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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Natural Resources  
(AC-NR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (Sept/2010)

## Assembly

### Record of Committee Proceedings

#### **Committee on Natural Resources**

##### **Assembly Bill 87**

Relating to: disposal of ash resulting from the burning of a structure.

By Representatives Suder, Ripp, LeMahieu, Meyer, Kerkman, Brooks, Townsend, Petersen, Spanbauer, Nygren, Vos, Gunderson, Lothian, Kaufert, Kleefisch, Ballweg, Murtha, Kestell, Knodl, Nerison, M. Williams and Sherman; cosponsored by Senators Kreitlow, Schultz, Jauch and Grothman.

February 24, 2009      Referred to Committee on Natural Resources.

May 6, 2009            **PUBLIC HEARING HELD**

Present:    (15)    Representatives Black, Danou, Molepske Jr.,  
Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J.  
Ott, Gunderson, Huebsch, LeMahieu, Mursau and  
Nerison.

Absent:     (0)     None.

##### Appearances For

- Rep. Scott Suder, Abbotsford — 69th Assembly District
- Sen. Pat Kreitlow, Chippewa Falls — 23rd Senate District
- Larry Plumer, Durand — Wisconsin State Firefighters Association
- Jim Schmidt, Marshfield — Marshfield Fire Chief
- Roger Bymers, Spencer — Spencer Fire Chief
- David Bloom, Madison — Wisconsin Fire Chiefs Association

##### Appearances Against

- Gene Mitchell, Madison — DNR

##### Appearances for Information Only

- None.

##### Registrations For

- Rep. Ed Brooks, Reedsburg — 50th Assembly District

##### Registrations Against

- None.

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

John Maycroft  
Committee Clerk



# WISCONSIN STATE FIREFIGHTER'S ASSOCIATION, INC.

Of Wisconsin

P.O. Box 126  
Durand, WI 54736



800-588-2989  
Fax 715-672-8333

February 1, 2009

Honorable Representative Scott Suder  
Wisconsin State Assembly  
PO Box 8953  
Madison, WI 53708



Dear Representative Suder:

Enclosed you will find three bills that the fire service would appreciate you signing onto to help co-sponsor and pass into law.

The fire and EMS services in Wisconsin need these bills to help with training, protection and serving their communities.

- 1.) **LRB -1189/1** Impersonating peace officers, fire fighters or other emergency personnel. We are seeing this happening more throughout the state. This would be added to the impersonating a police officer law, which is in place at the current time. If these were added to the law it would prevent someone from entering a home or business impersonating any official. Please contact Representative Scott Gunderson.
- 2.) **LRB-0153/1** Absence from work of volunteer fire fighter, emergency medical technician, first responders, or ambulance driver. This bill would protect volunteer firefighters, EMT's , first responders or ambulance drivers for being punished for being late for work only if they are serving his or her community. Many volunteers in our state will benefit if this bill is passed. Please contact Representative Scott Gunderson.
- 3.) **LRB-0140/1** Fire Fighter Training Act Ashes would not have to be removed after a training burn with this bill. The cost of having a burn is already very high. We need to have the buildings checked for asbestos and we have no problem with that. Sometimes the cost of removing the ashes is higher than the testing that needs to be done before the burn. Please contact Senator Pat Krietlow or Representative Scott Suder.

In the fire service we do not receive a second chance if a mistake happens, lives can be lost. Firefighters are hurt or killed. With the training burns, mistakes that occur can be addressed. Different ways of attack are practiced. At an actual fire you don't have this opportunity.

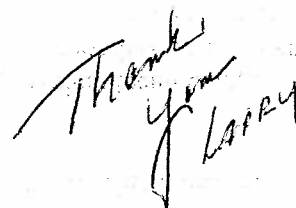
The fire and EMT services would appreciate you signing onto to co-sponsor and pass these three bills.

If you have any questions please call Larry Plumer at 715-279-8010. Dave Bloom and I would also be glad to meet with you or your staff if you need more information.

Yours for better emergency services in Wisconsin,



Larry Plumer  
President, Wisconsin State Firefighters Association  
President, Wisconsin Fire and EMS Coalition





# Stanley Fire Department

P.O. Box 155 • Stanley, WI 54768-0155

Ron Zais: Chief/Fire Inspector

715-644-5564 Station

715-644-3349 Residence

February 21, 2009

State Representative Scott Suder

Wisconsin 69<sup>th</sup> Assembly District

P.o. Box 7882

Madison, WI. 53707-7882

AB 87  
?

Dear Rep. Scott Suder:

I would like to thank you for all that you do for the fire service. I would support the Fire Fighter Training Act for several reasons;

1. The cost of clean-up is a burden to the fire service.
2. Training is an important item for the firefighters.
3. By having Live Burns it will save lives in the future.
4. This will make better and safer firefighters in the future.

I again thank you for what you are doing for us, and if I can be of help feel free to let me know.

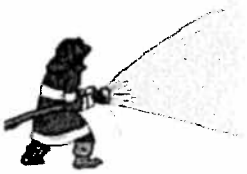
Sincerely

  
Ronald Zais

Stanley Fire Chief



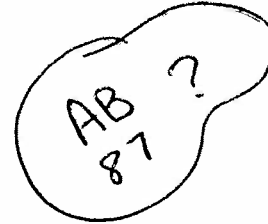




## Dorchester Community Emergency Services, Inc.

600 Center Ave, P.O. Box 74  
Dorchester, WI 54425

February 24, 2009



Representative Scott Suder,

I am writing to you on behalf of our small volunteer fire department located in Dorchester, Wisconsin. We would like to first take this opportunity to thank you for your support of the fire service and your attention to the matters that affect us.

I would like to express my support of the Fire Fighter Training Act that will allow fire departments to treat the leftover ash from practice burns in the same manner as an actual fire.

Live burn training is directly related to the ability of firefighters to perform their jobs safely and efficiently. It is a requirement according to Comm 30 that all students must participate in live burn training to become a firefighter. With continued restrictions on live burns, it becomes cost prohibitive for schools to offer this as part of their curriculum. It is truly the most basic of skills that a new firefighter must learn. Without it, how will they know what to expect, and the different types of situations they may encounter?

With live burn training, both new and veteran firefighters can train safely in a controlled environment. An actual fire is not the place to learn what not to do, and sometimes what you don't know can kill you. Live burn training allows us to practice the proper way to use our equipment, ways to conserve property, and allows our firefighters to gain a sense of trust in one another. If the high cost of ash removal forces departments to eliminate live burn training, there is so much knowledge, trust and confidence lost. Our residents put their faith in us in their greatest time of need and we must be able to respond to those needs.

We give our utmost support to the Fire Fighter Training Act. It truly is a matter of life or death.

Sincerely,

Randy Younker, Chief  
Dorchester Fire Department

*Dorchester Community Emergency Services, Inc. is dedicated to preserving life and property, promoting public safety, and providing the highest quality of emergency response. Our mission shall be carried out through training, dedication, public education and a strong community presence.*





# Abbotsford Fire Department, Inc.

Galen Kulas  
Fire Chief

Udell "Noodles" Passehl  
Asst. Fire Chief

P.O. Box 477  
Abbotsford, WI 54405

E-mail: abbyfire@ci.abbotsford.wi.us

(715) 223-6458  
Fax: (715) 223-3917

February 27, 2009

AB 87  
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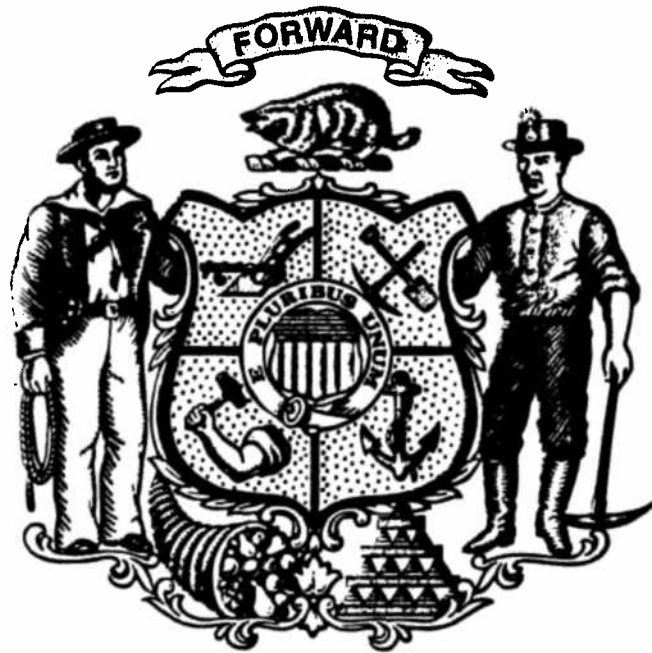
Representative Scott Suder,

Abbotsford Fire Department is in favor of The Fire Fighting Training Act and below are some of the reasons to have the removal of ashes deleted for live burns for the fire department. These live burn trainings will help keep communities safe.

1. Ashes are not removed after an actual fire of any kind.
2. All buildings are tested for asbestos and if any is found it must be removed before burning. This inspection and removal is very expensive.
3. In Comm 30 on Entry Level Training a live burn is required to become a firefighter. How can you pass the class and become a firefighter if you cannot meet this requirement.
4. Without live burning training we could see more injuries or even loss of lives.
5. With a live burn firefighters are trained the proper use of equipment.
6. Without the training firefighters receive from these live burns damages will become higher and the possible loss of lives becomes higher.
7. At a live burn all departments and vocational schools make sure all items are burned and not left lying around.
8. If fire departments are unable to do these live burns due to the high cost, we will go back to calls in the middle of the night that we do not know who or how they started. What happens to those ashes? Property owners will need to cover the cost of these fires.
9. If fire departments are allowed to do live burns for practice the majority of the above items will be eliminated.

Galen Kulas Fire Chief

Abbotsford Fire Department





# Thorp

## Volunteer Fire & Ambulance Department



March 1, 2009

AB 87  
?

Representative Scott Suder

I am writing you in support of the bill you have introduced in the State Legislature to prohibit the DNR from forcing fire departments to haul ash to the landfill following practice burn training exercise.

Where is the cost of removing ash going to come from. Again the tax payer gets hit. Whether the vocational schools or the local fire departments have to pay for this its going to come out of the tax payers pocket. Its mandatory to complete fire fighter classes to have a live burn under supervision of the instructor. If either the vocational school or the local department that is hosting the burn has to pay to remove the ashes it will mean increased cost for the class through the vocational school or local taxes if the department has to pay.

With out live burn training it will be put on local departments to do the training while at actual fires. I really have safety concern with that. As chief I have enough concerns with our trained firefighter much less adding the concerns of a new untrained person entering a fire.

Again this letter is in support of the bill you have introduced in the State Legislature to prohibit the DNR from forcing fire departments to haul ash to the landfill following a practice burn training exercise.

Robert Ebben

Thorp Area Fire District.

PO Box 558

Thorp Wi 54771



To Report A Fire Or To Get Ambulance Service

**Call 911**







# Spencer Fire Department & Ambulance Service



206 East Willow Drive  
P.O. Box 263  
Spencer, Wisconsin 54479-0263

AB 87  
?

March 12, 2009

Scott Suder, State Representative  
Wisconsin's 69<sup>th</sup> Assembly District  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Representative Suder:

I would like to thank you for working with the fire service on items that affect us and help to improve our services.

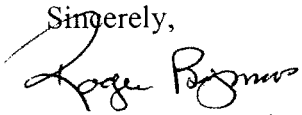
We would like to really thank you with helping us with the process of live burns. These burns are very important to help us in training firefighters to protect the Village of Spencer and surrounding areas. But, if we have to have the ashes removed after these training burns, it will put the cost very high for the person donating the building for the training. Listed below are some reasons to have the removal of ashes deleted for live burns for fire departments.

1. Ashes are not removed after an actual fire of any kind.
2. All buildings are tested for asbestos. If any is found, it must be removed before the building may be burned. (This inspection and removal is getting very expensive.)
3. In Comm 30 on Entry Level Training, a live burn is required to become a firefighter. (How do they pass this class and become a firefighter so they are able to serve their community if they can't meet this requirement?)
4. Without live burn training, we are going to see more injuries or even loss of lives. (You do not have a second chance to learn at an actual fire.)
5. With a live burn, firefighters are trained in the use of equipment, pumpers, ventilation, saws and the proper use of air packs. We could go on and on about things they learn at these live burns.
6. Without the training they receive from these live burns, damages will become higher and the possibility of losing civilians in a fire becomes higher as well.

7. At a live burn, all departments and vocational schools make sure all items are burned and not left lying around.
8. If fire departments are unable to do these live burns due to the high cost, we will go back to calls in the middle of the night that we do not know who started them or how they started. What happens to those ashes? Property owners will need to cover the cost of these fires.
9. If the fire departments are allowed to do live burns for practice the majority of the above items will be eliminated.

These are just a few reasons that firefighters need the live burn training to keep their communities safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Byrnes". The signature is written in a cursive style with a large initial "R".

Roger Byrnes, Fire Chief and all Members of the Spencer Fire Dept.

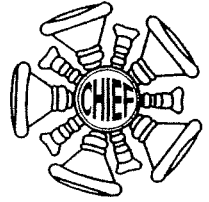






# NORTH CENTRAL FIRE CHIEFS ASSOCIATION

Serving the Chief Fire Officers of Northern Wisconsin



## Member Departments

Antigo Fire Dept.

Antigo (Town of) Fire Dept.

Ashland Fire Dept.

Boyd/Edson/Delmar Fire/EMS

Chippewa Falls Fire/EMS

Chippewa Fire District

Doussman Fire Dept.

Eagle River Area Fire Dept.

Eau Claire Fire & Rescue

Elcho Fire Dept.

Hewitt Area Fire Dept.

Hull (Town of) Fire Dept.

LaCrosse Fire Dept.

Maine (Town of) Fire Dept.

Marinette Fire Dept.

Marshfield Fire & Rescue

Medford Area Fire Dept.

Menomonie Fire & Rescue

Merrill Fire Dept.

Pine River Fire Dept.

Plover Fire Dept.

Rhineland Fire Dept.

Rib Mountain Fire Dept.

Schofield Fire Dept.

Stevens Point Fire Dept.

Superior Fire Dept.

Tomahawk Fire Dept.

Wausau Fire Dept.

Wisconsin Rapids Fire Dept.

AB 87  
?

Representative Scott Suder  
State Capital, Room 21 N  
PO Box 8953  
Madison, WI 53708-8953

March 25, 2009

Representative Scott Suder:

Members of the Wisconsin North Central Fire Chief's Association (NCFCA) would like to take this opportunity to thank you for working with the fire service on issues that directly affect our ability to provide fire and emergency medical services throughout North Central Wisconsin.

Specifically, we appreciate the legislation that you authored addressing the DNR requirement to dispose of ash at a landfill following a training/practice burn of an acquired structure. There are many reasons why we believe this is an unnecessary requirement that financially penalizes departments that may only have these acquired structures available to train personnel.

This is not something that is required of property owners following a non-training related structure fire and adds a substantial cost to many departments throughout the state that do not have the resources for this added expense. The DNR already requires extensive preparation and remediation of potential hazards prior to the training/practice burn to occur.

At a recent meeting, there was a lengthy discussion regarding the difficulty many rural departments have to recruit and retain personnel. This discussion was directly related to the amount of training that is required. Live fire training is one of the training evolutions that are critical to prepare new and retain experienced firefighters for the overall safety of the members of the department and the communities they proudly serve.

Therefore, NCFCA supports the Fire Fighter Training Act and would be happy to provide any assistance to further promote this legislation.

Respectfully,

Paul Wirth, President  
North Central Fire Chiefs Association



**Testimony of Gene Mitchell**  
**Before the Assembly Natural Resources Committee**  
**on AB 87**  
**May 6, 2009**

Good morning. Thank you for the opportunity to testify regarding AB 87. My name is Gene Mitchell. I'm a Section Chief in the Bureau of Waste and Materials Management of the Department of Natural Resources.

The Department of Natural Resources fully supports the fire departments of Wisconsin in their critical mission of fighting fires. We also support their need to train their members, and our rules have an exemption from specific requirements to allow training exercises utilizing burning existing structures.

AB 87 would prohibit DNR from requiring that ash resulting from the practice burning of a structure by fire fighters be disposed of in a landfill licensed by the Department. DNR typically requires such ash, as well as ash from accidental fires, to be disposed in licensed municipal solid waste landfills because the chemical characteristics of ash from burned structures typically warrants containment utilizing a landfill liner and leachate collection system. Some of the constituents of concern include cadmium, chromium, dioxins, furans, and lead. Prohibiting the department from requiring ash from test burns to be disposed of in licensed landfills would result in increased risk to Wisconsin's ground and surface waters. It would also result in greater potential for airborne ash particles and other direct exposure pathways affecting human health.

From an economic standpoint, the property owner already realizes a savings though the volume reduction of waste caused by burning the structure. However, the additional short-term savings associated with on-site ash disposal may be negated in the longer term. Real estate values would likely be adversely affected, since the seller would be obligated to disclose the presence of this buried ash on their property. Other potential outcomes of on-site ash disposal include private well contamination and/or the need for groundwater cleanup. I would also like to clarify that the legal and financial obligation for disposal of the ash lies with the property owner and not the fire department.

It should also be mentioned that the current ash disposal requirement is part of the basis for the DNR Air and Waste Programs' exempting practice burns from the administrative rule bans on open burning. If this bill were to become law, it would be necessary to narrow the current exemption for practice burns and require removal of additional potentially toxic materials such as wiring and PVC plumbing from structures prior to practice burns in order to reduce contaminant levels in the ash. The additional costs of material removal would reduce short-term savings to homeowners resulting from on-site ash disposal, and provide a less realistic training exercise for the fire department.

In conclusion, the Department opposes AB 87 for the reasons provided. I'd be happy to try to answer any questions you might have.





# Wisconsin State Fire Chiefs' Association, Inc.

Together We Can Make A Difference

- Education
- Prevention
- Safety
- Suppression
- EMS

DATE: May 6, 2009  
TO: Committee on Natural Resources  
FROM: Wisconsin State Fire Chiefs Association  
RE: Support Assembly Bill 87

Thank you Chairman Black and committee members for holding a hearing on Assembly Bill 87. I'm David Bloom Legislative Liaison for the Wisconsin State Fire Chiefs Association representing 861 fire departments in Wisconsin. The Wisconsin State Fire Chiefs Association asks that the members of the Committee on Natural Resources support Assembly Bill 87. AB 87 supports the training efforts of fire departments in Wisconsin.

There are many ways to simulate live fire and try to create a realistic training session for firefighters but nothing is more realistic than having a building, which is going to be demolished, donated to the fire department for live fire training. The fire department can practice many procedures such as opening the roof structure, breaching walls to check for fire extension, search/rescue techniques and live fire suppression activities under controlled safe conditions for the firefighters. Wisconsin fire departments have many standards and requirements to meet in order to provide a safe educational training session for firefighters under live fire conditions.

Currently fire departments work with the building owners and DNR to make sure that trained asbestos abatement companies properly remove and dispose of all asbestos required by DNR before conducting any live training burns. This abatement requirement removes the contaminants that would be released into the air and ground when the ash is buried on site. Often the DNR requirements to prepare a building for live fire training are more expensive than just demolition of the building and hauling it to a landfill. This has eliminated many buildings that fire departments would have had in the past for training purposes. The removal of the DNR requirement to haul all ash from these training burns to licensed landfills would make the expense of using buildings for live fire training much more cost effective for the owner and make more buildings available to the fire service in Wisconsin.

Thank you the consideration of this important issue for the fire service. If you have any questions or concerns please contact David Bloom at 608-444-3324.

2120 Fish Hatchery Rd. • Madison, WI 53713  
Phone: 608-210-7261 • Fax: 608-210-7235  
Email: bloomd@town.madison.wi.us