1999 SENATE BILL 457

March 8, 2000 – Introduced by Senators Lazich and Schultz, cosponsored by Representatives Gundrum, Musser and Black. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

AN ACT *to amend* 289.28 (1) (a) and 289.29 (1) (d) of the statutes; **relating to:**excluding areas outside of this state in determining a service area for assessing
the need for a proposed solid waste disposal facility or hazardous waste facility
and the design capacity of such a facility.

Analysis by the Legislative Reference Bureau

Under current law, as part of the process for approving a solid waste disposal facility or hazardous waste facility, the department of natural resources (DNR) must generally determine whether there is a need for the facility. In considering whether there is a need for a facility, DNR determines an approximate service area for the facility and determines the quantity of waste suitable for disposal in the facility that is generated within that service area. If DNR determines that there is insufficient need for the facility, the facility may not be constructed. Current law also prohibits DNR from approving a facility if the design capacity of the facility exceeds the waste expected to be disposed of at the facility within 15 years after the facility begins operation.

This bill prohibits DNR from including any area outside of this state in determining a service area for a proposed solid waste disposal facility or hazardous waste facility when determining the need for the proposed facility. The bill also specifies that DNR may not approve a facility if the design capacity of the facility exceeds the amount of waste generated within the anticipated service area that is

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expected to be disposed of at the facility within 15 years after the facility begins operation.

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

SECTION 1. 289.28 (1) (a) of the statutes is amended to read:

289.28 **(1)** (a) An approximate service area for the proposed facility which that takes into account the economics of waste collection, transportation and disposal <u>but</u> that does not include any area outside of this state.

SECTION 2. 289.29 (1) (d) of the statutes is amended to read:

289.29 (1) (d) The department may not approve a feasibility report for a solid or hazardous waste disposal facility unless the design capacity of that facility does not exceed the expected amount of waste generated within the anticipated service area under s. 289.28 (1) (a) that is expected to be disposed of at that facility within 15 years after that facility begins operation. The department may not approve a feasibility report for a solid or hazardous waste disposal facility unless the design capacity of that facility exceeds the expected waste to be disposed of at that facility within 10 years after that facility begins operation except that this condition does not apply to the expansion of an existing facility.

15 (END)