

1999 ASSEMBLY BILL 259

March 30, 1999 – Introduced by Representatives PLALE, REYNOLDS, LA FAVE, GUNDERSON and BERCEAU, cosponsored by Senators GROBSCHMIDT and FARROW. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to create* 289.43 (8) (d) of the statutes; **relating to:** local regulation of
2 certain solid waste facilities.

Analysis by the Legislative Reference Bureau

Current law generally subjects solid waste disposal facilities, such as landfills, to licensing and other regulation by the department of natural resources (DNR). The law authorizes DNR to promulgate rules exempting solid waste disposal facilities that accept only low-hazard waste from licensing and other requirements. In *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642 (1996), the court held that a solid waste disposal facility exempt from regulation under DNR's rules was not subject to a municipal ordinance that would have prohibited the facility from being opened.

This bill provides that a municipality may regulate the location and operation of a solid waste disposal facility that is exempt from licensing and other regulation under DNR's rules if several conditions are satisfied. The conditions include that the municipality does not entirely prohibit exempt solid waste disposal facilities from being located within the municipality.

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

3 **SECTION 1.** 289.43 (8) (d) of the statutes is created to read:

