
September 1985 Spec. Sess.
Assembly Bill 3

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1985 Wisconsin Act 46

AN ACT *to renumber 144.44 (7) (a); to amend 20.370 (2) (dg) and 144.44 (7) (b) (intro.) and 1; to repeal and recreate 144.44 (7) (c); and to create 144.44 (7) (a), 144.44 (7) (f) and (g) and 144.469 of the statutes, relating to the disposal and recycling of high-volume industrial waste, providing a penalty and making an appropriation.*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (2) (dg) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

20.370 (2) (dg) *Solid waste management — solid and hazardous waste disposal administration.* All moneys received from fees under ss. 144.44 (7) (f) 5. a and b and (10) and 144.64 (4) for the purpose of administering ss. 144.44 and 144.64.

SECTION 2. 144.44 (7) (a) of the statutes is renumbered 144.44 (7) (am).

SECTION 3. 144.44 (7) (a) of the statutes is created to read:

144.44 (7) (a) *Definitions.* In this subsection:

1. "High-volume industrial waste" means fly ash, bottom ash, paper mill sludge or foundry process waste.

2. "Recycling" means the process by which solid waste is returned to productive use as material or energy, but does not include the collection of solid waste.

SECTION 4. 144.44 (7) (b) (intro.) and 1 of the statutes are amended to read:

144.44 (7) (b) *Waiver; research projects.* (intro.) The intent of this paragraph is to encourage research projects designed to demonstrate the feasibility of recycling ~~and reusing~~ certain solid wastes while providing adequate and reasonable safeguards for the environment. The department may waive compliance with the requirements of ~~this section and ss. 144.441 and 144.445~~ ss. 144.43 to 144.47 for a project developed for research purposes to evaluate the potential for the recycling ~~and beneficial use of high volume~~ high-volume industrial waste limited to coal combustion residues, foundry sands and pulp and paper mill sludge if the following conditions are met:

1. The project is designed to demonstrate the feasibility of recycling ~~or reusing~~ solid waste or the feasibility of improved solid waste disposal methods.

SECTION 5. 144.44 (7) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed and recreated to read:

144.44 (7) (c) *Exemption from licensing or regulation; development of improved methods.* For the purpose of encouraging the development of improved methods of solid waste disposal, the department may specify by rule types of solid waste facilities that are not required to be licensed under this section or types of solid waste that need not be disposed of at a licensed solid waste disposal facility.

SECTION 6. 144.44 (7) (f) and (g) of the statutes are created to read:

144.44 (7) (f) *Exemption from licensing; recycling of high-volume industrial waste.* 1. Any person who generates, treats, stores or disposes of high-volume industrial waste may request the department to exempt an individual solid waste facility or specified types of

solid waste facilities from ss. 144.43 to 144.47 for the purpose of allowing the recycling of any high-volume industrial waste.

2. A person who requests an exemption under subd. 1 shall provide any information requested by the department relating to the characteristics of the high-volume industrial waste, the characteristics of the site of the recycling and the proposed methods of recycling.

3. The department shall approve the requester's exemption proposal if the department finds that the proposal, as approved, will comply with chs. 30, 31, 144, 147, 160 and 162 and ss. 1.11, 23.40, 59.971, 59.974, 61.351, 61.354, 62.231, 62.234 and 87.30. If the proposal does not comply with one or more of the requirements specified in this subdivision, the department shall provide a written statement describing how the proposal fails to comply with those requirements. The department shall respond to an application for an exemption under this paragraph within 90 days.

4. The department may require periodic testing and may impose other conditions on any exemption granted under this paragraph. The department may require a person granted an exemption under this paragraph to identify the location of any site where high-volume industrial waste is recycled.

5. a. Each applicant for an exemption under this paragraph shall submit a nonrefundable fee of \$500 with the application to cover the department's cost for the initial screening of the application. The department may waive this fee if the cost of the initial screening to the department will be minimal.

b. The department shall, by rule, establish fees for approved applications which, together with the \$500 application fees, shall, as closely as possible, equal the actual cost of reviewing applications.

c. All fees collected under this subdivision shall be credited to the appropriation under s. 20.370 (2) (dg).

(g) *Exemption from regulation; low-hazard waste.* 1. The department shall conduct a continuing review of the potential hazard to public health or the environment of various types of solid wastes and solid waste facilities. The department shall consider information submitted by any person concerning the potential hazard to public health or the environment of any type of solid waste.

2. If the department, after a review under subd. 1, finds that regulation under ss. 144.43 to 144.47 is not warranted in light of the potential hazard to public health or the environment, the department shall either:

a. Promulgate a rule specifying types of solid waste that need not be disposed of at a licensed solid waste disposal facility.

b. On a case-by-case basis, exempt from regulation under ss. 144.43 to 144.47 specified types of solid waste facilities.

c. Authorize an individual generator to dispose of a specified type of solid waste at a site other than a licensed solid waste disposal facility.

3. The department may require periodic testing of solid wastes and impose other conditions on exemptions granted under subd. 2.

SECTION 7. 144.469 of the statutes is created to read:

144.469 Penalties. (1) (a) No person may treat, store or dispose of high-volume industrial waste, as defined under s. 144.44 (7) (a) 1, in violation of a testing requirement or condition of an exemption under s. 144.44 (7) (f) 4.

(b) No person may violate a testing requirement or condition of an exemption from regulation under s. 144.44 (7) (g) 3.

(2) A person who violates sub. (1) shall forfeit not less than \$10 nor more than \$25,000 for each violation. Each day of violation is a separate offense.

SECTION 8. **Nonstatutory provisions.** The authorized FTE positions for the department of natural resources are increased by 1.5 PRO positions on the effective date of this SECTION, to be funded from the appropriation under section 20.370 (2) (dg) of the statutes, for the purpose of implementing a high-volume industrial waste recycling program.