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(FORM UPDATED: 08/11/2010)

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

### 2009-10

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Environment...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

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

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**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: Stefanie Rose (LRB) (September 2013)

## Senate

### Record of Committee Proceedings

#### Committee on Environment

##### Assembly Bill 258

Relating to: the disposal of used automotive engine oil filters and oil absorbent materials and providing a penalty.

By Representatives Hubler, Black, Jorgensen, Hraychuck, A. Ott, Kaufert, Townsend, Lothian, Berceau, Spanbauer and Ripp; cosponsored by Senators Harsdorf and Taylor.

June 25, 2009                      Referred to Committee on Environment.

September 10, 2009    **PUBLIC HEARING HELD**

Present:    (4)     Senators Miller, Wirch, Kedzie and Olsen.  
Absent:    (1)     Senator Jauch.

##### Appearances For

- Mike Wagner, Madison — Sen. Sheila Harsdorf
- Mary Hubler, Rice Lake — Representative, 75th Assembly District
- Laura Krist, Bancroft — Associated Recyclers of Wisconsin
- John Reindl, Madison — Council on Recycling
- Dave Feemster, Stratford — Rock Oil Refining Inc.
- Brian King, Woodville — CRI Recycling
- Suzanne Bangert, Madison — Department of Natural Resources

##### Appearances Against

- None.

##### Appearances for Information Only

- Lynn Morgan, Madison — Waste Management

##### Registrations For

- Kate Cooper, Madison — WDNR
- Toral Jha, Madison — Associated Recyclers of Wisconsin
- Shahla Werner, Madison — Sierra Club
- Caryl Terrell, Madison — Sierra Club

##### Registrations Against

- None.

Registrations for Information Only

- None.

October 6, 2009

**EXECUTIVE SESSION HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

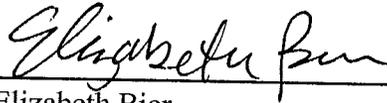
Absent: (0) None.

Moved by Senator Wirch, seconded by Senator Olsen that **Assembly Bill 258** be recommended for concurrence.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0



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Elizabeth Bier  
Committee Clerk

## Vote Record Committee on Environment

Date: 10/6/09

Moved by: Wirch

Seconded by: Olsen

AB 258 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

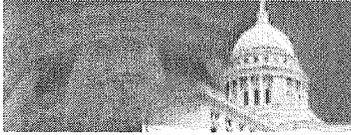
A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Mark Miller, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Jauch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Luther Olsen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>0</u>	_____	_____

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE





*A non-profit association that provides statewide proactive leadership  
on waste reduction and recycling through education,  
advocacy, collaboration, programs and services.*

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September 3, 2009

Senator Mark Miller, Chair  
Senate Committee on Environment  
Room 317 East  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Miller:

The Associated Recyclers of Wisconsin (AROW), a non-profit association of public and private solid waste and recycling professionals, wishes to extend to you strong support for AB 258.

AROW members have a long tradition, through practical application and formally through its bylaws, of promoting effective, efficient and environmentally sound solid waste management systems and resource recovery efforts. As such we view used oil filter and oil absorbents as a valuable resource that do not belong in landfills.

AB 258 is a necessary next step to the recommendations of the June 2005 Department of Commerce Report on the Disposal of Oil Filters and Other Oil-Absorbent Materials in Wisconsin. Upon passage of AB 258 millions of gallons per year of oil-containing resources, such as oil filters and absorbents, will not be lost to landfilling. Furthermore, the bill ensures that a precious and limited resource will realize its highest and best use through recycling and reuse and once problematic oil-containing materials will no longer pose a risk to Wisconsin's environment.

Thank you for your consideration of AB 258, a strong solid waste management and resource recovery solution for Wisconsin.

Sincerely,

Toral Jha  
Executive Director  
Associated Recyclers of Wisconsin  
Madison, WI  
(608) 243-8643

C.c.: Senate Committee on Environment, Members  
Senator Sheila Harsdorf  
Senator Lena Taylor



# WISCONSIN STATE LEGISLATURE





## State Senator Sheila Harsdorf

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Date: September 9, 2009  
To: Senate Committee on Environment  
Fr: Senator Sheila Harsdorf  
Re: Assembly Bill 258 – Oil Filter Recycling

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Chair Miller and Committee members:

I would like to thank you for holding a public hearing and allowing me to testify in support of Assembly Bill 258, which would prohibit the disposal of used oil filters and oil absorbent materials in Wisconsin landfills.

I first worked on this issue as a member of the State Assembly in 1997. At that time, the Council on Recycling was tasked by the State Legislature with reporting on the status of oil filter recycling in Wisconsin and providing recommendations on increasing oil filter recycling. The Council at that time estimated that 15% of oil filters were recycled in Wisconsin, which the Council found to be a “waste of resources” and a “serious” groundwater hazard.

Given the report by the Council to the Legislature, I authored legislation in 2003 that created a study committee within the Department of Commerce to establish goals for recycling oil filters and to suggest measures if these goals were not met. At that time, the study committee found that approximately 25% of oil filters used in Wisconsin were being recycled, based upon survey data. The study committee also determined that 53.5 million pounds of oil absorbent materials were disposed in Wisconsin landfills, while only 1.3 million pounds of oil absorbent materials were recycled. The study committee estimated that millions of gallons of oil were being released into our landfills due to the discarded oil filters and oil absorbent materials.

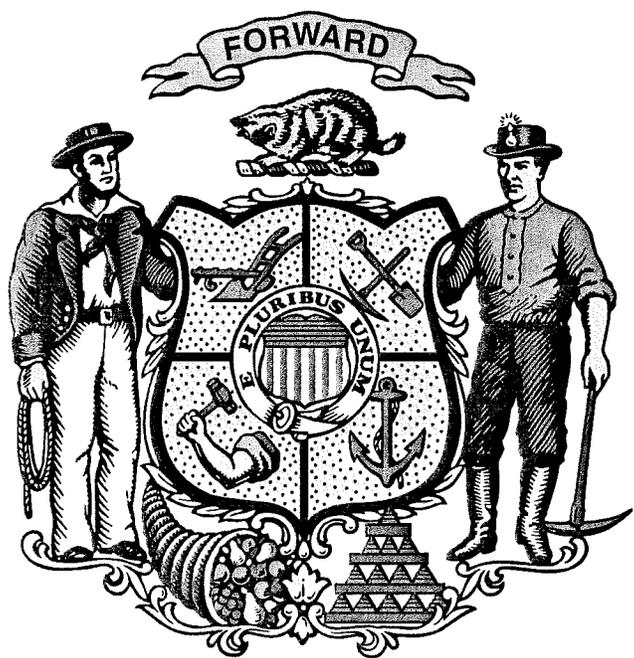
As a result of the study committee’s findings, the committee voted to set a 60% recycling goal for oil filters by 2008 and progressive goals for recycling oil absorbent materials beginning with 10% in 2008 and rising thereafter. The study committee also recommended that if these goals were not met, a prohibition on these filters and materials should be enacted. In 2008, the University of Wisconsin-Green Bay revisited this study and found that recycling of oil filters had decreased between 2005 and 2007, while the recycling of oil absorbent materials had increased slightly.

This legislation seeks to enact the recommendations set forth by the Department of Commerce and the oil filter disposal study committee. Given that these items can now be effectively recycled, this legislation will serve to protect our groundwater and provide other environmental benefits by recycling these resources and keeping toxic substances out of our landfills.

Currently, our neighboring states of Illinois, Iowa, and Minnesota have prohibitions on the disposal of oil filters.

Wisconsin was a leader in implementing a statewide recycling law in the early 1990's in order to minimize materials going into our landfills and to protect our groundwater and resources. We have banned numerous materials from landfills knowing they were contaminants. While we have banned oil from our landfills, we continue to put used oil filters and oil absorbents in landfills. With the technology to recycle oil filters now readily available, it is time to act to keep these contaminants out of our landfills.

I would like to thank you for holding a public hearing on AB 258 and urge your support and passage of this legislation.



**DRAFT DNR Testimony**  
**Before the Senate Environment Committee**  
**AB 258**  
**September 10, 2009**

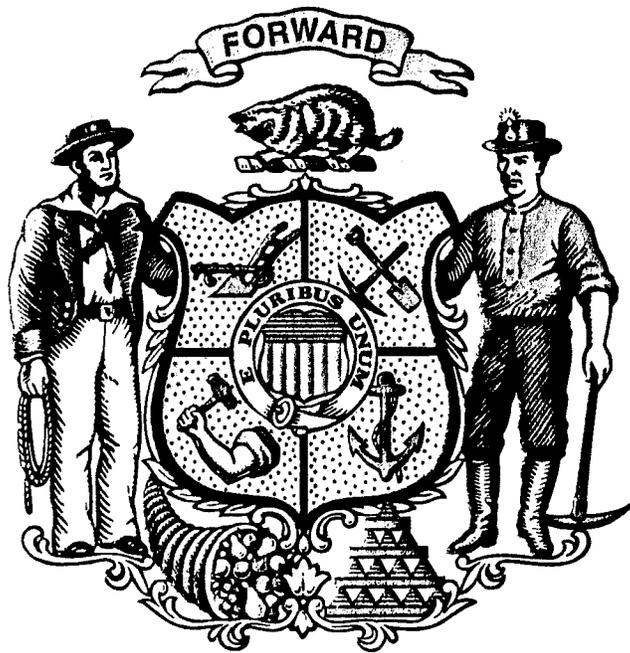
Good morning. Thank you for the opportunity to testify in support of Assembly Bill 258, pertaining to the disposal of oil filters and absorbents. My name is Suzanne Bangert and I am the Deputy Administrator of the Air & Waste Division at the Department of Natural Resources.

The 1990 Wisconsin Recycling Law which provides a statutory ban on used or waste oil in landfills has been very successful in keeping bulk engine oil out of landfills. Effectively, this ban promotes the reuse and reclamation of oil for productive uses such as energy recovery and re-refining into oil products, which in turn conserves resources and potentially creates jobs in Wisconsin. The 1991 ban also reduces the toxic impacts of oil contaminated landfill leachate.

AB 258 would take the current landfill ban and oil recycling efforts one step further by prohibiting the disposal of used oil filters and oil absorbent material in landfills. Why is it important to take this additional step if the 1991 ban has been effective in diverting bulk engine oil from landfills? Is it worth the effort to capture a relatively small amount of additional oil? Yes! You may be surprised to learn that a 2008 study by the University of Wisconsin - Green Bay estimates that between 200,000 and 900,000 gallons of oil from oil filters and about 1.6 million gallons of oil from absorbents are placed into Wisconsin landfills each year. These are significant quantities of oil that can be easily recovered for productive use. In addition, the steel from drained filters is quite recyclable. In fact, other steel materials were included in the 1995 landfill ban.

Can other measures be taken to encourage the recycling of oil filters and absorbent short of prohibiting these materials from landfills? Voluntary approaches are not working to significantly recover the oil and steel from these filters and absorbents. A landfill ban is needed to successfully reclaim these materials and resources. The bill makes allowance for the occasional oily paper towel or kitty litter a homeowner may use to clean up a small amount of spilled oil by exempting amounts less than a gallon. We support this as a practical approach.

In conclusion, the department supports AB 258 because it provides consistency related to landfill bans, conserves natural resources, provides better protection for the environment and has the potential to create recycling jobs in Wisconsin. I'd be happy to answer any questions you might have.





**Mary Hubler**

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**State Representative**

**Hubler Testimony on Assembly Bill 258**

***Disposal of oil filters and oil absorbent materials***

**Senate Committee on Environment  
September 10, 2009**

Thank you, Chairman Miller and committee members for receiving my testimony on Assembly Bill 258.

We must preserve space in our landfills while making them as environmentally sound as possible. That is why I have joined Senator Sheila Harsdorf in offering AB 258 and its Senate companion, SB 186.

AB 258 prohibits the disposal of oil filters and oil absorbent materials in landfills. Oil and oil-based products are ubiquitous and pose a serious threat to groundwater. While landfills are engineered and built to protect the groundwater, the safest strategy is to eliminate fluids and substances that could destroy an irreplaceable and necessary resource – our water.

The disposal of free flowing oil in Wisconsin landfills has been banned since 1991, under the state recycling law. A survey in 2005 found that between 840,000 and 880,000 gallons of used oil was being released annually into our landfills in oil filters, along with 53.3 million pounds of oil absorbent materials.

Oil filters and absorbent materials can now be effectively recycled, and they ought to be.

In 2003, the Legislature created a study committee within the Department of Commerce to establish goals for recycling oil filters and to suggest measures if these goals are not met. One of the recommended measures was to establish a ban on oil filters in Wisconsin landfills if the oil filter recycling goals were not met.

The goals have not been met. The 2005 survey showed that 27 percent of oil filters were being recycled. In the summer of 2008, a follow-up survey by UW-Green Bay showed that the rate of recycling had declined to about 20 percent. The goal set by the committee is 60 percent.

The Iowa Legislature unanimously passed a statewide landfill ban on used oil filters as of July 2008. A statewide ban in North Carolina is set to begin this year.

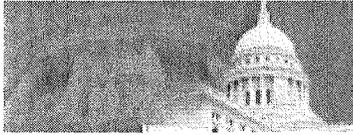
The price of oil has been up and there is profit to be made in the reprocessing of used oil. It is time that Wisconsin joined the leading states and enacted this ban.

While I believe it is important to strengthen groundwater protection immediately, the prohibitions in the bill would take effect a year after the bill is enacted. It seems reasonable to allow time for the public to learn about the new law and for individuals and businesses to find ways to adapt.

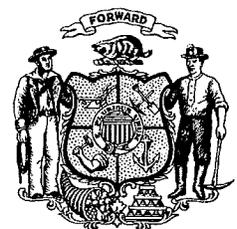
I offered a substitute amendment to this bill after speaking with environmental groups and representatives of the waste disposal industry. The present bill provides that the prohibition on disposal of oil absorbent materials does not apply to the disposal of less than one gallon of material from a non-routine spill.

The resulting bill was recommended for passage on a vote of 14-0. The bill was subsequently passed by the Assembly on a bipartisan 82-13 vote.

Thank you again for giving my bill a hearing.



# WISCONSIN STATE LEGISLATURE



Members of the Committee:

I am Laura Krist, Member of the Board of Directors for the Associated Recyclers of Wisconsin (AROW). Also, I was a member of the 2003 Oil-Absorbent Materials Committee that was formed by the Department of Commerce.

I could talk about the hazards of used oil when it gets into our soil and into our water. I could even ask why all the components of oil filters alone are banned from landfills, however if I put them together and call them a filter I can place as many as I like in the landfill. I could cite different studies that show how much oil is left in an oil filter even with proper draining. I could also talk about how many companies and private citizens are not properly hot draining their filters prior to placing them in their trash and sending it to a landfill. However, when I was preparing what I was going to say today I re-read the findings and recommendations of the Oil Absorbent Materials Committee from 2003. There was one paragraph that stood out to me. It stated that the Committee received testimony that the recycling rate for oil filters appeared to have reached a plateau at that time, where collectors were competing for the generators who were voluntarily recycling. It then stated that "the remaining generators may not recycle until either they are required to or the cost of oil and steel rise to a level where the collectors would either pay or not charge the generators for collection of used filters."

The price for picking up a 55 gallon drum of used oil filters has gone down in Wisconsin over the past 5 years. In some areas used oil collectors will pick up oil filters for free, as long as they are receiving the generators used oil also. This price reduction, and in some cases elimination, can be explained by more competition, and at one time high steel prices. Even with steel prices falling from where they once were, the competition has kept the price for used oil filters from raising again.

Last year, 2008, the University of Wisconsin –Green Bay completed a survey on filter and absorbent recycling. It was a duplication of the original study they did for the Filter and Absorbent Committee in 2005. The findings show that even with the price reduction, and in some areas price elimination, the recycling rate for oil filters has gone down. This takes us back to the statement that people who are not already recycling used oil filters are not going to until they are required to.

The one question I am frequently asked is, "can our current haulers and processors handle the extra filters and absorbents if a landfill ban was to be enacted." At the time the Committee was first formed, there were 6 companies that were collecting used oil filters in Wisconsin. Most of these companies did not process or recycle the filters themselves. They used other companies to process the filters, which is separating the components of the filters and recycling the paper and plastic and making the steel a better product for the steel mills. Today there are 7 companies that collect used oil filters. Most of which do their own processing and selling of the steel to the end

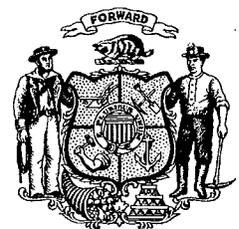
recyclers or steel mills. I have spoken with a few of the processors and all have said they could handle the extra filters with little or no difficulty.

Given that the cost to recycle a filter is minimal, between .10 and .30 cents, depending on the size of the filter, and given that most processors can handle the extra filters with little to no difficulty, and also that even with price reductions in recent years for filter pick up, the recycling rate has gone down, it is my opinion that a total landfill ban of oil filters and absorbents is necessary.

Thank you for your time.



# WISCONSIN STATE LEGISLATURE



**WISCONSIN ASSEMBLY**  
**2009-2010 SESSION**  
*Speaker Sheridan*

**AB 258**  
 BY HUBLER  
 PROHIBIT DISPOSAL OF OIL FILTERS IN LANDFILLS  
**PASSAGE**

AYES - 82   NAYS - 13   NOT VOTING - 4   PAIRED - 0

<u>A</u>	<u>N</u>	<u>NV</u>	<u>NAME</u>		<u>A</u>	<u>N</u>	<u>NV</u>	<u>NAME</u>		<u>A</u>	<u>N</u>	<u>NV</u>	<u>NAME</u>	
		x	BALLWEG	R	Y			KESSLER	D			x	ROTH	R
Y			BARCA	D	Y			KESTELL	R	Y			ROYS	D
Y			BENEDICT	D		N		KLEEFISCH	R	Y			SCHNEIDER	D
Y			BERCEAU	D		N		KNODL	R	Y			SEIDEL	D
Y			BERNARD SCHABER	D			x	KRAMER	R	Y			SHERMAN	D
Y			BIES	R	Y			KRUSICK	D	Y			SHILLING	D
Y			BLACK	D	Y			LEMAHIEU	R	Y			SINICKI	D
Y			BROOKS	R	Y			LOTHIAN	R	Y			SMITH	D
Y			CLARK	D	Y			MASON	D	Y			SOLETSKI	D
Y			COLON	D	Y			MEYER	R	Y			SPANBAUER	R
Y			CULLEN	D	Y			MILROY	D	Y			STASKUNAS	D
Y			DANOU	D	Y			MOLEPSKE	D	Y			STEINBRINK	D
Y			DAVIS	R	Y			MONTGOMERY	R	Y			STONE	R
Y			DEXTER	D		N		MURSAU	R	Y			STRACHOTA	R
Y			FIELDS	D			x	MURTHA	R		N		SUDER	R
	N		FITZGERALD	R	Y			NASS	R		N		TAUCHEN	R
	N		FRISKE	R	Y			NELSON	D	Y			TOLES	D
Y			GARTHWAITE	D	Y			NERISON	R	Y			TOWNSEND	R
Y			GOTTLIEB	R		N		NEWCOMER	R	Y			TURNER	D
Y			GRIGSBY	D		N		NYGREN	R	Y			VAN AKKEREN	D
Y			GUNDERSON	R	Y			OTT, A.	R	Y			VAN ROY	R
	N		GUNDRUM	R	Y			OTT, J.	R		N		VOS	R
Y			HEBL	D	Y			PARISI	D	Y			VRUWINK	D
Y			HILGENBERG	D	Y			PASCH	D	Y			VUKMIR	R
Y			HINTZ	D	Y			PETERSEN	R	Y			WILLIAMS, A.	D
Y			HIXSON	D	Y			PETROWSKI	R	Y			WILLIAMS, M.	R
Y			HONADEL	R	Y			POCAN	D	Y			WOOD	I
Y			HRAYCHUCK	D	Y			POPE-ROBERTS	D	Y			YOUNG	D
Y			HUBLER	D		N		PRIDEMORE	R	Y			ZEPNICK	D
Y			HUEBSCH	R	Y			RADCLIFFE	D	Y			ZIEGELBAUER	D
Y			JORGENSEN	D	Y			RHOADES	R	Y			ZIGMUNT	D
Y			KAUFERT	R	Y			RICHARDS	D		N		ZIPPERER	R
Y			KERKMAN	R	Y			RIPP	R	Y			SPEAKER	D

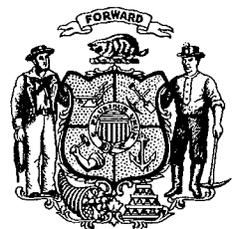
IN CHAIR: STASKUNAS

NO VACANT DISTRICTS

SEQUENCE NO. 273  
 Tuesday, June 23, 2009  
 1:44 PM



# WISCONSIN STATE LEGISLATURE





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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2009 Assembly Bill 258</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published:</i> June 18, 2009	<i>Contact:</i> Rachel E. Letzing, Senior Staff Attorney (266-3370)

**Current Law**

Current law prohibits certain items including lead acid batteries, major appliances, and waste oil from being disposed of in a solid waste disposal facility, or landfill.

**Assembly Substitute Amendment 1**

For purposes of the restrictions in the substitute amendment, the substitute amendment creates the following definitions:

- “Oil absorbent materials” means materials that are used to absorb waste oil.
- “Oil filter” means a filter for automotive engine oil.
- “Waste oil” means any petroleum-derived or synthetic oil that has been used or spilled.

The substitute amendment provides that, beginning one year after the substitute amendment is enacted, no person may: (1) dispose of a used oil filter in a solid waste disposal facility; or (2) dispose of oil absorbent materials that contain waste oil in a solid waste disposal facility. The latter prohibition does not apply to the disposal of less than one gallon of oil absorbent materials that contain waste oil resulting from a nonroutine spill. Any person who violates these provisions may be required to forfeit \$50 for a first violation, \$200 for a second violation, and no more than \$2,000 for a third or subsequent violation.

**Legislative History**

Assembly Substitute Amendment 1 was offered by Representative Hubler on June 5, 2009. On June 10, 2009, the Assembly Committee on Natural Resources recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 14; Noes, 0 and recommended passage of the bill, as amended, by the same vote.

REL:jal



# WISCONSIN STATE LEGISLATURE



**Hearing Notes  
September 10, 2009**

**Call Public Hearing to Order and ask Clerk to call the roll**

- ROLL CALL

**AB 139, relating to littering and providing a penalty**

- Rep. Jorgensen, Sen. Carpenter

**AB 258, relating to the disposal of used automotive oil filters and oil absorbent materials and providing a penalty**

- Rep. Hubler, Sen. Harsdorf

**AB 281, relating to the restriction on the amount of phosphorus in certain cleaning agents**

- Rep. Black

**CR 05-058, relating to minimum standards for county shoreland zoning ordinances**

**Public Hearing concludes, adjourn meeting**

**Executive Session Notes**  
**October 6, 2009**

**Call Executive Session to Order and ask Clerk to call the roll**

- ROLL CALL

**AB 139**

Relating to littering and providing a penalty

**AB 139**

- MOTION FOR CONCURRANCE
- SECOND
- DISCUSSION
- ROLL CALL

**AB 258**

Relating to the disposal of used automotive engine filters and oil absorbent materials and providing a penalty

**AB 258**

- MOTION FOR CONCURRANCE
- SECOND
- DISCUSSION
- ROLL CALL

**AB 281**

Relating to the restriction on the amount of phosphorus in certain cleaning agents

**AB 281**

- MOTION FOR CONCURRANCE
- SECOND
- DISCUSSION
- ROLL CALL

**Adjourn Executive Session**