

1995 SENATE BILL 249

June 6, 1995 - Introduced by Senator Panzer. Referred to Committee on Environment and Energy.

AN ACT to renumber and amend 144.443 (1) (b); to amend 144.443 (4) (b); and
to create 144.443 (1) (b) 2. of the statutes; relating to: use of the net worth
method of establishing proof of responsibility for compliance with requirements
to take corrective action because of a discharge from a hazardous waste facility.

Analysis by the Legislative Reference Bureau

Under current law, the owner or operator of a solid waste disposal facility (landfill) or a hazardous waste disposal facility is required to maintain proof of financial responsibility for the costs of closing the facility and of caring for the facility after it is closed (for example, monitoring groundwater quality). The owner or operator of a hazardous waste storage or treatment facility is required to maintain proof of financial responsibility for the costs of closing the facility. The owner or operator of a hazardous waste storage, treatment or disposal facility from which a discharge has occurred is required to maintain proof of financial responsibility for the costs of corrective action to protect human health and the environment from the discharge. Current law authorizes several methods for providing proof of financial responsibility, including providing a bond or a letter of credit. A business or utility that holds, or is applying for, a license to operate a solid or hazardous waste disposal facility may provide proof of financial responsibility by satisfying specified financial tests, including measures of net worth and creditworthiness. This is referred to as the net worth method.

This bill authorizes any business or utility that is required to take corrective action because of a discharge from a hazardous waste storage, treatment or disposal facility to use the net worth method of providing proof of financial responsibility, without regard to whether the business or utility holds or is applying for, a license to operate a solid or hazardous waste disposal facility.

For further information see the *state* 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. 144.443 (1) (b) of the statutes is renumbered 144.443 (1) (b) (intro.) and amended to read:

144.443 (1) (b) (intro.) "Company" means any one of the following:

1. Any business operated for profit and any public utility which is applying for or holds a license for the operation of a solid or hazardous waste disposal facility under s. 144.44 (4) or 144.64 (2) directly or through a subsidiary, affiliate, contractor or other entity if the business or public utility guarantees compliance with any closure and long-term care responsibilities of the subsidiary, affiliate, contractor or other entity.

Section 2. 144.443 (1) (b) 2. of the statutes is created to read:

144.443 (1) (b) 2. Any business operated for profit and any public utility that is required to perform corrective action under s. 144.735.

Section 3. 144.443 (4) (b) of the statutes is amended to read:

144.443 (4) (b) Application. A company which seeks to establish proof of financial responsibility utilizing the net worth method shall submit an application to the department as a part of the initial license application, written submissions required under s. 144.735 or annual review procedure which includes a copy of the most recent annual audited financial statements which were distributed to owners, stockholders or other persons with a financial interest in the company and the opinion of an independent certified public accountant.

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