

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **05/14/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - recycling**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

LFB:.....Bonderud -

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**Topic:**

Exemption from recycling tipping fee

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**Instructions:**

See Attached

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**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	btradewe 05/14/2003	wjackson 05/14/2003	chaskett 05/15/2003	_____	sbasford 05/15/2003		

FE Sent For:

<END>

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1?	btradewe	1 WLJ 5/14	1 cph 5/15	self 5/15			

FE Sent For:

<END>

## Tradewell, Becky

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**From:** Bonderud, Kendra  
**Sent:** Tuesday, May 13, 2003 6:44 PM  
**To:** Tradewell, Becky; Marchant, Robert  
**Cc:** Pollek, Chris; Hinz, Daryl; Shanovich, Ron  
**Subject:** Drafting Request

Joint Finance took action on several issues today which will require drafting. Please draft the following items. I will fax motions to you after I send this.

Motion 121 (Paper 573) - Consolidated Brownfields Grant Program. This is similar to (but not the same as current law). Rob, I believe this is the only item in this email you would be involved in. Ron or I can answer questions you might have.

Motion 513 (Papers 570 and 571) - Agrichemical Management and Environmental Fund Revenues. Chris can answer your agchem-related questions. I can answer your environmental fund questions.

Motion 122 (Paper 572) - Vehicle fee. A lot of this is chapter 20 reductions, but the key drafting is no increase above \$9, and extend the sunset to December 31, 2005.

Paper 574 - Environmental repair bonding, Alternative 3, no increase in bonding.

\* Motion 118 (Paper 575) - Increase transfer from recycling fund to general fund (be careful here as LRB 105/1 also has a separate increase in the transfer from the recycling fund).

Paper 576 - Alternative 1, Air staff no draft needed.

Paper 577 Air Asbestos - Alternative A1 (no draft needed), B6 (draft needed) and C1 (no draft needed).

Thanks for your help.

### **Kendra Bonderud**

*Legislative Fiscal Analyst  
Wisconsin Legislative Fiscal Bureau  
ph. (608) 266-3847  
fax (608) 267-6873  
Kendra.Bonderud@legis.state.wi.us*

Approved 12-4

Representative Kaufert  
Senator Welch

**NATURAL RESOURCES – AIR, WASTE, AND CONTAMINATED LAND**

**Exempt Certain PCB-Contaminated Sediment from Recycling Tipping Fee  
[LFB Paper #575]**

**Motion:**

Move Alternatives A2 and B1. Further, transfer an additional \$4,000,000 in 2003-04 and \$6,600,000 in 2004-05 from the recycling fund to the general fund. Further, exempt from the recycling tipping fee, all sludges, river sediments, or dredged materials that contain PCBs (polychlorinated biphenyls) that are removed in connection with the remediation of contaminated sediments in a navigable water of the state, if the total quantity of the removed materials, either in an individual phase or in combination with other planned phases of remediation, will exceed 200,000 cubic yards.

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**Note:**

Alternative A2 of LFB Paper #575 would approve the Governor's recommendation to reduce funding for DNR recycling administration by \$158,100 SEG annually and delete 2.0 SEG positions in 2004-05. It would modify the Governor's recommendation to delete the 2.0 positions in 2003-04 instead of 2004-05. It would also approve the Governor's recommendation to transfer \$158,000 in 2003-04 and \$158,100 in 2004-05 from the recycling fund to the general fund.

The motion would approve Alternative B1, which would transfer \$3,000,000 from the recycling fund to the general fund in 2003-04. In addition, the motion would transfer an additional \$4,000,000 in 2003-04 and \$6,600,000 in 2004-05 from the recycling fund to the general fund. Under the motion, the total amount transferred from the recycling fund to the general fund would be \$13,916,100 during the 2003-05 biennium, which is \$10,600,000 higher than under the bill.

In the summer of 1998, the U.S. Environmental Protection Agency proposed listing a 39-mile stretch of the Fox River from Lake Winnebago to Green Bay on the national priority list under the federal Superfund program in order to be considered for federal remedial action. EPA has provided

funds to DNR for preparing the remedial investigation and feasibility study for the site, the proposed plan and the record of decision. DNR expects to issue the record of decision for the remaining portions of the River in the summer of 2003. It is uncertain whether the motion would apply to other PCB dredging projects in the state.

DNR officials estimate that a major cleanup of contaminated sediments in the Fox River will begin in the summer of 2003. Dredging of contaminated sediment is anticipated to begin in 2004, generating approximately 7.25 million cubic yards of dredged contaminated sediment over an estimated 10 years. It is estimated that 725,000 cubic yards of dredged material would result in the landfilling of roughly 362,500 tons of waste annually for the 10-year period (assuming that one cubic yard equals approximately one ton, and that the weight after dewatering would be approximately 50% of the saturated weight). If there are delays in the cleanup, or if the actual amount of contaminated sediment removed during the next few years varies from this estimate, the actual amounts of dredged material landfilled would also vary.

Solid waste landfills pay several state tipping fees for each ton of waste disposed of in the landfill, except for materials approved by DNR in the solid waste facility plan for use for lining, daily cover, capping or constructing berms, dikes or roads within the facility. DNR officials anticipate that no dredged contaminated sediment from the Fox River cleanup would be used in a way that would be exempt from state tipping fees. State tipping fees total \$3.747 per ton and include: (a) \$3.00 per ton recycling tipping fee deposited in the recycling fund; (b) \$0.50 per ton environmental repair tipping fee deposited in the environmental management account of the environmental fund (except that high-volume industrial waste is assessed \$0.20 per ton); (c) \$0.10 groundwater tipping fee deposited in the environmental management account; (d) \$0.04 per ton well compensation fee deposited in the environmental management account; (e) \$0.09 per ton landfill license surcharge fee deposited in a DNR program revenue appropriation for landfill administration; and (f) \$0.017 per ton program revenue fee for administration of the Solid Waste Facility Siting Board.

If the dredged material is exempt from the \$3.00 recycling tipping fee, the recycling fund would lose revenues associated with an estimated 362,500 tons of dredged contaminated sediment from the Fox River cleanup project that would currently be subject to state tipping fees in 2004-05. It is estimated that if these dredged materials would be exempted from state recycling tipping fees, the annual state revenue loss would be \$1,087,500 to the segregated recycling fund.

It is possible that there will be another project or projects to remove PCB-contaminated sediments that may qualify in the future. For example, a project related to Milwaukee-area harbors, rivers and creeks, may be large enough to be eligible for the exemption from the recycling tipping fee under the motion. There are other harbor cleanup projects in discussion or planning stages in Sheboygan, Superior, and Ashland. It is unknown when these projects will occur, the size of the projects, or whether they will remove PCBs.

[Change to Bill: - \$1,087,500 SEG-REV recycling fund, \$10,600,000 GPR-REV]

## ALTERNATIVES

### A. DNR Staff

1. Approve the Governor's recommendation to: (a) reduce funding for DNR recycling administration by \$158,100 SEG annually and delete 2.0 positions in 2004-05 in the waste management program; and (b) transfer \$158,000 in 2003-04 and \$158,100 in 2004-05 from the recycling fund to the general fund.

2. Approve the Governor's recommendation, as modified to delete the 2.0 positions in 2003-04 instead of 2004-05.

3. Approve the Governor's recommendation to: (a) delete the 2.0 positions and \$158,100 SEG in 2004-05; and (b) transfer \$158,000 in 2003-04 and \$158,100 in 2004-05 from the recycling fund to the general fund. In addition, restore \$158,100 SEG in 2003-04 for the 2.0 recycling positions.

<u>Alternative A3</u>	<u>SEG</u>
2003-05 FUNDING (Change to Bill)	\$158,100

4. Delete provision.

<u>Alternative A4</u>	<u>GPR</u>	<u>SEG</u>
2003-05 REVENUE (Change to Bill)	-\$316,100	\$0
2003-05 FUNDING (Change to Bill)	\$0	\$316,200
2004-05 POSITIONS (Change to Bill)	0.00	2.00

### B. Transfer from Recycling Fund to General Fund

1. Approve the Governor's recommendation to transfer \$3,000,000 in 2003-04 from the recycling fund to the general fund.

2. Approve Alternative B1. Further, transfer an additional \$4,000,000 in 2003-04 and \$8,000,000 in 2004-05 from the recycling fund to the general fund.

<u>Alternative B2</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	\$12,000,000

3. Approve Alternative B1. Further, transfer an additional \$4,000,000 in 2003-04 and \$6,000,000 in 2004-05 from the recycling fund to the general fund.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0187/1

RCT: /:.....

WLj

• 500N (in 5/14)

LFB:.....Bonderud – Exemption from recycling tipping fee

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

DNdc

1 At the locations indicated, amend the bill as follows:

2 1. Page 955, line 19: after that line insert:

3 “SECTION 2475e. 289.645 (4) (d) of the statutes is created to read:

4 289.645 (4) (d) The recycling fee does not apply to sediments that are  
5 contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from  
6 the bed of a navigable water of this state in connection with a phase of a project to  
7 remedy contamination of the bed of the navigable water if the quantity of the  
8 sediments removed, either in the phase or in combination with other planned phases  
9 of the project, will exceed 200,000 cubic yards.”.

10

(END)

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

LRBb0187/1dn

RCT:↓:...

Wlj

Kendra Bonderud:

This draft creates the exemption from the recycling tipping fee. ✓ I tried to use terminology that is consistent with other statutes such as s. 292.70.

It seems to me that the best way to end up with the correct total amount of the transfer from the recycling fund is to make all of the changes in one draft, so I will redraft b0105.

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



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

LRBb0187/1dn  
RCT:wlj:cph

May 15, 2003

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Becky Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0187/1  
RCT:wlj:cph

LFB:.....Bonderud – Exemption from recycling tipping fee

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5           contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from  
6           the bed of a navigable water of this state in connection with a phase of a project to  
7           remedy contamination of the bed of the navigable water if the quantity of the  
8           sediments removed, either in the phase or in combination with other planned phases  
9           of the project, will exceed 200,000 cubic yards.”.

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(END)