

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/21/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - solid haz. waste**

Extra Copies:

**Topic:**

DOA:.....Wong Landfill siting committee membership

**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 01/3/99	ygeller 01/4/99	jfrantze 01/4/99	_____	lrb_docadmin 01/4/99		

FE Sent For:

<END>

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1/?	traderc	1/14 jlg	26/4	26/4			

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1. No person may make in any application, record, report, plan or other documents submitted to the department, any statement, representation or certification known to that person to be false or misleading.
2. Any person who violates this sub (1) shall be fined not less than \$10 and no more than \$10,000.
3. Any monetary compensation paid for violations under sub (1) will be deposited into the Dry Cleaner Environmental Fund.

## **Waste Management – DNR**

1. Landfill Siting Committee Membership (See Attachment C)
  - Amend landfill siting law to state that a host community is entitled to appoint a majority of members on any siting committee regardless of how it is formed. As such, the town, city or village in which the landfill is proposed to be located may appoint 4 members or 2 more members than the total number of members on the committee, whichever is greater.

## **Recycling**

1. Repeal Recycling Market Development Board Grant starting FY 2000.
2. For municipalities who have less than 33% of eligible expenses in determining their recycling grant award, provide a grant that equals to 33% of eligible expenses or \$8 per capita, whichever is less. (Reference: s287.23 (5)(c)(5)).
3. Repeal current law that requires responsible units to implement a system of volume-based fee by January 1, 2000. (Reference: 287.23(5s)(b))
4. Change the sunset date for grant awards from year 2000 to year 2001. (Reference 287.23 (7))

## **Brownfields Study Group**

### Incentives for Local Government

1. Allow Transfer of Tax Delinquent Brownfields Properties to Cities (Reference: LRB 1005)
  - Modify our previous request to require a county, after receiving a written request from the affected municipality, to either take a tax deed and ownership to a property that is subject to a tax certificate or transfer ownership of that property to the requested municipality with no consideration.
2. Expand Protections for Local Units of Government that Involuntarily Acquire Contaminated Property
  - Expand municipality liability exemptions to properties acquired with stewardship funds. Municipalities would be required to enter into a negotiated agreement with DNR to ensure all cleanup conditions are met.

Attachment C**LANDFILL SITING LAW AMENDMENT****Request**

Amend Chapter 289, Wisconsin's landfill siting law, as follows:

"289.33(7)(a) 1. A town, city or village in which all or part of a facility is proposed to be located shall be entitled to appoint 4 members or ~~the number of members appointed under subs. 1m. and 2m. plus 2,~~ 2 more members than the total number of members appointed or otherwise serving on the local committee, whichever is greater, no more than 2 of whom are elected officials or municipal employees."

**Explanation**

- Wisconsin law allows any community within a specified distance of a proposed landfill to appoint members to a committee to negotiate the terms of operation for the facility. Recently enacted AB 402 (1997 WI Act 241) expanded the communities entitled to negotiate to include any municipality and county within 1,500 feet of the proposed landfill; previously, the law included communities within 1,200 feet.
- Because AB 402 allows additional communities to participate, some host communities, including the City of Franklin and the Village of Menomonee Falls, expressed concern that they may not have a majority of committee membership. In response, the legislature amended AB 402 to provide that a host community will always be entitled to appoint 2 more members than the number of members appointed by communities within 1,500 feet of the proposed landfill.
- The amendment, however, did not cover all negotiating committee situations. First, it does not ensure that a host community will have a majority vote when communities further than 1,500 feet from the landfill site are added to a siting committee by mutual consent of all parties, as under 289.33(7n). Second, it does not cover siting committees created under contract, such as Waste Management's contract for its Metro Recycling and Disposal Facility in the City of Franklin.
- The City of Franklin and Waste Management are requesting legislation ensuring that a host community is entitled to appoint a majority of members on any siting committee, regardless of how it is formed.

**Contacts**

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Waste Management  
414/251-4000



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1418/1

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SOON

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DOA:.....Wong - Landfill siting committee membership

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**SOLID AND HAZARDOUS WASTE**

Current law provides a process for negotiation and arbitration between a person who wishes to construct or expand a landfill or a hazardous waste facility and a committee representing those affected municipalities and counties that choose to participate in the process. An affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within 1,500 feet of the area in which waste would be treated, stored or disposed of. Other municipalities may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint ~~4~~<sup>four</sup> members to a committee or the number of members appointed by the county and other affected municipalities plus ~~two~~<sup>two</sup>, whichever is greater. Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint ~~4~~<sup>four</sup> members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus ~~2~~<sup>two</sup>, whichever is greater.

two

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

1           SECTION 1. 289.33 (7) (a) 1. <sup>X</sup> of the statutes is amended to read:

2           289.33 (7) (a) 1. A town, city or village in which all or part of a facility is  
3 proposed to be located shall ~~shall~~ <sup>✓</sup> may appoint 4 members or the number of members  
4 appointed under subds. 1m. and 2. and sub. (7n) <sup>✓</sup> plus 2, whichever is greater, no more  
5 than 2 of whom are elected officials or municipal employes.

6           History: 1981 c. 374; 1983 a. 128; 1983 a. 282 ss. 6 to 32, 34; 1983 a. 416 s. 19; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 182 s. 57; 1987 a. 27, 204, 399; 1987 a. 403 s. 256; 1991 a. 39; 1995 a. 201; 1995 a. 227 s. 626; Stats. 1995 s. 289.33; 1997 a. 35, 241.

(END) ✓

D-Note  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1418/1dn

RCT...<sup>A</sup>...

JLg

Manyee:

This draft is a little different than the language proposed by the City of Franklin for a couple of reasons. First, a landfill might be located partially in two towns, for example, and the proposed language would not work in that situation. Also, the request refers to a committee formed under a contract. The statute does not contemplate a committee being formed in a different manner (or with different membership) than is provided in the statute.

Rebecca C. Tradewell  
Managing Attorney  
266-7290

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

LRB-1418/1dn  
RCT;jlg:jf

January 4, 1999

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1999 - 2000 LEGISLATURE

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