



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 444	Assembly Substitute Amendment 1
<i>Memo published: April 2, 2014</i>	<i>Contact: Anna Henning, Staff Attorney (266-0292)</i>

2013 Assembly Bill 44 relates to solid waste tipping fees.

2013 ASSEMBLY BILL 444

Current law imposes certain fees, often referred to as “tipping fees,” on the disposal of solid and hazardous waste in a disposal facility. Assembly Bill 444 exempts the disposal of certain materials from the groundwater and well compensation, solid waste siting, recycling, and environmental repair tipping fees. Specifically, the bill exempts the following two types of materials from those fees:

- Solid waste residuals from recycling facilities, in an amount up to 10% of the total weight of material accepted by a recycling facility, or up to 30% of the total weight of material accepted by a recycling facility that handles construction and demolition materials.
- Soil removed during the remediation of a brownfield site.

In addition, the bill creates a process for exemption from or repayment of fees in cases in which a waste disposal facility operator is unable to collect fees. To take advantage of that process, the bill requires a facility operator to submit an affidavit that includes a description of the efforts made to collect payment and a commitment that no waste will be accepted from the delinquent person until the relevant fees have been paid.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 includes only one of the two exemptions from tipping fees included in the bill: the exemption for certain residual materials from recycling facilities. The substitute amendment does not include an exemption for soil removed during

the remediation of a brownfield site. In addition, the substitute amendment authorizes additional requirements that an operator of a recycling facility may have to satisfy in order to claim the exemption under the bill.

Specifically, the substitute amendment exempts solid waste residuals from recycling facilities, in an amount of up to 10% of the total weight of material accepted by a recycling facility, or up to 30% of the total weight of material accepted by a recycling facility that handles construction and demolition materials, from solid waste tipping fees. The substitute amendment also authorizes the Department of Natural Resources (DNR) to require the owner or operator of a licensed facility to report the weight of any residue to which the exemption is applied, and to identify the facilities that generate that residue.

In addition, if the operator of a facility claims an exemption under the substitute amendment for a greater weight of residue than is authorized under the substitute amendment, the operator is ineligible for the exemption for any additional residue until the operator pays the balance of fees owed.

Like the bill, the substitute amendment also creates a process for exemption from or repayment of fees in cases in which a waste disposal facility operator is unable to collect tipping fees from a person required to pay them. In order to receive a refund of such fees from the DNR, the substitute amendment requires a facility operator to submit an affidavit that includes a description of the efforts made to collect payment and a commitment that no waste will be accepted from the delinquent person until the relevant fees have been paid.

BILL HISTORY

Representative Murtha offered Assembly Substitute Amendment 1 on March 19, 2014. On March 20, 2014, the Assembly voted to adopt the substitute amendment on a voice vote. On the same day, the Assembly voted to pass the bill, as amended, on a vote of Ayes, 93; Noes, 0.

AH:jal