



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

**Testimony before Senate Committee on Natural Resources
Assembly Bill 494
Rep. Amy Loudenbeck
February 5, 2014**

Thank you, Mr. Chairman, Senators, for the opportunity to speak on this bill that would provide the Wisconsin DNR with the ability to state waive tipping fees for waste disposal under a very limited set of circumstances.

Under the bill, waiver could be provided by the DNR in order to mitigate potential environmental impacts and related liability at the Department's request.

There is a construction and demolition waste facility in my Assembly District that has been referred to the Wisconsin Department of Justice for alleged violations of the State's solid waste laws.

The Department has been working with haulers that brought waste into the facility, but were not a part of the ownership or operation of the facility, to structure a voluntary removal of the tonnage brought in by each hauler in exchange for a release of liability from future enforcement actions.

The haulers have asked if there is a way to have the tipping fee waived by the Department, to help offset the costs they are being asked to voluntarily incur for loading, hauling, equipment time, operator wages and regular disposal fees.

This bill would provide the DNR with the ability to waive the tipping fee for this limited type of voluntary cleanup.

Thank you for your time.



**Testimony of DNR on AB 494
Senate Natural Resources Committee
February 5, 2014**

Good morning, Mr. Chairman and committee members. My name is Brad Wolbert and I am the DNR section chief in charge of recycling and solid waste. Thank you for this opportunity to testify, for information only, on Assembly Bill 494, as amended, relating to waiving the environmental fees on certain solid waste landfilled in Wisconsin.

The bill would allow the DNR to waive the state's landfill environmental fees for solid waste removed from a property where the DNR has requested the removal of that waste to mitigate potential environmental contamination. The idea is that by waiving these fees, the DNR might reduce some of the barriers for someone to respond to a DNR request to remove the waste and reduce the potential for a more expensive cleanup to have to be carried out later.

The bill contains provisions that would prevent the fee waiver from being used by someone who has knowingly violated the law by putting the waste on the property in the first place, or who knew or should have known that they were creating the need for a waste removal action. The bill also spells out the mechanics of how the fee waiver would be implemented, with the DNR providing the waste hauler with a written document certifying that the fees are waived for the material in question. And the bill would make it possible for the DNR to substantially prevent this problem in the first place by allowing license suspension or revocation if there has been grievous and continuous failure to operate in accordance with an approved plan of operation. We appreciate having had the opportunity to work with the sponsors of this bill as it has moved through the legislative process.

We don't interpret this bill as applying to the far more typical environmental cleanup case where we inform a responsible party of his or her obligations under the state Spills law to investigate and clean up environmental contamination. This bill would apply to cases where waste needs to be

removed to a licensed disposal facility to prevent environmental impacts and we have asked some other party, not the responsible party, to remove the waste voluntarily. The situations for which this fee waiver would apply appear to be somewhat limited, but they can be challenging cases for the Department and for local governments and property owners to deal with, and having discretion to waive state tipping fees might be helpful in some cases. It's only the state portion of the total landfill fee that would be waived – the landfill would presumably still charge its fee for accepting the waste material.

Thank you, and I'd be happy to answer any questions you may have.