



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 164**

October 5, 1995 – Offered by COMMITTEE ON ENVIRONMENT AND ENERGY.

1     **AN ACT** *to renumber and amend* 159.11 (2m) (d); *to amend* 159.07 (7) (a) and  
2           159.11 (2) (b); and *to create* 159.07 (7) (f), (g) and (h) and 159.11 (2p) of the  
3           statutes; **relating to:** exemptions from the prohibitions on incinerating certain  
4           materials and on disposing of certain materials in landfills.

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

5           **SECTION 1.** 159.07 (7) (a) of the statutes is amended to read:

6           159.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to  
7           solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a  
8           region that has an effective recycling program, as determined under s. 159.11, and,  
9           if the region is not in this state, the region is located in a state that has an effective  
10          siting program, as determined under s. 159.12. This paragraph does not apply to  
11          solid waste that is separated for recycling as part of an effective recycling program  
12          under s. 159.11.

13          **SECTION 2.** 159.07 (7) (f), (g) and (h) of the statutes are created to read:

1           159.07 (7) (f) The prohibitions in subs. (2) and (3) do not apply to the beneficial  
2       reuse of a material within a solid waste disposal facility if the beneficial reuse of the  
3       material is approved in the solid waste disposal facility's plan of operation under s.  
4       144.44 (3).

5           (g) 1. Except as provided in subd. 2., the department may grant a waiver or  
6       conditional waiver to a restriction in sub. (3) or (4) if all of the following apply:

7           a. The applicant shows to the satisfaction of the department that the recyclable  
8       material has been contaminated and cannot feasibly be cleaned for recycling.

9           b. The department determines that granting the waiver or conditional waiver  
10      will not impede progress toward meeting the goals of the state solid waste policy  
11      under s. 159.05.

12          2. The department may not grant a waiver or a conditional waiver under subd.  
13      1. for material that has been intentionally or negligently contaminated.

14          (h) 1. The department may grant a waiver or conditional waiver to a restriction  
15      under sub. (3) (c) or (h) or (4) (c) or (i) for plastics other than polyethylene  
16      terephthalate or high-density polyethylene if the department determines all of the  
17      following:

18          a. Recycling of the material is not feasible or practical in light of current  
19      markets or available technologies.

20          b. Granting the waiver or conditional waiver will not impede progress toward  
21      meeting the goals of the state solid waste policy under s. 159.05.

22          2. A waiver or conditional waiver under this paragraph shall continue in effect  
23      until one year after the department determines that a condition under subd. 1. a. or  
24      b. is no longer met.

25      **SECTION 3.** 159.11 (2) (b) of the statutes is amended to read:

1           159.11 (2) (b) A requirement that the occupants of single-family residences,  
2           buildings containing 2 or more dwelling units and commercial, retail, industrial and  
3           governmental facilities in the region either separate the materials identified in s.  
4           159.07 (3) and (4) from postconsumer waste generated in the region or treat that  
5           postconsumer waste at a facility that will recover those materials from solid waste  
6           in as pure a form as is technically feasible, ~~except that this paragraph does not apply~~  
7           ~~to postconsumer waste burned at a facility described in s. 159.07 (7) (bg).~~

8           **SECTION 4.** 159.11 (2m) (d) of the statutes is renumbered 159.11 (2p) (c) and  
9           amended to read:

10           159.11 (2p) (c) The department may grant a responsible unit ~~with an effective~~  
11           ~~recycling program a variance~~ an exception to a requirement in sub. (2) (b) or (er) for  
12           up to one year for a material identified ~~in s. 159.07 (3) or (4) in the event of an~~  
13           ~~unexpected emergency condition~~ that is subject to an exception under s. 159.07 (7)  
14           (d).

15           **SECTION 5.** 159.11 (2p) of the statutes is created to read:

16           159.11 (2p) MATERIALS EXCEPTED FROM PROHIBITIONS ON LAND DISPOSAL AND  
17           INCINERATION. (a) The requirements of sub. (2) (b) and (er) do not apply to a material  
18           that is subject to an exception under s. 159.07 (7) (b), (bg) or (c) or a waiver or  
19           conditional waiver under s. 159.07 (7) (h).

20           (b) The requirements of sub. (2) (er) do not apply to a material that is subject  
21           to an exception under s. 159.07 (7) (f) or a waiver or conditional waiver under s.  
22           159.07 (7) (g).

23           (d) A responsible unit may not prohibit the beneficial reuse of a material within  
24           a solid waste disposal facility if the beneficial reuse of the material is approved in the  
25           solid waste disposal facility's plan of operation under s. 144.44 (3).

(e) A responsible unit may not prohibit the disposal in a solid waste disposal facility or the burning in a solid waste treatment facility of any material for which the department has granted a waiver or conditional waiver under s. 159.07 (7) (g).

**(END)**