with no leadership title; and,

WHEREAS, the Town of Peshtigo board members acknowledge the importance of safe drinking water for not only its residents but all Wisconsinites; and,

WHEREAS, the Town of Peshtigo board members have reviewed the memorandum provided by the Wisconsin Legislative Council acknowledging that the council is a nonpartisan legislative service agency of the Wisconsin Legislature weighing in on the concerns brought forward by Governor Evers and those in opposition; and,

WHEREAS, the Town of Peshtigo board as a whole has not previously taken a stance on SB 312 even though Governor Evers cites community leader opposition;

NOW, THEREFORE, BE IT RESOLVED by the Town of Peshtigo Board to urge Governor Evers to sign SB 312 into law as it will provide much needed support to local governments and Wisconsin residents. While we acknowledge it will NOT be the only step in the fight against PFAS contamination, it is an important first step as noted by Wisconsin Towns Association, League of Wisconsin Municipalities and Wisconsin Counties Association. We also echo their declaration of respect for the work of the authors in putting forward a compromise solution with *compromise* being the operative term. Furthermore, the Town Board directs the Clerk to send a copy of this resolution to Governor Tony Evers as well as Senators Eric Wimberger and Rob Cowles.

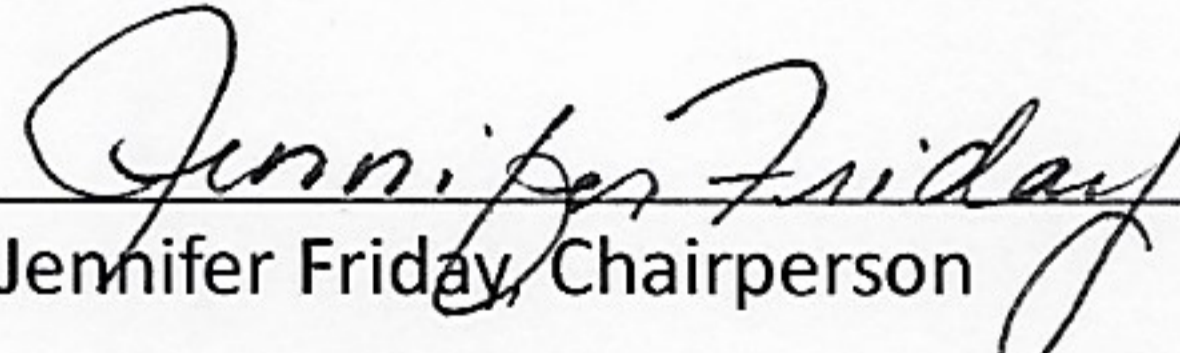
Dated this 28th day of February, 2024.

Vote: Ayes 3


Nays 0

Abstain 0

Absent 2



Jennifer Friday, Chairperson

Attest:


Kayla Okins, Clerk