



1995 SENATE BILL 164

May 3, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Environment and Energy.

1 **AN ACT to amend** 159.11 (2m) (d); and **to repeal and recreate** 159.07 (7) (d) of
2 the statutes; **relating to:** exemptions from the prohibitions on incinerating
3 certain materials and from disposing of certain materials in landfills.

Analysis by the Legislative Reference Bureau

Under this state's recycling law, persons are generally prohibited from disposing of specified discarded materials in landfills and from incinerating specified discarded materials. These prohibitions do not apply to discarded materials from an area that has what is called an effective recycling program. In order to be an effective recycling program, a recycling program must require persons in the area to separate the specified materials from their solid waste or send their solid waste to a facility that separates the materials from solid waste, but the department of natural resources (DNR) may grant a one-year variance from that requirement with respect to a specified material in the event of an emergency or if the cost of selling the material exceeds specified amounts.

Current law also authorizes DNR to grant an exception from the disposal and incineration prohibitions for a specified material to a local governmental unit that operates a recycling program in the event of an emergency. An exception may be for up to one year.

This bill requires DNR to review markets for the discarded materials to which the landfill and incineration prohibitions apply, beneficial uses for those materials and technologies for managing those materials in solid waste. If DNR finds that a prohibition with respect to a specific material is not feasible or practical and that the prohibition is not needed to achieve the goals of this state's solid waste management policy, DNR may do one of the following:

1. Promulgate a rule specifying conditions under which the material may be disposed of in a landfill or incinerated.
2. Exempt specified persons from the landfill or incineration prohibition with respect to the material.

3. Authorize, for up to one year, the material to be disposed of in a landfill or incinerated.

The bill also authorizes DNR to grant a variance so that an effective recycling program need not require persons to separate a specified material from solid waste if DNR takes one of the actions in items 1 to 3, above, with respect to the material.

The authority granted to DNR concerning exemptions from the landfill and incineration prohibitions and variances for effective recycling programs replaces the authority granted DNR under current law to grant exemptions and variances in emergencies.

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.** 159.07 (7) (d) of the statutes is repealed and recreated to read:

2 159.07 (7) (d) The department shall conduct a continuing review of markets for
3 the materials listed in subs. (1m), (2), (3) and (4) that are recovered from solid waste,
4 beneficial uses for those materials and technologies for managing the materials
5 listed in subs. (1m), (2), (3) and (4) in solid waste. The department shall consider
6 information submitted by any person that is relevant to this review. If the
7 department finds, as a result of this review, that a prohibition in sub. (1m), (2), (3)
8 or (4) is not feasible or practical with respect to a specific material, in light of the
9 market for that material recovered from solid waste, beneficial uses for that material
10 or technologies for managing that material in solid waste, and that the prohibition
11 is not needed to achieve the goals of the state solid waste management policy in s.
12 159.05, the department may do one of the following:

13 1. Promulgate a rule specifying the conditions under which the material may
14 be disposed of, burned or converted into fuel in a solid waste facility.

15 2. On a case-by-case basis, exempt specified persons from the prohibition
16 under sub. (1m), (2), (3) or (4) with respect to the material.

