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To: Senate Committee on Natural Resources, Veteran and Military Affairs
From: Toni Herkert, Government Affairs Director, and Evan Miller, Government Affairs Specialist
League of Wisconsin Municipalities
Date: October 7, 2025
RE: Senate Bills 127 and 128 - PFAS Liability Protections and Financial Assistance Programs

Chairman Jacque, Vice-Chair Nass, and Committee Members,

The League of Wisconsin Municipalities is a nonpartisan, nonprofit membership organization that advocates for the interests of our over 600 member cities and villages, large and small, urban and rural, throughout the state.

Thank you for the opportunity to provide testimony today in support of 2025 Senate Bills 127 and 128. Per- and Polyfluoroalkyl Substances, or PFAS, has been a topic or growing concern to cities and villages of all sizes in all corners of the state. The impact of these emerging chemicals has perhaps been most acutely seen in water and wastewater utilities, but the conversations and proposed or enacted regulatory changes have been seen across municipal government impacting airports, fire departments, redevelopment efforts, and transportation projects as our state continues to fully comprehend the scope of this issue.

While questions still remain surrounding PFAS contamination and remediation, the Legislature has stepped up and committed a significant $125 million investment into the segregated PFAS Trust Fund. The leadership of Senator Wimberger and Representatives Mursau and Swearingen wasn't just highlighted by this critical allocation, but also through their continued pursuit to search for a compromise with the reintroduction of this legislation. The League appreciates their work and the opportunity to participate in the conversations that led to the creation of this bill last session and reintroduction this year.

Though funding is available, to ensure it may be committed properly and invested in the areas of most urgent need throughout Wisconsin, it is necessary to get this policy proposal across the finish line. While additional funding will most certainly be needed for additional remediation, the League believes Senate Bills 127 and 128 are a huge step in the right direction for our state.

Wisconsin is ahead of the curve in many respects on tackling PFAS. For example, Wisconsin is one of only a few states that has comprehensive PFAS sampling results of its public water systems. This was a large task considering that Wisconsin has more water systems than any other state in the nation. Based on the latest available data from the Wisconsin Department of Natural Resources (DNR), 96 water systems will need to take action to comply with new federal drinking water standards by April 2029.

Wastewater utilities are facing similar impending deadlines with the DNR's *Interim Strategy for Land Application of Biosolids and Industrial Sludges Containing PFAS.* There are approximately 635 entities in this state which receive municipal wastewater discharge permits. Many of these utilities are facing tough decisions in the near future with their biosolids. Some see investments in dewatering facilities as the only viable solution. Other utilities might not have the customer base to support such an investment, but soon may be left with few if any other options given the state's regulatory approach.

To help members of this committee conceptualize the true costs of remedying PFAS contamination in water utilities, the League has attached a letter from the City of Prescott, a community of roughly 4,500 residents in Western Wisconsin. Between expended and anticipated costs for treating their municipal wells, a total of $13 million is needed. That's $2,850 per resident, or $142 per resident per year over the 20-year lifespan of Safe Drinking Water Loan Program financing without grant assistance.

But as noted above, the impacts are far more widespread than just water and wastewater utilities. We've seen increased testing and remedial actions being required at more than 100 brownfields sites throughout the state, with some of these actions being required of municipalities designated as responsible parties. We've also seen fire departments making a costly transition away from PFAS-containing firefighting foam and saddled with remediation costs if PFAS foam is used in chemical fires, airports grappling with regulatory requirements to make the same transition after decades of federally required training and testing with this foam, and some transportation and utility projects delayed due to required dewatering processes in areas with known PFAS contamination.

Because of the aforementioned reasons, the League is testifying in support of Senate Bills 127 and 128. In particular, we support the liability protections afforded to municipalities in defined circumstances and the creation of a municipal PFAS grant program. Liability protections are critical to municipalities. They don't manufacture or sell PFAS containing products but are responsible for the reclamation of waste and providing safe drinking water to their residents and your constituents. Many other provisions of these bills are also important to municipalities, either directly or indirectly. This legislation's comprehensive approach to creating the programs and policies that address the problems we know about and could encounter in our continued approach to address the forever chemical are an important first step in the state's remediation and response.

While the League is overall supportive of these policies, we would respectfully request that Section 1 is removed from the legislation. Current law and practice address the pretreatment process for industrial dischargers before sending their wastewater to a treatment facility for final treatment. The costs of this pretreatment including the selection and implementation of methods for pretreatment are the responsibility of the discharger. Municipalities must require pretreatment when a failure to have the wastewater pretreated could result in regulatory noncompliance with costs otherwise spread across the full class of customers. Creating the process of Section 1 would upend the decades of law and practice surrounding industrial discharger pretreatment and result in impacts to other ratepayers.

Municipalities are at the forefront of our state's approach to PFAS and are looking to be good partners as we continue to grapple with the impacts of this emerging contaminant. However, when are hands are tied by responsible party letters and mandates without funding, we risk moving backwards, not forwards. Senate Bills 127 and 128 ensure cities and villages are partners with the state and provides the regulatory certainty and financial assistance necessary to empower municipalities to be these good partners.

We appreciate your consideration of this legislation and the League's comments in-favor of Senate Bills 127 and 128. If you have any questions, you may contact Toni Herkert at therkert@lwm-info.org or Evan Miller at emiller@lwm-info.org.