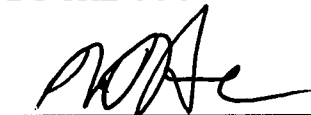


BY THE COURT:



William F. Hue
Circuit Court Judge



Date

FILED

FEB 28 2022

Jefferson County
Circuit Court

STATE OF WISCONSIN CIRCUIT COURT JEFFERSON COUNTY
BRANCH 2

WISCONSIN MANUFACTURERS
AND COMMERCE, INC.,

Plaintiff,

v.

Case No. 21-CV-0111

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES, WISCONSIN
NATURAL RESOURCES BOARD,
and PRESTON COLE, in his official
capacity as Secretary of the WISCONSIN
DEPARTMENT OF NATURAL RESOURCES,

Defendants.

ORDER ON CLARIFICATION

Defendants have moved for a stay of the judgment (Dkt. 74–79), based on the concern that the Court’s opinion and judgment (Dkt. 64) altered the Wisconsin Department of Natural Resources’ (DNR) ability to enforce state

laws in Wis. Stat. chs. 281 and 283 related to toxic pollutants, particularly as to DNR's ability to implement and enforce water quality standards under the Wisconsin Pollution Discharge Elimination System permit program ("the WPDES program") in a manner consistent with federal statutes, and state and federal administrative rules. That was not this Court's intention, and the Court issues the following order on clarification, pursuant to Wis. Stat. § 806.07(1)(a), (h), and (2).

The Court's opinion and judgment (Dkt. 64) is limited to the claims pleaded; namely, the lawfulness of DNR's "PFAS sampling program related to their rulemaking." (Dkt. 4:9.) Any discussion of DNR's authority regarding toxic pollutants was limited to the context of this case and, in particular, the sampling program challenged herein. Nothing in the Court's opinion and judgment is intended to alter, limit, or otherwise opine on DNR's authority regarding toxic pollutants beyond the scope of the sampling program challenged herein.

In particular, nothing in the Court's opinion and judgment is intended to alter, limit, or otherwise opine on DNR's authority to enforce water quality standards, or DNR's authority to require compliance with water quality standards and limitations as a condition of WPDES permits, regardless of whether those water quality standards are expressed in a numeric or narrative format.

It is further ordered that Defendants' stay motion and associated materials (Dkt. 74–80) are stricken from the record, without prejudice to refile a future stay request if the need arises.

It is further ordered that the hearing scheduled in this matter for March 1, 2022, is hereby cancelled.