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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Natural Resources
(AC-NR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (Sept/2010)

Assembly

Record of Committee Proceedings

Committee on Natural Resources

Assembly Bill 372

Relating to: the disposal of solid waste from a household on the property where it is generated.

By Representatives Molepske Jr., Clark, Roys, Berceau and Turner; cosponsored by Senators Lehman and Taylor.

August 12, 2009 Referred to Committee on Natural Resources.

November 18, 2009 **PUBLIC HEARING HELD**

Present: (14) Representatives Black, Danou, Molepske Jr.,
Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J.
Ott, Gunderson, Huebsch, LeMahieu and Mursau.

Absent: (1) Representative Nerison.

Appearances For

- Rep. Louis Molepske, Jr., Stevens Point
- Ed Huck, Madison — Wisconsin Alliance of Cities
- John Reindl, Madison
- Rick Stadelman, Shawano — Wisconsin Towns Association
- Julian Zelazny, Madison — WI Land and Water Conservation Association

Appearances Against

- None.

Appearances for Information Only

- Ann Coakley, Madison — DNR

Registrations For

- John Reinemann, Madison — Wisconsin Counties Association
- Greg Hubbard, Madison — Waste Management Inc
- Caryl Terrell, Madison — Sierra Club--John Muir Chapter
- Ryan Schryver, Madison — Clean Wisconsin

Registrations Against

- Rep. Amy Sue Vruwink, Milladore — 70th Assembly District

Registrations for Information Only

- None.

January 13, 2010

EXECUTIVE SESSION HELD

Present: (13) Representatives Black, Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Absent: (2) Representatives Danou and Molepske Jr..

Moved by Representative Black, seconded by Representative Hebl that **Assembly Bill 372** be recommended for passage.

Ayes: (13) Representatives Black, Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Noes: (0) None.

Absent: (2) Representatives Danou and Molepske Jr..

PASSAGE RECOMMENDED, Ayes 13, Noes 0

John Maycroft
Committee Clerk



Vote Record Committee on Natural Resources

Date: 7/13

Moved by: Black

Seconded by: Hebl

AB 372

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Spencer Black, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Chris Danou	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gary Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Cory Mason	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Nick Milroy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Fred Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jim Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Gunderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Michael Huebsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Daniel LeMahieu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Mursau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed





COUNTY OF MARATHON

DEPARTMENT OF SOLID WASTE MANAGEMENT

R18500 EAST HIGHWAY 29

DIRECTOR: (715) 261-6982

RINGLE, WI 54471-9762

BUSINESS OFFICE: (715) 446-3101

FAX: (715) 446-2906

November 16, 2009

Representative Spencer Black
Room 210 North
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Rep. Black:

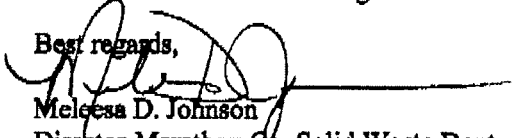
Thank you for scheduling a hearing for AB372, an Act to repeal 289.43 (5) of the statutes; relating to: the disposal of solid waste from a household on the property where it is generated. Unfortunately, I will not be able to attend the hearing and hope this e-mail will serve as my testimony in support of this important piece of environmental protection legislation.

With the creation and implementation of the Resource, Conservation and Recovery Act (RCRA) and its Subtitle D provisions to manage municipal solid waste, a new paradigm of waste materials management began. Waste reduction, recycling, reuse became the first tenets of a modern waste management system. However, for those materials needing disposal, RCRA Subtitle D set forth standards for states to implement in the construction of municipal solid waste landfills. The primary rationale for the development of RCRA was to protect human health and the environment from the known and unknown hazards from improper waste disposal and to ensure that all wastes are managed in an environmentally appropriate fashion.

Clearly, allowing the exemption under 289.43(5) runs contrary to the very protections established by RCRA and Wisconsin's RCRA-related NR500 standards for waste management. Allowing the exemption under 289.43(5) to continue will lend dangerous authority to households to contaminate their local environment and surface/ground waters with toxins from lead-acid batteries, alkaline/lithium/cadmium batteries, pesticides, oil filters, diapers, food wastes, fluorescent lighting, needles/syringes and mercury-containing devices. These items, as listed, were found in the household waste stream as reported in the WI DNR 2003 Wisconsin Waste Characterization Final Report. In fact, the report estimates that nearly 14% of all household wastes are considered hazardous or problem wastes. This report can be read in its entirety at: <http://www.dnr.state.wi.us/org/aw/wm/publications/recycle/wrws-finalrpt.pdf>.

As a solid waste materials management professional charged with protecting human health and the environment, I strongly support AB372 and urge the members of the Natural Resources Committee to vote in favor of this bill and forward it to the full Assembly and ultimately, to the Office of the Governor for signature.

Best regards,


Melissa D. Johnson
Director-Marathon Co. Solid Waste Dept.

C.c.: Rep. Louis Molepske, Jr.





Sierra Club - John Muir Chapter
222 South Hamilton Street, Suite 1, Madison, Wisconsin 53703-3201
Telephone: (608) 256-0565 Fax: (608) 256-4562
E-mail: john.muir.chapter@sierraclub.org Website: wisconsin.sierraclub.org

**Support AB 372, Solid Waste Disposal Bill
Before the Assembly Committee on Natural Resources, 11/18/09**

Thank you for providing us with the opportunity to voice our views on AB 372.

The Sierra Club- John Muir Chapter commends the leadership of Rep. Molepske and Rep. Clark in introducing this bill, which allows the DNR to regulate the disposal of solid waste from a household on the property where it is generated.

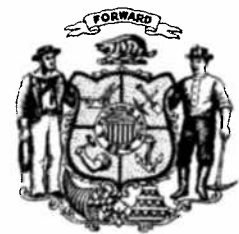
AB 372 is a simple bill that is needed to close a loophole in solid waste law (section 289.43 (5) Stats) and the Wisconsin Administrative Code. Backyard dumping not only hurts property values and leads to a mess that someone else will need to clean up, but it can also contaminate the soil and water and pollute the air. Since 1995, when this exemption was adopted, the amount of refuse that Wisconsinites produce has increased in volume and toxicity. Now more than ever before, we need to make sure that refuse is managed in a safe and responsible manner.

New state laws have been adopted recently to prohibit the disposal of electronics and automotive engine oil filters in landfills, and the state budget bill significantly increased the cost of landfills. This bill is needed now in order to prevent an increased incidence of backyard dumping that could result as an unintended consequence of these other actions.

AB 372 is common sense legislation that allows the Wisconsin Department of Natural Resources to reduce the threats of unregulated dumping to our habitats and to public health. It implements one of the recommendations of the Governor's Task Force on Waste Materials Recovery and Disposal, issued in December 2006 (recommendation E4). We urge you to adopt AB 372 as soon as possible without weakening amendments.



WISCONSIN STATE LEGISLATURE





WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

TESTIMONY ON ASSEMBLY BILL 372
For the Assembly Committee on Natural Resources
November 18, 2009

Chairman Black and fellow members of the Assembly on Natural Resources;

In 2003, Department of Natural Resources convened a broadly-based group of stakeholders to discuss and work on identifying tools for decreasing the unregulated incineration and dumping of waste, and developing strategies to approach these issues collaboratively. This group, which was composed of representatives from business, agriculture, academia, environmental and governmental organizations created a report that outlined a number of recommendations to change historic and current practices in regard to waste management to uphold conservation and property right concerns and property values.

One of the recommendations was:

Backyard dumping exemption. We recommend legislation to rescind the present statute that exempts backyard dumping from all state regulation.

Backyard dumping affects property values and is an environmental and public threat. Proper solid waste disposal alternatives are available to Wisconsin residents. A decrease in illegal open burning could lead to an increase in backyard dumping, which is presently entirely unregulated.

AB 372 is based upon this recommendation.

Background:

- Disposal of garbage generated from a single family residence is **entirely exempt from regulation** under current state law as long as it is disposed of on the same property on which it's generated. (Note: Under state law, garbage burning is defined as solid waste treatment, it's not defined as disposal. Therefore, burning of garbage from a single family residence is not exempt from regulation.)
- Dumping and burning garbage have been part of Wisconsin's history and culture.
- Thirty years ago, we had many open dumps in Wisconsin where open burning of trash was an accepted daily practice.

DISTRICT:
(715) 342-8985
1557 Church Street
Stevens Point, WI 54481
Rep.Molepske@legis.wi.gov

STATE CAPITOL:
P.O. Box 8953
Madison, WI 53708
FAX: (608) 282-3671
Toll-free: (888) 534-0071 or (608) 267-9649

- Since then, we've closed all the open dumps, built modern engineered landfills, developed our nationally-recognized recycling program and seen waste collection services grow to the point that they are now available statewide.
- Our waste streams now contain more plastic and other synthetic materials that are unsafe to bury in unregulated backyard landfills.

Problems with unregulated dumping:

- Poses Health Risks—provides ideal breeding grounds for disease-carrying mosquitoes and rodents.
- Lowers property values—property values are lower in areas that have litter and dumping problems.
- Contaminates waterways and groundwater.
- Discourages investment—investors are less likely to invest in these areas; development is hindered.
- Attracts criminal activity—criminals tend to migrate in the areas that appear to be unkept, which increases the problem.
- Encourages additional dumping—most illegal dumpers and litterers prefer to dump in areas that already have dumped items.

The bill does not affect DNR's authority to regulate composting, nor will it affect homeowners and farmers that compost their table scraps and compostable paper items in backyard compost bins.

Composting is solid waste treatment, as defined in section 289.01 (39), rather than disposal. The exemption in section 289.43 (5) applies to disposal, thus current section 289.01 (39) does not prevent DNR from regulating composting. The bill does not affect DNR's current authority to regulate composting. However, note that a DNR rule, NR 502.12 (2), exempts single-family and household composting from licensing and other requirements as long as the composting is done in a "nuisance-free and environmentally sound manner."

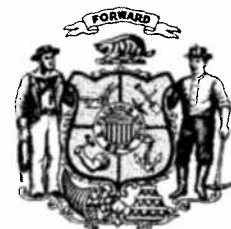
Again, thank you for holding a public hearing on AB 372 and allowing me to deliver testimony. I am open to answer any questions that you may have.

Sincerely,

Louis J. Molepske, Jr.
State Representative
71st Assembly District



WISCONSIN STATE LEGISLATURE





Wisconsin Land and Water Conservation Association, Inc.

702 East Johnson Street · Madison, Wisconsin 53703-1533

Phone: (608) 441-2677 · Fax: (608) 441-2676 · Web site: www.wlwca.org

Representative Spencer Black
Chairman
Assembly Committee on Natural Resources

18 November 2009

Dear Chairman Black

Thank you for the opportunity to testify in **support of Assembly Bill 372**, an act related to the disposal of household waste on the property where it was generated.

WLWCA believes that this is a common sense measure and urges passage by the committee.

In a time of increasing scrutiny on solid waste disposal facilities we should not be allowing the burial of solid waste on unregulated private land. Modern solid waste disposal facilities are equipped with myriad technological safeguards to assure that the waste is secure. Surely we must insist that all solid waste generated in Wisconsin is managed in this responsible manner.

Failure to properly manage solid waste can lead to undesirable environmental consequences. Solid waste often contains heavy metals, solvents and other toxins. Burial of such materials without the appropriate technological safeguards can lead to groundwater contamination, pollution of wetlands, contamination of fish and wildlife and other pollution problems.

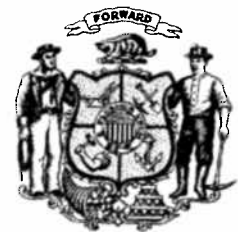
WLWCA respectfully asks the Assembly Committee on Natural Resources **to vote yes on AB 372**.

Sincerely

Julian Zelazny
Executive Director



WISCONSIN STATE LEGISLATURE



Testimony of Ann Coakley, Waste & Materials Management Director,
Wisconsin Department of Natural Resources
Before the Assembly Committee on Natural Resources
Information Hearing on AB 372
November 18, 2009

Good afternoon Chairman Black and members of the Committee. My name is Ann Coakley. I am the director of the Wisconsin Department of Natural Resources' Waste & Materials Management program. Thank you for the opportunity to testify today.

I am happy to be here to provide information about the elimination of the household waste exemption from Wisconsin State Statute Chapter 289. The Department believes that household solid waste is better managed through reuse, recycling, or disposal at a regulated solid waste facility. Disposal of solid waste on private property can:

- Create a direct contact health hazard for children or neighbors who might accidentally come into contact with the disposal site;
- Leak hazardous substances into ground water and surface water. The Department is most concerned about this practice contaminating the wells of the property owner and those of adjacent landowners. In extreme cases, this might result in illness and the loss of the use of drinking water supplies;
- Diminish the value of the property;
- Create a visual and odor nuisance to neighbors; and
- Circumvent the proper disposal of refuse. The Department is aware of properties where the landowner has buried their household waste for decades, basically possessing an unregulated dump on their property.

The Department receives approximately 150 residential open dumping complaints every year. When the Department receives complaints, we currently have to let the complainant know that it is legal for property owners to bury or dump their household garbage on their own property. This is surprising to many members of the public. Indeed, the Department believes this is an antiquated disposal method. It should be noted that Minnesota, Iowa, and Illinois do not allow this practice.

The repeal of the exemption would subject household waste to Chapter 289, which governs solid waste and solid waste disposal facilities in Wisconsin. Disposing household garbage by dumping or burying, on private property, would be illegal. Please note our rules do currently provide an exemption to allow the disposal of inert materials that would not impact the environment such as clean soil, brick, building stone, concrete, unpainted or untreated wood; this would remain unchanged.

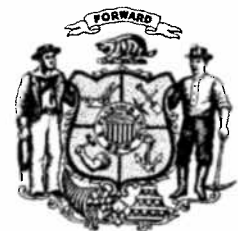
If the exemption is eliminated, the Department will educate the public by providing information to property owners that disposing household waste outside a regulated solid waste facility is illegal. Only in the most egregious instances, where public health or the environment are threatened, and only based on citizen complaints, would the Department step in to abate the situation. We believe education is the most effective tool to inform the public of the public health threats posed by illegal open dumping of household waste.

Finally, if the exemption is repealed, complaint response would be simplified, because the Department would not need to spend time determining whether the waste disposed on a private property falls under the exemption.

Thank you again for allowing me to be here today to talk about this important bill.



WISCONSIN STATE LEGISLATURE



11/18/09

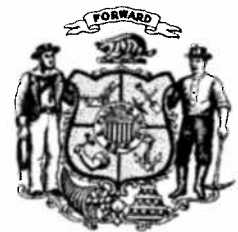
Dear Assembly Committee on Natural Resources,

With respect to Assembly Bill 372, appropriate management is needed for all solid wastes, whether generated by industry, business or households. Wastes can be either hazardous or non hazardous. Hazardous wastes are those that are corrosive, reactive (such as emit toxic fumes), ignitable (have a flashpoint < 140° F) or are toxic. Improper disposal of these materials increase the risk of harm to humans, animals and our natural resources. An accumulation of non-hazardous wastes can potentially lead to environmental pollution, such as the contamination of groundwater. Additionally, non-hazardous wastes may not be health hazards per se, but can become vector attractants for disease, and thus become public health hazards.

Jonathan M. Rivin
UWI Extension
Pollution Prevention & Waste Management Specialist
Solid and Hazardous Waste Education Center
Stevens Point, WI



WISCONSIN STATE LEGISLATURE



Date ?

Good morning Rep. Black and Danou:

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Clearly, allowing the exemption under 289.43(5) runs contrary to the very protections established by RCRA and Wisconsin's RCRA-related NR500 standards for waste management. Allowing the exemption under 289.43(5) to continue will lend dangerous authority to households to contaminate their local environment and surface/ground waters with toxins from lead-acid batteries, alkaline/lithium/cadmium batteries, pesticides, oil filters, diapers, food wastes, fluorescent lighting, needles/syringes and mercury-containing devices. These items, as listed, were found in the household waste stream as reported in the WI DNR 2003 Wisconsin Waste Characterization Final Report. In fact, the report estimates that nearly 14% of all household wastes are considered hazardous or problem wastes. This report can be read in its entirety at: <http://www.dnr.state.wi.us/org/aw/wm/publications/recycle/wrws-finalrpt.pdf>.

As a solid waste materials management professional charged with protecting human health and the environment, I strongly support AB372 and urge the members of the Natural Resources Committee to vote in favor of this bill and forward it to the full Assembly and ultimately, to the Office of the Governor for signature.

Best regards,
Meleesa Johnson
Director-Marathon Co. Solid Waste Dept.
1308 West Street
Wausau, WI
715-261-6982
715-573-3165 (cell)
715-261-6990 (fax)