



2007 ASSEMBLY BILL 40

January 30, 2007 – Introduced by Representatives OWENS, KAUFERT, KERKMAN and MUSSER, cosponsored by Senators ELLIS and RISSER. Referred to Committee on Natural Resources.

1 **AN ACT to repeal** 20.370 (2) (fq), 289.645 (4) (d) and 292.70; **to amend** 289.54
2 (2); and **to create** 289.54 (3) of the statutes; **relating to:** prohibiting the
3 disposal in solid waste disposal facilities of dredged material that contains
4 polychlorinated biphenyls.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) regulates solid waste disposal facilities, such as landfills. Under current law, DNR also administers a program that regulates the storage, treatment, and disposal of hazardous waste. Under that program, DNR has promulgated rules that generally prohibit the disposal in a landfill of liquid wastes containing PCBs in a concentration of 50 parts per million or more.

This bill prohibits the operator of a solid waste disposal facility from accepting dredged materials for disposal if the dredged materials contain PCBs. The prohibition takes effect on January 1, 2009, or on the date on which local approvals have been issued for a facility for the vitrification of sediments in Brown County, Outagamie County, or Winnebago County if that date is before January 1, 2009. Vitrification is the conversion of something into glass or a glassy substance using heat.

Current law authorizes DNR to enter into an agreement with a municipality under which this state agrees to indemnify the municipality against liability resulting from the municipality's acceptance for disposal of dredged materials that

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are from the Great Lakes basin and are contaminated with PCBs. This bill eliminates that authority.

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:

1 **SECTION 1.** 20.370 (2) (fq) of the statutes is repealed.

2 **SECTION 2.** 289.54 (2) of the statutes is amended to read:

3 289.54 (2) The department may not approve a request by the operator of a solid
4 waste disposal facility to accept dredged materials that contain PCBs or heavy
5 metals in a concentration of less than 50 parts per million for disposal in the solid
6 waste disposal facility until after the department holds a public meeting in the city,
7 village or town in which the solid waste disposal facility is located. At the public
8 meeting, the department shall describe the nature of the requested disposal and
9 shall solicit public comment.

10 **SECTION 3.** 289.54 (3) of the statutes is created to read:

11 289.54 (3) (a) The owner or operator of a solid waste disposal facility may not
12 accept dredged materials for disposal if the dredged materials contain PCBs.

13 (b) The prohibition in par. (a) does not apply until the earlier of the following:

14 1. January 1, 2009.

15 2. The date on which the county and, as appropriate, a town, village, or city has
16 issued all necessary approvals for the siting within Brown County, Outagamie
17 County, or Winnebago County of a facility for the vitrification of sediments
18 containing PCBs removed from the bed of water bodies in the Fox River system as
19 part of a remedial action required under s. 292.11 or 292.31 or under the federal

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1 Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC
2 9601 to 9675.

3 **SECTION 4.** 289.645 (4) (d) of the statutes is repealed.

4 **SECTION 5.** 292.70 of the statutes is repealed.

5 **SECTION 6. Nonstatutory provisions.**

6 (1) No later than the first day of the 7th month beginning after the effective date
7 of this subsection, the department of natural resources shall submit to the
8 legislature, in the manner specified in section 13.172 (2) of the statutes, and to the
9 department of administration a proposal for a program to assist in the development
10 of a facility for the vitrification of sediments containing PCBs, as defined in section
11 299.45 (1) (a) of the statutes, removed from the bed of water bodies in the Fox River
12 system as part of a remedial action required under s. 292.11 or 292.31 of the statutes
13 or under the federal Comprehensive Environmental Response, Compensation, and
14 Liability Act, 42 USC 9601 to 9675. The department shall include in the proposed
15 program technical assistance to developers of the vitrification technology and
16 appropriate financial assistance or incentives.

17 (END)