

1993 Senate Bill 228

Date of enactment: **March 4, 1994**
Date of publication*: **March 18, 1994**

1993 WISCONSIN ACT 135

AN ACT *to renumber* 144.44 (3) (d); *to amend* 144.436 (1) (a), 144.436 (2) (g), 144.441 (1m) and 144.443 (2) (a); *to repeal and recreate* 144.436 (1) (b); and *to create* 144.436 (1) (am), 144.44 (3) (d) 2 and 144.441 (2) (b) 3 and 4 of the statutes, **relating to:** operation of and proof of financial responsibility for solid and hazardous waste facilities.

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

SECTION 1. 144.436 (1) (a) of the statutes is amended to read:

144.436 (1) (a) “Air curtain destructor” means a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes ~~and similar combustible materials.~~

SECTION 2. 144.436 (1) (am) of the statutes is created to read:

144.436 (1) (am) “Household waste” means any solid waste derived from a household, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area.

SECTION 3. 144.436 (1) (b) of the statutes is repealed and recreated to read:

144.436 (1) (b) “Open burning” means the combustion, except in a properly operated air curtain destructor, of solid waste if that combustion lacks any of the following:

1. Control of combustion air to maintain adequate temperature for efficient combustion.
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion.
3. Control of the emission of the combustion products.

SECTION 4. 144.436 (2) (g) of the statutes is amended to read:

144.436 (2) (g) The open burning operation is not in violation of any federal air pollution control ~~rules or municipal solid waste regulations~~, or any state air pollution control rules required to be adopted under applicable federal ~~laws statutes~~ or regulations.

SECTION 5. 144.44 (3) (d) of the statutes is renumbered 144.44 (3) (d) 1.

SECTION 6. 144.44 (3) (d) 2. of the statutes is created to read:

144.44 (3) (d) 2. Subdivision 1 does not limit the department’s authority to modify a plan of operation to ensure compliance with a federal statute or regulation applicable to the solid waste disposal facility or hazardous waste facility.

SECTION 7. 144.441 (1m) of the statutes is amended to read:

144.441 (1m) STANDARDS. The department shall prescribe by rule minimum standards for closing, long-term care and termination of solid waste disposal facilities or hazardous waste facilities. The standards and any additional facility-specific requirements designated by the department shall be incorporated into the plan of operation prepared under s. 144.44 (3). The long-term care provisions in an approved plan of operation may be modified under s. 144.44 (3) (d) ~~3~~ 1. c. or 2.

SECTION 8. 144.441 (2) (b) 3. and 4. of the statutes are created to read:

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144.441 (2) (b) 3. Except as provided in subd. 4, the owner of a nonapproved facility that receives or has received household waste shall maintain proof of financial responsibility as provided in s. 144.443 during the operation of the nonapproved facility and for 40 years after the closing of the nonapproved facility unless the obligation is extended under par. (f).

4. The owner of a nonapproved facility that ceases to accept solid waste and permanently terminates disposal operations before October 9, 1993, is not required to maintain proof of financial responsibility.

SECTION 9. 144.443 (2) (a) of the statutes is amended to read:

144.443 (2) (a) *Disposal facilities.* The owner or operator of a solid or hazardous waste disposal facility shall maintain proof of financial responsibility ensuring the availability of funds for compliance with the closure and long-term care requirements specified in any rule, order, plan of operation or other plan approval during the period specified in s. 144.441 (2) (b) or under s. 144.441 (2) (f).

SECTION 10. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 144.441 (2) (b) 3. and 4. and 144.443 (2) (a) of the statutes takes effect on April 1, 1994.
