

State of Wisconsin



2013 Assembly Bill 494

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2013 WISCONSIN ACT 333

AN ACT *to amend* 289.31 (1), 289.63 (1), 289.64 (1), 289.645 (1) and 289.67 (1) (a); and *to create* 289.675 of the statutes; **relating to:** the waiver of fees imposed on waste disposed of at a solid or hazardous waste disposal facility and denial, suspension, or revocation of a solid waste facility operating license.

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

SECTION 1. 289.31 (1) of the statutes is amended to read:

289.31 (1) LICENSE REQUIREMENT. No person may operate a solid waste facility or hazardous waste facility unless the person obtains an operating license from the department. The department shall issue an operating license with a duration of one year or more except that the department may issue an initial license with a duration of less than one year. The department may deny, suspend or revoke the operating license of a solid waste disposal facility for failure to pay fees required under this chapter or for grievous and continuous failure to comply with the approved plan of operation under ~~s. 289.30~~ this chapter or, if no plan of operation exists with regard to the facility, for grievous and continuous failure to comply with the standards adopted under s. 289.05 (1) and (2). The department may deny, suspend or revoke the operating license of a hazardous waste facility for any reason specified under s. 291.87 (1m).

SECTION 1m. 289.63 (1) of the statutes is amended to read:

289.63 (1) IMPOSITION OF GROUNDWATER AND WELL COMPENSATION FEES ON GENERATORS. Except as provided under sub. (6) and s. 289.675 (1), a generator of solid or

hazardous waste shall pay separate groundwater and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater and well compensation fees to the licensed solid or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives groundwater and well compensation fees under this subsection shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2. 289.64 (1) of the statutes is amended to read:

289.64 (1) IMPOSITION OF SOLID WASTE FACILITY SITING BOARD FEE ON GENERATORS. Except as provided under sub. (4) and s. 289.675 (1), a generator of solid waste or hazardous waste shall pay a solid waste facility siting board fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the solid waste facility siting board fee to the licensed solid waste

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives the solid waste facility siting board fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 3. 289.645 (1) of the statutes is amended to read:

289.645 (1) IMPOSITION OF RECYCLING FEE ON GENERATORS. Except as provided under sub. (4) and 289.675 (1), a generator of solid waste or hazardous waste shall pay a recycling fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the recycling fee to the licensed solid waste or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives the recycling fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 4. 289.67 (1) (a) of the statutes is amended to read:

289.67 (1) (a) *Imposition of fee.* Except as provided under pars. (f) and (fm) and s. 289.675 (1), a generator of solid or hazardous waste shall pay an environmental repair fee for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the environmental repair fee to the licensed solid or hazardous waste dis-

posal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives environmental repair fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 5. 289.675 of the statutes is created to read:

289.675 Waiver of fees. (1) Except as provided in sub. (2), if the department requests a person to participate in waste removal activities to mitigate potential environmental impacts and related liability and the department determines that granting a waiver from the fees under ss. 289.63, 289.64, 289.645, and 289.67 will provide an incentive for the person to participate in those activities, the department may grant the person a waiver from those fees for solid waste or hazardous waste that is disposed of as a result of the activities.

(2) The department may not grant a waiver under sub. (1) to any of the following:

(a) A person who knowingly committed a violation of law that caused or contributed to the need for the waste removal activities.

(b) A person who committed an act that the person knew or should have known would cause or contribute to the need for the waste removal activities.

(3) The department shall issue a document to a person to whom the department grants a waiver under sub. (1) stating that solid or hazardous waste generated as a result of the waste removal activities for which the waiver is granted is exempt from the fees under ss. 289.63, 289.64, 289.645, and 289.67. The person shall provide a copy of the document to the operator of the licensed solid or hazardous waste disposal facility at which the solid or hazardous waste is disposed of or to any intermediate hauler used to transport the solid or hazardous waste to a licensed facility.