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CERTIFICATE OF RULE ADOPTION

STATE OF WISCONSIN)
)
DEPARTMENT OF REVENUE)

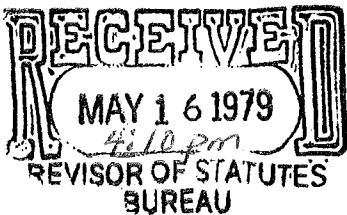
TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:


I, Mark E. Musolf, Secretary of the Department of Revenue and custodian of the official records of said Department, do hereby certify that the annexed rule was duly approved and adopted by this Department on May 14th, 1979. This rule relates to the following:

Waste Treatment Facilities (industrial/utility)
Waste Treatment Facilities (industrial)

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 East Washington Avenue in the city of Madison, this 14th day of May, 1979.





Mark E. Musolf

ORDER OF THE DEPARTMENT OF REVENUE ADOPTING RULES

Pursuant to the authority vested in the Department of Revenue by ss. 227.014(2) and Chap. 70, Wis. Stats., the Department hereby adopts the following rule as shown on the attached copy:

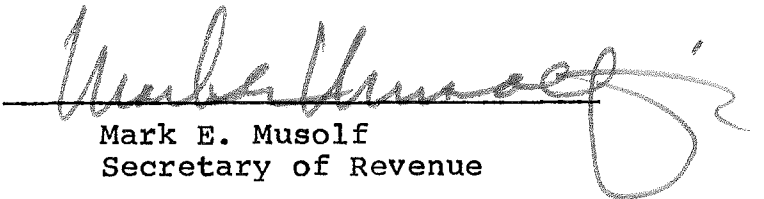
Section Tax 6.40 Waste Treatment Facilities
(industrial/utility)

Section Tax 12.40 Waste Treatment Facilities
(industrial)

The rule contained herein shall take effect on July 1, 1979.

Dated this 14th day of May, 1979.

DEPARTMENT OF REVENUE
BY:


Mark E. Musolf
Secretary of Revenue

WASTE TREATMENT FACILITIES

Section Tax 6.40 of the Wisconsin Administrative Code is adopted to read:

Tax 6.40 Waste Treatment Facilities (industrial/utility). (Section 76.02(10), Wis. Stats. (1) THE STATUTE.

(a) The exemption for a waste treatment facility otherwise taxable under s. 76.13 is contained in s. 76.02(10), Wis. Stats.

(b) Property purchased or upon which construction began prior to July 31, 1975 shall be subject to s. 70.11(21) 1973 Stats. Property purchased or upon which construction began on July 31, 1975 or thereafter shall be subject to s. 70.11(21) 1975 Stats. and must be approved by the department.

(2) THE APPROVAL. (a) Requests for approval by public utilities subject to taxation under s. 76.13 Wis. Stats. for each waste treatment facility shall be made by completing the form entitled "Application for Exemption of Waste Treatment Facility-Utility". All actual costs of purchase or construction of the facility must be reflected on this form. The completed form is due February 1 of each year and is to be filed annually except in years subsequent to purchase or construction where no capital changes have occurred to the waste treatment facility, in which case a summary sheet may be submitted for these facilities. For good cause shown upon application by the applicant, the department may grant an extension of time not exceeding 120 days in which to file the application form.

(b) The completed form "Application for Exemption of Waste Treatment Facility-Utility" should be sent to the Bureau of Utility and Special Taxes, Division of State/Local Finance, Wisconsin Department of Revenue, 201 East Washington Avenue, Madison, WI 53702.

(3) INDUSTRIAL WASTE TREATMENT FACILITY EXEMPTION. (a) The words "waste", "treatment" and "facility" are deemed to have the following meanings:

Waste; means that which is left over as superfluous, discarded or fugitive material. In addition, "industrial waste" is defined by reference to 144.01(9) as liquid or other wastes resulting from any process of industry, manufacture, trade, business or the development of any natural resource. "Air contaminant" is defined by reference to 144.30(1) as dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof but shall not include uncombined water vapor.

Treatment; means removing, altering or storing waste.

Facility; means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly performing a waste treatment function.

Waste Treatment Facility means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly removing, altering or storing leftover, superfluous, discarded or fugitive material. Monitoring equipment which is not a component or integral part of a waste treatment facility is not exempt.

(b) The exemption for industrial waste treatment facilities does not extend to "'unnecessary siltation' resulting from operations such as the washing of vegetables or raw food products, gravel washing, stripping of lands for development of subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross neglect of land erosion" (s. 144.01(10), Wis. Stats.).

(c) The exemption also does not apply to conversion of an industrial furnace from one type of fuel to another type of fuel. The exemption does not apply to the increased height of a smoke stack to diffuse emissions over a wide area or increments to property held for the production of income but which may be indirectly related to pollution abatement. However, the installation of a scrubber or electrostatic precipitator in a smoke stack could qualify for exemption.

(d) A facility may be given a partial or no exemption status depending on the economic purpose of the facilities existence. The judgment of the Department shall be governed by the economic gain that the facility will produce in either income, reduced cost, increased capacity or improved product to the taxpayer claimant.

WASTE TREATMENT FACILITIES

Section Tax 12.40 of the Wisconsin Administrative Code is adopted to read:

Tax 12.40 Waste Treatment facilities (industrial). (Section 70.11(21), Wis. Stats. (1) THE STATUTE.

(a) The general property tax exemption for a waste treatment facility is contained in s. 70.11(21) Wis. Stats.

(b) Property purchased or upon which construction began prior to July 31, 1975 shall be subject to s. 70.11(21) 1973 Stats. Property purchased or upon which construction began on July 31, 1975 or thereafter shall be subject to s. 70.11(21) 1975 Stats. and must be approved by the department.

(2) THE APPROVAL. (a) Requests for approval by industrial or commercial concerns for each waste treatment facility shall be made by completing the form entitled "Application for Exemption of Waste Treatment Facility". The completed form is due February 1 of each year and is to be filed annually even though in years subsequent to purchase or construction no capital changes have occurred to the waste treatment facility. All actual costs of purchase or construction of the facility must be reflected on this form.

(b) The completed form "Application for Exemption of Waste Treatment Facility" should be sent to the Bureau of Property Taxes, Division of State/Local Finance, Wisconsin Department of Revenue, 201 East Washington Avenue, Madison, WI 53702.

(3) INDUSTRIAL WASTE TREATMENT FACILITY EXEMPTION. (a) The words "waste", "treatment" and "facility" are deemed to have the following meanings:

Waste; means that which is left over as superfluous, discarded or fugitive material. In addition, "industrial waste" is defined by reference to 144.01(9) as liquid or other wastes resulting from any process of industry, manufacture, trade, business or the development of any natural resource. "Air contaminant" is defined by reference to 144.30(1) as dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substances or any combination thereof but shall not include uncombined water vapor.

Treatment; means removing, altering or storing waste.

Facility; means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly performing a waste treatment function.

Waste Treatment Facility means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly removing, altering or storing leftover, superfluous, discarded or fugitive material. Monitoring equipment which is not a component or integral part of a waste treatment facility is not exempt.

(b) The exemption for industrial waste treatment facilities does not extend to "unnecessary siltation" resulting from operations such as the washing of vegetables or raw food products, gravel washing, stripping of lands for development of subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross neglect of land erosion" (s. 144.01(10), Wis. Stats.).

(c) The exemption also does not apply to conversion of an industrial furnace from one type of fuel to another type of fuel. The exemption does not apply to the increased height of a smoke stack to diffuse emissions over a wide area or increments to property held for the production of income but which may be indirectly related to pollution abatement. However, the installation of a scrubber or electrostatic precipitator in a smoke stack could qualify for exemption.

(d) A facility may be given a partial or no exemption status depending on the economic purpose of the facilities existence. The judgment of the Department shall be governed by the economic gain that the facility will produce in either income, reduced cost, increased capacity or improved product to the taxpayer claimant.