

1983 Assembly Bill 1035

Date of enactment: May 9, 1984
Date of publication: May 14, 1984

1983 Wisconsin Act 426
(Vetoed in Part)

Vetoed
in Part

AN ACT ~~to amend ss. 144.784(10)~~ to renumber 144.7815 (2) and (3), 144.782 (4), 144.783 (1) (c), 144.783 (5) (b) to (f), 144.784 (4) and (4m) and 144.784 (6) to (9); to renumber and amend 144.782 (5), 144.783 (1) (d), 144.783 (2) and 144.784 (5); to amend 144.43 (6), 144.781 (2), 144.781 (3) (f), 144.782 (1) and (2), 144.783 (1) (b), 144.783 (3) and (4) and 144.783 (5) (intro.); and to create 20.370 (4) (de), 20.370 (4) (dj), 77.54 (5) (c) and (26m), 144.44 (2) (f) 7 and 8, 144.781 (3) (h), 144.7815 (2), 144.782 (4), 144.783 (1) (c), 144.783 (2) (b) and (c), 144.783 (2) (d), 144.783 (5) (b), 144.784 (4), 144.784 (12), 144.792 (12), 144.795, 144.796 and 144.799 of the statutes, relating to solid waste recycling and related activities, granting an exemption from sales and use taxes, granting rule-making authority and making an appropriation.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1983-84	1984-85
20.370 Natural resources, department of		
(4) LOCAL SUPPORT		
(de) Environmental aids--waste reduction and recycling demonstration grants	GPR C 400,000	0

SECTION 2. 20.370 (4) (de) of the statutes is created to read:

20.370 (4) (de) *Environmental aids — waste reduction and recycling demonstration grants.* From the general fund, as a continuing appropriation, the amounts in the schedule for waste reduction and recycling demonstration grants under s. 144.799.

SECTION 2m. 20.370 (4) (dj) of the statutes is created to read:

20.370 (4) (dj) *Environmental aids — waste reduction and recycling grants and gifts.* From the general fund, all moneys received from gifts, grants, bequests, devises and donations relating to waste reduction and recycling to carry out the purpose for which made.

SECTION 3. 77.54 (5) (c) and (26m) of the statutes are created to read:

77.54 (5) (c) Motor vehicles which are not required to be licensed for highway use and which are exclusively and directly used in conjunction with waste reduction or recycling activities which reduce the amount of solid waste generated, reuse solid waste, recycle solid waste, compost solid waste or recover energy from solid waste. For the purposes of this paragraph, "solid waste" means garbage, refuse, sludge or other materials or articles, whether these materials or articles are discarded or purchased, including solid, semi-solid, liquid or contained gaseous materials or articles resulting from industrial, commercial, mining or agricultural operations or from domestic use or from public service activities.

(26m) The gross receipts from the sale of and the storage, use or other consumption of waste reduction or recycling machinery and equipment, including parts therefor, exclusively and directly used for waste reduction or recycling activities which reduce the amount of solid waste generated, reuse solid waste, recycle solid waste, compost solid waste or recover energy from solid waste. The exemption applies even though an economically useful end product results from the use of the machinery and equipment. For the purposes of this subsection, "solid waste" means garbage, refuse, sludge or other materials or articles, whether these materials or articles are discarded or purchased, including solid, semisolid, liquid or contained gaseous materials or articles resulting from industrial, commercial, mining or agricultural operations or from domestic use or from public service activities.

SECTION 4. 144.43 (6) of the statutes is amended to read:

144.43 (6) "Solid waste management" means planning, organizing, financing, and implementing programs to effect the reduction, storage, collection, transporting, processing, reuse, recycling, composting, energy recovery from or final disposal of solid wastes in a sanitary, nuisance-free manner.

SECTION 5. 144.44 (2) (f) 7 and 8 of the statutes are created to read:

144.44 (2) (f) 7. An analysis of alternatives to the land disposal of waste including waste reduction, reuse, recycling, composting and energy recovery.

8. A description of any waste reduction incentives and recycling services to be instituted or provided with the proposed facility.

SECTION 6. 144.781 (2) of the statutes is amended to read:

144.781 (2) The purpose of ss. 144.781 to 144.784 is to provide state financial assistance to regional planning commissions ~~or to~~ and county areawide planning agencies for the development of areawide solid waste management plans, to regional planning commissions and county areawide planning agencies for the development of waste reduction and recycling plans, to counties and other local units of government to conduct specific solid waste disposal site feasibility studies consistent with previously adopted and approved areawide solid waste management plans and to counties and other local units of government to conduct special study projects consistent with previously adopted and approved areawide solid waste management plans.

SECTION 6m. 144.781 (3) (f) of the statutes is amended to read:

144.781 (3) (f) "Special study project" means a sludge management or resource recovery project ~~feasibility~~ study developed to provide detailed project feasibility and design information for implementation of approved and adopted areawide solid waste management plans.

SECTION 7. 144.781 (3) (h) of the statutes is created to read:

144.781 (3) (h) "Waste reduction and recycling plan" means a plan prepared to provide for solid waste management that analyzes alternatives to land disposal of solid waste, including plans to reduce or provide incentives for the reduction of the amount of solid waste generated and plans which provide or encourage reuse, recycling, composting or the recovery of energy from solid waste.

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SECTION 8. 144.7815 (2) and (3) of the statutes are renumbered 144.7815 (3) and (4).

SECTION 9. 144.7815 (2) of the statutes is created to read:

144.7815 (2) **WASTE REDUCTION AND RECYCLING PLANNING GRANTS.** A regional planning commission or county, or more than one regional planning commission or county acting jointly, is eligible to apply for funding to develop a waste reduction and recycling plan to be incorporated with an areawide solid waste management plan submitted to or approved by the department.

SECTION 10. 144.782 (1) and (2) of the statutes are amended to read:

144.782 (1) The department shall develop evaluation criteria for reporting on and evaluating the solid waste management grant program including the number of grants awarded for areawide solid waste management plans, waste reduction and recycling plans, specific site feasibility studies and special study projects, the extent to which the grant money is used as required by the solid waste management grant program and the costs necessary to meet remaining needs of implementing the purposes of ss. 144.781 to 144.784.

(2) The department shall develop evaluation criteria for reporting on and evaluating the solid waste management grant program including the number of grants awarded for areawide solid waste management plans, waste reduction and recycling plans, specific site feasibility studies and special study projects, the extent to which the grant money is used as required by the solid waste management grant program, and the costs necessary to meet remaining needs of implementing the purposes of ss. 144.781 to 144.784.

SECTION 11g. 144.782 (4) of the statutes is renumbered 144.782 (5).

SECTION 11s. 144.782 (5) of the statutes is renumbered 144.782 (6) and amended to read:

144.782 (6) The department shall develop criteria, by rule, for approving special study projects. The criteria shall provide for identification of appropriate projects for funding, including sludge management and resource recovery feasibility projects. The criteria shall permit the approval of special study projects to provide detailed feasibility planning and engineering design information for an energy recovery facility.

SECTION 12. 144.782 (4) of the statutes is created to read:

144.782 (4) The department shall develop criteria, by rule, for approving waste reduction and recycling plans. The criteria shall include, but are not limited to:

- (a) Consistency with an approved or revised areawide solid waste management plan.
- (b) Adequacy, advisability, technical feasibility and economic feasibility of specific types of activities and facilities for the reduction, reuse, recycling or composting of or recovery of energy from solid waste given the amount, composition and characteristics of the solid waste generated and anticipated to be generated in the area.
- (c) Consistency with the following priorities, whenever possible and practical:
 1. First priority on reduction of the amount of solid waste generated.
 2. Second priority on reuse of solid waste.
 3. Third priority on recycling of solid waste.
 4. Fourth priority on composting of solid waste.
 5. Fifth priority on recovery of energy from solid waste.
- (d) Requirements that those aspects of waste reduction and recycling plans which involve the recovery of energy from waste may not interfere with waste reduction, reuse or recycling activities engaged in by manufacturers or other existing facilities.
- (e) Requirements that waste reduction and recycling plans provide for the proper disposal of residual wastes which remain after solid waste reduction, reuse, recycling, composting or energy recovery activities are completed.

SECTION 13. 144.783 (1) (b) of the statutes is amended to read:

144.783 (1) (b) An applicant for an areawide solid waste management planning grant may receive a grant which provides up to 50% of the estimated total cost of the applicant's areawide solid waste management plan, but the grant may not exceed ~~\$50,000~~ \$100,000.

SECTION 14. 144.783 (1) (c) of the statutes is renumbered 144.783 (1) (d).

SECTION 15. 144.783 (1) (c) of the statutes is created to read:

144.783 (1) (c) An applicant for a waste reduction and recycling planning grant may receive a grant which provides up to 50% of the estimated total cost of the applicant's waste reduction and recycling plan, but the grant may not exceed \$50,000.

SECTION 16. 144.783 (1) (d) of the statutes is renumbered 144.783 (1) (e) and amended to read:

144.783 (1) (e) An applicant for a special study project grant may receive a grant which provides up to ~~25%~~ 50% of the total estimated cost of the special study project if the project is consistent with the applicable department-approved areawide solid waste management plan, but the grant for each special study project may not exceed \$50,000.

SECTION 17. 144.783 (2) of the statutes is renumbered 144.783 (2) (a) and amended to read:

144.783 (2) (a) Any ~~grant application~~ recipient of an areawide solid waste management planning grant is not eligible to receive additional areawide solid waste management planning grants under this section.

SECTION 18. 144.783 (2) (b) and (c) of the statutes are created to read:

144.783 (2) (b) A recipient of an areawide solid waste management planning grant is eligible to receive a waste reduction and recycling planning grant even though the waste reduction and recycling plan is to be incorporated into the areawide solid waste management plan.

(c) A recipient of a waste reduction and recycling planning grant is not eligible to receive additional waste reduction and recycling planning grants under this section.

SECTION 18m. 144.783 (2) (d) of the statutes is created to read:

144.783 (2) (d) An applicant for an areawide solid waste management planning grant may apply at the same time for a waste reduction and recycling planning grant and, if eligible, may receive both types of grants at the same time.

SECTION 19. 144.783 (3) and (4) of the statutes are amended to read:

144.783 (3) All available federal funding under the resource conservation and recovery act, for areawide solid waste management planning, for waste reduction and recycling planning, for specific solid waste disposal site feasibility studies and for special study projects shall be utilized to supplement and increase the levels of funding under this program. The local or municipal share of an areawide solid waste management plan, waste reduction and recycling plan, specific solid waste disposal site feasibility study or a special study project shall not be less than 25% of the total eligible costs of the project.

(4) (a) To the greatest extent possible, each year applications for ~~areawide solid waste management waste reduction and recycling~~ planning grants shall receive first consideration for approval and funding by the department.

(b) To the greatest extent possible, each year applications for ~~specific solid waste disposal site feasibility studies~~ special study project grants shall receive 2nd consideration for funding by the department after the department has completed the grant application process for the ~~areawide solid waste management~~ waste reduction and recycling plans. ~~Each~~

(c) To the greatest extent possible, each year applications for special study project grants specific feasibility studies shall received receive 3rd consideration for funding by the department after the department has completed the grant application process for the areawide solid waste management plans and waste reduction and recycling plans and for special study projects.

(d) To the greatest extent possible, each year applications for areawide solid waste management planning grants shall receive 4th consideration after the department has completed the grant application process for waste reduction and recycling plans, for special study projects and for specific feasibility studies.

SECTION 20. 144.783 (5) (intro.) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

144.783 (5) (intro.) The department shall develop by rule a funding priority list for areawide solid waste management plans, waste reduction and recycling plans, specific solid waste disposal site feasibility studies and special study projects. The funding priority list shall be made available to all applicants. The priority list may be modified by the department, as needed, to reflect changes in solid waste management practices and technology. Factors to be considered by the department in developing funding priorities for individual plans and studies include, but are not limited to:

SECTION 21. 144.783 (5) (b) to (f) of the statutes, as affected by 1983 Wisconsin Act 27, are renumbered 144.783 (5) (c) to (g).

SECTION 22. 144.783 (5) (b) of the statutes is created to read:

144.783 (5) (b) Existing waste reduction, reuse, recycling, composting and energy recovery activities.

SECTION 23. 144.784 (4) and (4m) of the statutes are renumbered 144.784 (5) and (6).

SECTION 24. 144.784 (4) of the statutes is created to read:

144.784 (4) For an applicant for a waste reduction and recycling planning grant, the applicant shall show, at a minimum:

(a) That an areawide solid waste management plan was submitted to or approved by the department.

(b) That the applicant has signed a written agreement with the department to implement the waste reduction and recycling plan or to expand an existing waste reduction and recycling program.

(c) That the applicant has prepared a statement of specific waste reduction, reuse, recycling, composting and energy recovery objectives and an implementation schedule.

(d) That the applicant has proposed methods for the implementation of the waste reduction and recycling plan, has estimated the cost of implementing the plan and has included information on the economic feasibility of the recommended actions.

SECTION 25. 144.784 (5) of the statutes are renumbered 144.784 (7) and amended to read:

144.784 (7) The department shall decide the eligibility and the priority of each individual areawide solid waste management plan, waste reduction and recycling plan, specific solid waste disposal site feasibility study or special study project grant application by on or before April 1 and September 1 of each year. Funding for all grants submitted by January 1 ~~of each year~~ shall be committed by May 1 of the same year ~~based and funding for all grants submitted by July 1 shall be committed by October 1 of the same year~~. The department shall base funding commitments on the acceptance of each grant by each successful applicant.

SECTION 26. 144.784 (6) to (9) of the statutes, as affected by 1983 Wisconsin Act 27, are renumbered 144.784 (8) to (11).

**Vetoed
in Part**

~~SECTION 27. 144.784 (10) of the statutes is repealed.~~

SECTION 27m. 144.784 (12) of the statutes is created to read:

144.784 (12) The department may not require a municipality to establish beverage container deposit regulations as a condition for receiving a grant under ss. 144.781 to 144.784. The department may not consider the establishment of beverage container deposit regulations as a factor in issuing any grant under ss. 144.781 to 144.784. The department may not institute beverage container deposit regulations by rule under ss. 144.781 to 144.784.

SECTION 28. 144.792 (12) of the statutes is created to read:

144.792 (12) That in the management of solid waste, whenever possible and practical, the state encourages the following priorities:

- (a) The reduction of the amount of solid waste generated.
- (b) The reuse of solid waste.
- (c) The recycling of solid waste.
- (d) The composting of solid waste.
- (e) The recovery of energy from solid waste.
- (f) The land disposal of solid waste.

SECTION 29. 144.795 of the statutes is created to read:

144.795 Waste reduction and recycling assistance. The department shall:

- (1) Collect and update information on public and private recycling centers and markets for recycled materials.
- (2) Coordinate and encourage the sale of recycled materials.
- (3) Provide information to municipalities concerning litter control, and solid waste reduction, reuse, recycling, composting and energy recovery.
- (4) Provide technical information and assistance concerning solid waste reduction and recycling.
- (5) Provide a solid waste reduction and recycling education program to inform the public and which may be used in public schools.
- (6) Provide technical information and assistance concerning solid waste processing and the recovery of energy from solid waste.
- (7) Administer the waste reduction and recycling demonstration grant program under s. 144.799.

SECTION 30. 144.796 of the statutes is created to read:

144.796 Waste separation and recycling collection facilities. (1) **AT SOLID WASTE DISPOSAL FACILITIES.** (a) Except as provided under par. (b), the owner or operator of a solid waste disposal facility which is open to the public shall provide an adequate waste separation and recycling collection facility at the site of the waste disposal facility.

(b) This subsection does not apply:

1. If the minimum number of adequate waste separation and recycling collection facilities exists in the county, city, village or town where the facility is located.
2. To the owner or operator of a solid waste disposal facility which receives 50,000 tons or more of solid waste per year.

(2) **CITIES, VILLAGES AND TOWNS IN LARGE COUNTIES.** A city, village or town located in a county with a population of 50,000 or more shall provide for the minimum number of adequate waste separation and recycling collection facilities if these facilities do not exist.

(3) **COUNTIES.** A county with a population of less than 50,000 shall provide for an adequate waste separation and recycling collection facility if a facility does not exist. If no waste separation and recycling collection facility is required under sub. (4) (a) in a county with a population of 50,000 or more, the county shall provide for an adequate facility if a facility does not exist.

(4) **MINIMUM NUMBER.** (a) Except as provided under par. (c), the minimum number of waste separation and recycling collection facilities for a city, village or town located in a county with a population of 50,000 or more is:

1. Zero if the population of the city, village or town is less than 10,000.
2. One if the population of the city, village or town is at least 10,000 but less than 50,000.
3. Two if the population of the city, village or town is at least 50,000 but less than 100,000.
4. Three if the population of the city, village or town is at least 100,000, plus one for each additional 100,000 of population.

(b) The minimum number of waste separation and recycling collection facilities for a county with a population under 10,000 is zero. Except as provided under par. (c), the minimum number of waste separation and recycling collection facilities for a county with a population of at least 10,000 is one.

(c) The department may reduce the minimum number of waste separation and recycling collection facilities specified under par. (a) or (b) if other waste separation and recycling collection facilities are required or exist in the area or if the department determines that the specified minimum number is not economically feasible.

(5) **ADEQUACY.** In order to be considered adequate, a waste separation and recycling collection facility is required to be listed in a directory issued by the department and accessible to the public. A waste separation and recycling collection facility shall be considered adequate even though bins specified under pars. (a) to (d) are located at different sites and even though bins specified under pars. (a) to (d) are not under common ownership or control. Unless the department grants an exemption to a solid waste disposal facility, city, village, town or county based upon a determination that collection and sale of the material is not economically feasible, in order to be considered adequate, a waste separation and recycling facility is required to provide a separate bin for at least each of the following:

- (a) Newsprint.
- (b) Aluminum.
- (c) Glass.
- (d) Plastic.

SECTION 31. 144.799 of the statutes is created to read:

144.799 Waste reduction and recycling demonstration grants. (1) **DEFINITIONS.** As used in this section:

(a) "Demonstration grant" means a waste reduction and recycling demonstration grant.

(b) "Development costs" means engineering, design, equipment, property and construction costs associated with the implementation of waste reduction and recycling activities.

(c) "Waste reduction and recycling activity" includes any project or incentive to reduce the amount of solid waste generated, reuse solid waste, recycle solid waste, compost solid waste or recovery energy from solid waste.

(2) DEPARTMENT POWERS AND DUTIES. The department shall develop, implement and administer a demonstration grant program. The department shall develop evaluation criteria for reporting on and evaluating this program including the number of demonstration grants awarded, the extent to which the grant moneys are used as required under this section and the impact of activities financed with these grants on the amount of solid waste disposed of at land disposal facilities.

(3) DEMONSTRATION GRANTS; ELIGIBILITY; APPLICATIONS. (a) A municipality, public entity, private business or nonprofit organization which meets eligibility requirements established by the department may apply for a demonstration grant for the purpose of implementing innovative waste reduction and recycling activities.

(b) An application for a demonstration grant shall contain the information, shall be in a form and shall be submitted in the manner required by the department.

(c) After June 30, 1986, a county, city, village or town may not apply for a demonstration grant unless it has an areawide solid waste management plan approved by the department.

(d) After June 30, 1988, a county, city, village or town may not apply for a demonstration grant unless it has a waste reduction and recycling plan approved by the department.

(4) DEMONSTRATION GRANTS; CRITERIA. The department shall develop by rule criteria for determining eligibility, for approving, for determining the amount of and for establishing priorities for distributing demonstration grants. These criteria shall include:

(a) The weight or equivalent volume of solid waste which is anticipated to be diverted from disposal at land disposal facilities through the implementation of waste reduction and recycling activities. This weight or equivalent volume shall not include solid waste diverted from waste reduction or recycling facilities or activities in existence or for which a feasibility report is submitted on or before the date of application for the demonstration grant.

(b) The type or types of waste reduction and recycling activities to be implemented.

(c) Consideration of existing waste reduction and recycling activities.

(d) Consideration of existing and anticipated solid waste management needs.

(e) The value of implementation of the waste reduction or recycling activity as a demonstration or experimental project.

(5) DEMONSTRATION GRANTS; FINANCIAL ASSISTANCE. (a) The department may enter into agreements with eligible applicants to make demonstration grants from the appropriation under s. 20.370 (4) (de).

(b) An eligible applicant for a demonstration grant may receive a grant based upon the weight or equivalent volume of solid waste anticipated to be diverted from disposal at land disposal facilities but the demonstration grant may not exceed 50% of the actual development costs or \$75,000, whichever is less. The department may award up to 75% of the demonstration grant to the applicant upon approval. The department shall award the remainder of the demonstration grant only if the waste reduction and recycling activities are implemented and approved by the department. An applicant may receive only one demonstration grant.

(6) RESTRICTIONS ON BEVERAGE CONTAINER DEPOSIT REGULATIONS. The department may not require a municipality to establish beverage container deposit regulations as a condition for receiving a grant under this section. The department may not consider the establishment of beverage container deposit regulations as a factor in issuing any grant under this section. The department may not institute beverage container deposit regulations by rule under this section.

SECTION 32. Nonstatutory provisions; governor. The governor, in consultation with the appropriate standing committee in each house of the legislature, shall request appropriate state agencies to submit waste reduction and recycling reports on or before January 1, 1985, detailing that agency's strategy for reducing solid waste disposal at landfills, promoting the reuse and recycling of materials and encouraging the recovery of energy from used materials and including any recommendations for statutory changes, changes in administrative rules and changes in policy.

SECTION 33. Nonstatutory provisions; natural resources. During fiscal year 1983-84, the department of natural resources shall provide a waste reduction and recycling demonstration grant of \$250,000 for the solid waste composting project in Columbia county notwithstanding eligibility requirements and the limitations under section 144.799 (5) (b) of the statutes, as created by this act.

SECTION 34. Appropriation changes; natural resources. The appropriation to the department of natural resources under section 20.370 (2) (ma) of the statutes, as affected by the acts of 1983, is increased by \$35,000 for fiscal year 1984-85 to provide funding for the waste reduction and recycling assistance office including funding for an additional 1.0 GPR FTE position in that office.

SECTION 35. Effective dates. (1) Except as provided under subsections (2) and (3), this act takes effect on the day following publication.

(2) The creation of section 144.796 of the statutes takes effect on July 1, 1986.

(3) The creation of section 77.54 (5) (c) and (26m) of the statutes takes effect on the first day of the 2nd month beginning after publication.
