



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1050/P3
RCT:nwn:ph

DOA:.....Steinmetz, BB0223 - Eliminate requirement for local recycling programs and financial assistance

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

RECYCLING

Current law generally prohibits a person from disposing of certain materials in a landfill or incinerator. The materials include aluminum containers, glass containers, certain plastic containers, and office paper. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, except that a county may assume this responsibility in place of municipalities within the county. DNR administers a program that provides financial assistance to local governments that operate recycling programs that satisfy criteria specified in current law.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill modifies the disposal restrictions that cover materials like aluminum containers so that an individual is prohibited from placing the materials in a container the contents of which will be disposed of in a landfill or incinerator.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.15 (1) (ae) of the statutes is amended to read:

16.15 (1) (ae) “Cost of disposing of processed material” ~~has the meaning given in s. 287.11 (2m) (a) 1~~ means the gross cost of transferring processed material to a solid waste disposal facility and disposing of the processed material in the facility, including any disposal costs not paid through fees charged by the facility.

SECTION 2. 16.15 (1) (ah) of the statutes is amended to read:

16.15 (1) (ah) “Cost of selling processed material” ~~has the meaning given in s. 287.11 (2m) (a) 2~~ means the net cost, including any storage costs, of selling processed material to a broker, dealer or manufacturing facility, plus any cost of transporting the processed material from the waste processing facility to the destination specified by the broker, dealer, or manufacturing facility.

SECTION 3. 16.15 (1) (ar) of the statutes is amended to read:

16.15 (1) (ar) “Processed material” ~~has the meaning given in s. 287.11 (2m) (a) 3~~ means a component of solid waste that has been collected, transported to a waste processing facility, and prepared for sale to a broker, dealer, or manufacturer.

SECTION 4. 20.370 (2) (hq) of the statutes is amended to read:

20.370 (2) (hq) *Recycling; administration.* From the recycling and renewable energy environmental fund, the amounts in the schedule for the administration of subch. II of ch. 287, other than ss. ~~s. 287.21, 287.23 and 287.25.~~

****NOTE: This is reconciled s. 20.370 (2) (hq). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

SECTION 5. 20.370 (3) (mr) of the statutes is amended to read:

20.370 (3) (mr) *Recycling; enforcement and research.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for research and enforcement under subch. II of ch. 287, other than under ~~ss. s. 287.21, 287.23 and 287.25.~~

***NOTE: This is reconciled s. 20.370 (3) (mr). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

SECTION 6. 20.370 (6) (br) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.370 (6) (br). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

SECTION 7. 20.370 (6) (bu) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.370 (6) (bu). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

SECTION 8. 20.370 (6) (bv) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.370 (6) (bv). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

SECTION 9. 59.70 (2) (L) of the statutes is amended to read:

59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the solid waste management system except that no municipality which operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste collection and disposal facility, or property therein, shall be subject to any tax levied hereunder to cover the capital and operating costs of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.

SECTION 10. 74.01 (5) of the statutes is amended to read:

74.01 (5) "Special tax" means any amount entered in the tax roll which is not a general property tax, special assessment or special charge. "Special tax" includes any interest and penalties assessed for nonpayment of the tax before it is placed in the tax roll and any charge under s. 287.093 (1) (a) 2. that is placed on the tax roll under s. 287.093 (2).

SECTION 11. 227.01 (13) (zi) of the statutes is repealed.

SECTION 12. 285.63 (10) (c) 4. of the statutes is repealed.

SECTION 13. 287.01 (5) of the statutes is repealed.

SECTION 14. 287.01 (8) of the statutes is repealed.

SECTION 15. 287.01 (9) of the statutes is repealed.

SECTION 16. 287.03 (1) (f) of the statutes is repealed.

SECTION 17. 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and amended to read:

287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid waste disposal facility or burn a waste tire without energy recovery in a solid waste treatment facility in this state any of the following:

SECTION 18. 287.07 (3) (a) to (k) of the statutes is repealed.

SECTION 19. 287.07 (4) (intro.) of the statutes is amended to read:

287.07 (4) ~~GENERAL INCINERATION~~ DISPOSAL RESTRICTIONS. Beginning on January 1, 1995, no person No individual may convert place in a container the contents of which will be disposed of in a solid waste disposal facility, converted into fuel, or burn with energy recovery burned at a solid waste treatment facility in this state any of the following:

SECTION 20. 287.07 (7) (a) of the statutes is repealed.

SECTION 21. 287.07 (7) (b) 2. of the statutes is amended to read:

287.07 (7) (b) 2. A prohibition in sub. ~~(3) (b), (c), (e), (f), (g), (h) or (j) or~~ (4) (b), (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an operating solid waste treatment facility a type of material identified in one of those paragraphs that was converted into fuel or burned at the operating solid waste treatment facility during April, 1990, and either is generated in the operating solid waste treatment facility's current service area or is generated by the owner of the operating solid waste treatment facility.

SECTION 22. 287.07 (7) (c) 1. cg. of the statutes is amended to read:

287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials identified under sub. ~~(3) or~~ (4) that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

SECTION 23. 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

287.07 (7) (c) 2. (intro.) The prohibitions in subs. ~~(3) and~~ sub. (4) do not apply with respect to any of the following:

SECTION 24. 287.07 (7) (c) 2. b. of the statutes is amended to read:

287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container, package or material identified under sub. ~~(3) or~~ (4) that contained infectious waste or that is from a treatment area and is mixed with infectious waste generated in the treatment area, if the container, package or material has been treated, pursuant to standards established under ch. 289, to render the infectious waste noninfectious.

SECTION 25. 287.07 (7) (d) of the statutes is repealed.

SECTION 26. 287.07 (7) (f) of the statutes is amended to read:

287.07 (7) (f) The prohibitions in subs. (2) and ~~(3) to~~ (4) do not apply to the beneficial reuse of a material within a solid waste disposal facility if the beneficial

reuse of the material is approved in the solid waste disposal facility's plan of operation under s. 289.30.

SECTION 27. 287.07 (7) (g) of the statutes is repealed and recreated to read:

287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been contaminated and cannot feasibly be cleaned for recycling.

SECTION 28. 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or conditional waiver to a restriction under sub. (3) ~~(e) or (h) or~~ (4) (c) or (i) for plastics other than polyethylene terephthalate or high-density polyethylene if the department determines all of the following:

SECTION 29. 287.09 of the statutes is repealed.

SECTION 30. 287.093 of the statutes is repealed.

SECTION 31. 287.095 of the statutes is amended to read:

287.095 Responsible unit Local official liability. (1) DEFINITION. In this section, "~~responsible unit~~ local official" means any officer, official, agent, or employee of a ~~responsible unit~~ municipality or county engaged in the planning, management, operation, or approval of a recycling program or recycling site or facility.

(2) EXEMPTION FROM LIABILITY. No ~~responsible unit~~ local official is liable for civil damages as a result of good faith actions taken by the ~~responsible unit~~ official within the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling program or recycling site or facility.

SECTION 32. 287.10 of the statutes is repealed.

SECTION 33. 287.11 of the statutes is repealed.

SECTION 34. 287.19 (1) (b) (intro.) of the statutes is amended to read:

287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling programs created under ~~s. 287.09 (2) (a)~~:

SECTION 35. 287.21 (intro.) of the statutes is amended to read:

287.21 Statewide education program. (intro.) The department shall collect, prepare and disseminate information and conduct educational and training programs designed to assist in the implementation of solid waste management programs under ss. 287.01 to 287.31, enhance municipal and county solid waste management programs under ~~s. 287.09 (2) (a)~~ and inform the public of the relationship among an individual's consumption of goods and services, the generation of different types and quantities of solid waste and the implementation of the solid waste management priorities in s. 287.05 (12). The department shall prepare the information and programs on a statewide basis for the following groups:

SECTION 36. 287.23 of the statutes is repealed.

SECTION 37. 287.235 of the statutes is repealed.

SECTION 38. 287.25 of the statutes is repealed.

SECTION 39. 287.26 of the statutes is repealed.

SECTION 40. 895.517 (1) (d) of the statutes is repealed.

SECTION 41. 895.517 (2) of the statutes is amended to read:

895.517 (2) Any person who donates or sells, at a price not exceeding overhead and transportation costs, solid waste, or a material that is separated from mixed soil waste, to a materials reuse program that is operated by a charitable organization, or municipality ~~or responsible unit~~ is immune from civil liability for the death of or injury to an individual or the damage to property caused by the solid waste or material donated or sold by the person.

(END)