

1999 DRAFTING REQUEST

Bill

Received: 03/06/2000

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Jim Gehrke

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - solid haz. waste

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Prohibit considering out-of -state territory in determining landfill need

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 03/06/2000	gilfokm 03/06/2000	haugeca 03/06/2000	_____	lrb_docadmin 03/06/2000	lrb_docadmin 03/07/2000	

FE Sent For:

<END>

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1?	traderc	11-3-6-2000 Kmg	ch 3-6	ch 3-6 KM			

FE Sent For:

<END>

Tradewell, Becky

From: Gehrke, Jim
Sent: Friday, March 03, 2000 9:36 AM
To: *Legislative Reference Bureau
Subject: Landfill and Out-of-State Trash

Please ignore if this is not your issue area. Sorry.

Mary is thinking about legislation that would prohibit the inclusion of out-of-state waste in market studies for proposed landfills. The concern is that other states that do not have recycling laws like Wisconsin's are being figured into these market studies and the landfills are being oversized as a result. She isn't sure if someone has or is in the process of creating legislation on this issue. She does not want to duplicate anyone's work. Please let me know if there appears to be anything in the works on this issue. Thanks.

Jim Gehrke
Office of Senator Mary Lazich
Wisconsin State Senate
(608)266-5400

Tradewell, Becky

From: Gehrke, Jim
Sent: Friday, March 03, 2000 10:26 AM
To: Tradewell, Becky
Subject: Landfills -- Draft

Importance: High

After being informed many times that my last e-mail requested information that LRB cannot provide, I would like to request a draft for Senator Lazich regarding the market surveys for landfills. She wants a simple prohibition on using out-of-state waste for calculating the acceptable size of proposed landfills or expansions to existing landfills. Please draft as soon as humanly possible. She would like it later today. If you have questions, please call or e-mail. Thank you.

Jim Gehrke
Office of Senator Mary Lazich
Wisconsin State Senate
(608)266-5400

Tradewell, Becky

From: Gehrke, Jim
Sent: Monday, March 06, 2000 8:37 AM
To: Tradewell, Becky
Subject: Landfill Size Legislation

Importance: High

I hope you are feeling better.

Mary wants to introduce legislation tomorrow on Landfill size. Please let me know when you can have this done for us. I'm including a copy of the circulation memo we sent out Friday that better describes what Mary wants. Thank you for your help.

Jim Gehrke
Office of Senator Mary Lazich
Wisconsin State Senate
(608)266-5400

To: All Legislators

From: Senator Mary A. Lazich

Re: Landfill Size

Date: March 3, 2000

I am drafting legislation to prohibit factoring in out-of-state territory in the market study for sizing a landfill. Wisconsin has much more stringent recycling laws than some other states. This means that waste transported from other states contains items which are not be accepted as landfill waste from within the state. It is currently legally acceptable to include territory which is out-of-state when calculating the size of a new landfill or an expansion of a current landfill. This means oversized landfills which in turn makes it easier for out-of-state waste to find its way into Wisconsin.

I will circulate the LRB number and analysis when available.

Please respond via e-mail or call my office at 6-5400 to sign on.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4676/1

RCT: King

Today, if possible

1999 BILL

ONote

1 AN ACT ^{Gen. Cert.} relating to: excluding areas outside of this state in determining a
 2 service area for assessing the need for a proposed solid waste disposal facility
 3 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 there is insufficient need *that* 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

BILL

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:

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

2 289.28 (1) (a) An approximate service area for the proposed facility ~~which that~~
3 takes into account the economics of waste collection, transportation and disposal but
4 that does not include any area outside of this state.

History: 1995 a. 227 ss. 556, 557, 560, 991.

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

6 289.29 (1) (d) The department may not approve a feasibility report for a solid
7 or hazardous waste disposal facility unless the design capacity of that facility does
8 not exceed the ^{plain} ~~expected~~ amount of waste generated within the anticipated service
9 area under s. 289.28 (1) (a) that is expected to be disposed of at that facility within
10 15 years after that facility begins operation. The department may not approve a
11 feasibility report for a solid or hazardous waste disposal facility unless the design
12 capacity of that facility exceeds the [✓] ~~expected~~ waste to be disposed of at that facility
13 within 10 years after that facility begins operation except that this condition does not
14 apply to the expansion of an existing facility.

History: 1995 a. 227 ss. 555, 558, 559, 561, 991; 1997 a. 204.

15

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4676/1dn

RCT: *kinney*

Please review this draft carefully to ensure that it conforms with your intent.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4676/1dn
RCT:kmg:ch

March 6, 2000

Please review this draft carefully to ensure that it conforms with your intent.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

Barman, Mike

From: Barman, Mike
Sent: Monday, March 06, 2000 4:42 PM
To: Gehrke, Jim
Subject: 99-4676/1



99-4676/1



99-4676/1 dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/06/2000

To: Senator Lazich

Relating to LRB drafting number: LRB-4676

Topic

Prohibit considering out-of -state territory in determining landfill need

Subject(s)

Environment - solid haz. waste

1. **JACKET** the draft for introduction Lazich
in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Yes ← Not Needed

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290