

2013 DRAFTING REQUEST

Senate Amendment (SA-SB355)

Received: **3/4/2014** Received By: **btradewe**
Wanted: **As time permits** Same as LRB:
For: **Robert Cowles (608) 266-0484** By/Representing: **Ryan Smith**
May Contact: **Greg Hubbard of HWZ** Drafter: **btradewe**
Lynn Morgan of Waste Management Addl. Drafters:
Subject: **Environment - solid haz. waste** Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Cowles@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Provisions to ensure compliance

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>
/?	btradewe 3/5/2014			_____			
/1		evinz 3/5/2014	jmurphy 3/5/2014	_____	sbasford 3/5/2014	sbasford 3/5/2014	

FE Sent For:

<END>

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1/2	btradewe	1/1 PPV 3/5/14	1/1 PPV 3/5/14	_____	_____		
				gm 3/5			

FE Sent For:

<END>

Tradewell, Becky

From: Morgan, Lynn <lmorgan@wm.com>
Sent: Tuesday, March 04, 2014 1:56 PM
To: Tradewell, Becky
Cc: Greg Hubbard
Subject: RE: SB 355 Amendment
Attachments: SB 355 MRF Amendment Notes 3 4 14.docx

Becky, hello – Here's a summary of the ideas under discussion. Would 2:30 today work for a call?

Thank you,

Lynn

Lynn Morgan
Public Affairs Manager
lmorgan@wm.com

Waste Management
W132 N10487 Grant Drive
Germantown, WI 53022
www.wm.com
Tel 262 250 8711
Cell 414 429 2019

From: Tradewell, Becky [<mailto:Becky.Tradewell@legis.wisconsin.gov>]
Sent: Tuesday, March 04, 2014 1:24 PM
To: Greg Hubbard
Cc: Morgan, Lynn
Subject: RE: SB 355 Amendment

Greg,

Yes, I could discuss this today or tomorrow.

Becky Tradewell
266-7290

From: Greg Hubbard [<mailto:ghubbard@hwz-gov.com>]
Sent: Tuesday, March 04, 2014 1:02 PM
To: Tradewell, Becky
Cc: Smith, Ryan; Lynn morgan
Subject: Re: SB 355 Amendment

Hi Becky,

The DNR raised concerns about how landfills would track when a MRF reached its 10%/30% limit. Lynn Morgan from WM and I have been talking to DNR staff. We believe we have a way to address their concerns. Do you have some time today or tomorrow to discuss?

Thank you!

Greg Hubbard
Hubbard Wilson & Zelenkova
44 E. Mifflin Street, Suite 605
Madison, WI 53703
p: (608) 255-0566
c: (608) 334-6603
ghubbard@hwz-gov.com

www.hwz-gov.com

On Mar 4, 2014, at 12:25 PM, Smith, Ryan wrote:

Hi Becky,

It has come to my attention that DNR has raised a concern regarding how recycled materials is (or is not) defined in the bill. One of the stakeholder groups involved in this bill believes they have language that can take care of those concerns. At Sen. Cowles' behest, I'll have Greg Hubbard contact you directly to work on drafting an amendment to this end. If you have any questions, feel free to give me a call.

Thanks,

Ryan Smith
Chief of Staff
Office of Sen. Robert Cowles
800-334-1465

Recycling is a good thing. Please recycle any printed emails.

SB 355

- Authorize the department to require a materials recovery facility to certify that the facility meets the qualifications described, and to report the weight of residue that was not subjected to the fees and other information required to demonstrate compliance.
- Authorize the department to require a licensed solid or hazardous waste facility to report the amount of residue that was not subject to the fees and identify the materials recovery facilities generating the residue.
- Expand the description of "qualified materials recovery facility" to include a requirement that the facility has paid the required fees imposed on the disposal of solid waste.

Documentation allowing the DNR to verify compliance:

1. The MRF provides an initial certification to the landfill and the DNR affirming that the MRF meets the eligibility criteria, estimating the tons of tax-exempt residue to be produced during the year based on anticipated processing volumes and historical residue rates, and agreeing to be responsible for taxes due on any non-exempt residue.
2. Before January 15th, the MRF provides a statement to the landfill and the DNR reconciling actual tax-exempt residue vs. the amount of residue claimed as tax-exempt during the prior year, and remits any additional taxes due to the landfill by Jan. 31st.
3. A MRF that fails to pay any additional tax due is not eligible for the waiver going forward until the debt is resolved.
4. DNR can require information about the calculation of residue, use of the waiver, etc. on MRF annual reports.
5. The landfill identifies all tax waivers extended to MRFs on its annual capacity certification.

3/4/2014 Phone conversation with Lynn Morgan and
Greg Hubbard

DNR was concerned about how it could be ensured
that the exemption would only be claimed for residue
that is eligible. The process for ensuring that is
described in points 1. to 5. of the attachment that
Lynn emailed.

The bullet points describe the statutory provisions
that they feel are necessary to enable the process
to work.

I indicated that the third bullet point doesn't
really ^{belong} in a definition, but should be expressed more
like the way described in 3. of the process.

RLT



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa2008/1

RCT:1:....

Leev

Today

SENATE AMENDMENT,
TO SENATE BILL 355

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

2 **1.** Page 3, line ³2: delete "The following" and substitute "Subject to subd. 3., the
3 following". ✓

4 **2.** Page 3, line 12: after that line insert: ✓

5 "3. a. The department may require an operator that claims the exemption
6 under this paragraph to certify that the operator's facility satisfies the criteria in
7 subd. 1. a. or b. and to report the weight of the residue for which the operator does
8 not pay the groundwater and well compensation fees and any other information
9 needed to determine eligibility for the exemption.

10 b. The department may require the owner or operator of a licensed solid or
11 hazardous waste disposal facility to report the weight of any residue received by the
12 solid or hazardous waste disposal facility for which the groundwater and well

1 compensation fees are not paid and to identify the facilities that generate that
2 residue.

3 c. If the operator of a facility claims the exemption under this paragraph for a
4 greater weight of residue than is authorized under subd. 2., the operator is ineligible
5 for the exemption for any additional residue until it pays the balance of the
6 groundwater and well compensation fees that it owes.”. ✓

7 **3.** Page 6, line 5: delete “The following” and substitute “Subject to subd. 3., the
8 following”. ✓

9 **4.** Page 6, line 14: after that line insert:

10 “3. a. The department may require an operator that claims the exemption
11 under this paragraph to certify that the operator’s facility satisfies the criteria in
12 subd. 1. a. or b. and to report the weight of the residue for which the operator does
13 not pay the solid waste facility siting board fee and any other information needed to
14 determine eligibility for the exemption.

15 b. The department may require the owner or operator of a licensed solid or
16 hazardous waste disposal facility to report the weight of any residue received by the
17 solid or hazardous waste disposal facility for which the solid waste facility siting
18 board fee is not paid and to identify the facilities that generate that residue.

19 c. If the operator of a facility claims the exemption under this paragraph for a
20 greater weight of residue than is authorized under subd. 2., the operator is ineligible
21 for the exemption for any additional residue until it pays the balance of the solid
22 waste facility siting board fee that it owes.”. ✓

23 **5.** Page 9, line 12: delete “The following” and substitute “Subject to subd. 3.,
24 the following”. ✓

1 **6.** Page 9, line 21: after that line insert:

2 “3. a. The department may require an operator that claims the exemption
3 under this paragraph to certify that the operator’s facility satisfies the criteria in
4 subd. 1. a. or b. and to report the weight of the residue for which the operator does
5 not pay the recycling fee and any other information needed to determine eligibility
6 for the exemption.

7 b. The department may require the owner or operator of a licensed solid or
8 hazardous waste disposal facility to report the weight of any residue received by the
9 solid or hazardous waste disposal facility for which the recycling fee is not paid and
10 to identify the facilities that generate that residue.

11 c. If the operator of a facility claims the exemption under this paragraph for a
12 greater weight of residue than is authorized under subd. 2., the operator is ineligible
13 for the exemption for any additional residue until it pays the balance of the recycling
14 fee that it owes.”.

15 **7.** Page 12, line 19 delete “The following” and substitute “Subject to subd. 3.,
16 the following”.

17 **8.** Page 13, line 4: after that line insert:

18 “3. a. The department may require an operator that claims the exemption
19 under this paragraph to certify that the operator’s facility satisfies the criteria in
20 subd. 1. a. or b. and to report the weight of the residue for which the operator does
21 not pay the environmental repair fee and any other information needed to determine
22 eligibility for the exemption.

23 b. The department may require the owner or operator of a licensed solid or
24 hazardous waste disposal facility to report the weight of any residue received by the

1 solid or hazardous waste disposal facility for which the environmental repair fee is
2 not paid and to identify the facilities that generate that residue.

3 c. If the operator of a facility claims the exemption under this paragraph for a
4 greater weight of residue than is authorized under subd. 2., the operator is ineligible
5 for the exemption for any additional residue until it pays the balance of the
6 environmental repair fee that it owes.”. ✓

7 (END)