

ENVIRONMENTAL REQUIREMENTS AND THE FOXCONN PROJECT

Source of Information: Wisconsin Department of Natural Resources (DNR)

- A project site has been identified and the DNR is prepared to work with Foxconn to meet its regulatory needs while protecting the environment.
- Environmental standards and requirements are **not** being rolled back, ignored or given a pass.
- Existing state and federal air, water quality, solid and hazardous waste standards must be met.
- Any impact on wetlands must be properly mitigated. Federal wetland permits will still be required for wetlands within federal jurisdiction.
- Whether federal or state wetlands are involved, the company must replace every acre of wetland filled with two acres of comparable wetlands—a higher ratio than is required outside the Electronics and IT Manufacturing zone.
- The legislation does not require an Environmental Impact Statement process for this project. Not requiring an EIS is about streamlining the process, not about changing or being lax on environmental requirements.
- The department takes environmental impacts into consideration when reviewing permit applications (e.g., air, storm water, wastewater) and will continue to integrate detailed environmental analyses in our permit decision processes.

FREQUENTLY ASKED QUESTIONS

ARE THERE SPECIFIC PERMITS THAT HAVE BEEN REQUESTED RELATIVE TO THIS PROJECT?

To date, no specific permit applications have been filed as the proposed location has only recently been announced. Until additional information on the site is provided, the DNR is unable to determine what permits and/or exemptions might be relevant.

DOES THE APPROVED LEGISLATION (AUGUST 2017 SPECIAL SESSION ASSEMBLY BILL 1) INCLUDE STATEWIDE EXEMPTIONS?

No. The legislation is not statewide but impacts what is described in the bill as “an electronics and information technology manufacturing zone” such as Wisconn Valley.

WHAT IS THE PURPOSE OF THE ENVIRONMENTAL ASPECTS / EXEMPTIONS IN THE STATE LEGISLATION?

The legislation will enable the DNR to proceed in a timely, streamlined fashion upon receipt of permit applications.

DOES THE LEGISLATION EXEMPT FOXCONN FROM MEETING ENVIRONMENTAL STANDARDS?

No. Foxconn must comply with state and federal air, water quality, solid and hazardous waste standards. Additionally, the bill provisions ensure that any impacts to wetlands are appropriately mitigated.

WILL THE ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT BE CONSIDERED IF THE PROJECT IS EXEMPT FROM CREATING AN ENVIRONMENTAL IMPACT STATEMENT?

Under current law, all state agencies are required to prepare environmental impact statements (EIS) for every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the human environment. A state agency is required to consider an EIS in its decision-making process, but the statement has no regulatory consequence. Current federal law, under the National Environmental Policy Act, also requires federal agencies to prepare an EIS for any major federal action, including for federal permits that are necessary for actions in the state. Under the bill, a determination regarding the issuance of any permit or approval for a new manufacturing facility within an electronics and information technology manufacturing zone is not a major action for the purpose of the state EIS requirement.

Though a state EIS won't be required, the DNR always takes environmental impacts into consideration when reviewing permit applications, and will do so with this project as well.

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HOW DOES THE LEGISLATION IMPACT PERMITS AND APPROVALS RELATED TO WETLANDS?

Wetlands under federal jurisdiction would still require the appropriate federal permit approvals such as from US EPA and US Army Corps of Engineers. However, under this legislation, those same wetlands requiring federal approval would not need additional – and often duplicative - state approval. It's important to note that the legislation sets a high standard for wetland mitigation: 2:1- acre ratio. Under current law, it's a 1.2:1-acre ratio.

HOW DOES THE LEGISLATION IMPACT PERMITS AND APPROVALS RELATED TO WATERWAYS?

Waterway exemptions included in the legislation involving such things as dredging are similar to the development exemptions that already exist for Milwaukee County. The DNR will still retain the ability to require permits if there would be significant adverse impacts to the environment or public.

HOW DOES THE LEGISLATION IMPACT GREAT LAKE COMPACT REQUIREMENTS?

The exemptions related to the Great Lakes Compact requirements are only streamlining measures, and do not exempt an applicant from the requirements of the Great Lakes Compact.