



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 444**

1 **AN ACT** *to amend* 289.645 (2) and 289.67 (1) (a); and *to create* 289.63 (6) (d),
2 289.63 (10), 289.64 (4) (d), 289.64 (8), 289.645 (4) (h), 289.645 (8), 289.67 (1) (fj)
3 and 289.67 (1) (j) of the statutes; **relating to:** fees imposed on the disposal of
4 solid waste and hazardous waste at licensed solid waste and hazardous waste
5 disposal facilities.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 289.63 (6) (d) of the statutes is created to read:
7 289.63 **(6)** (d) 1. In this paragraph, “qualified materials recovery facility”
8 means one of the following:
9 a. A materials recovery facility, as defined in s. 287.27 (1), if the operator of the
10 facility is self-certified under s. NR 544.16 (2), Wis. Adm. Code, and, if the facility

1 has an approved plan of operation, the facility is in compliance with its approved plan
2 of operation.

3 b. A facility at which materials generated by construction, demolition, and
4 remodeling of structures are processed for recycling if the facility is licensed under
5 this chapter as a solid waste processing facility, the approved plan of operation for
6 the facility requires the reporting of the volume or weight of materials processed,
7 recycled, and discarded as residue, and the facility is in compliance with its approved
8 plan of operation.

9 2. Subject to subd. 3., the following amounts of solid waste materials are not
10 subject to the groundwater and well compensation fees imposed under sub. (1):

11 a. For a qualified materials recovery facility described in subd. 1. a., an amount
12 equal to the weight of the residue generated by the qualified materials recovery
13 facility or 10 percent of the total weight of material accepted by the qualified
14 materials recovery facility, whichever is less.

15 b. For a qualified materials recovery facility described in subd. 1. b., an amount
16 equal to the weight of the residue generated by the qualified materials recovery
17 facility or 30 percent of the total weight of material accepted by the qualified
18 materials recovery facility, whichever is less.

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

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

1 solid or hazardous waste disposal facility for which the groundwater and well
2 compensation fees are not paid and to identify the facilities that generate that
3 residue.

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

8 **SECTION 2.** 289.63 (10) of the statutes is created to read:

9 **289.63 (10) REPAYMENT OR WAIVER OF OVERDUE GROUNDWATER AND WELL**
10 **COMPENSATION FEES.** (a) 1. If a person required under sub. (1) to pay groundwater and
11 well compensation fees to a licensed solid waste or hazardous waste disposal facility
12 fails, within 120 days after the date of disposal, to pay the groundwater and well
13 compensation fees and to pay the charges imposed by the licensed solid waste or
14 hazardous waste disposal facility, the owner or operator of the licensed solid waste
15 or hazardous waste disposal facility may submit an affidavit to the department that
16 includes all of the following:

17 a. Identifying information for the person that failed to pay the groundwater and
18 well compensation fees.

19 b. A description of the efforts made to collect the groundwater and well
20 compensation fees that are overdue.

21 c. A commitment that the owner or operator will not accept any solid waste or
22 hazardous waste from the person that failed to pay the fees until the overdue
23 groundwater and well compensation fees are paid.

24 2. When the department receives an affidavit that complies with subd. 1., the
25 department shall refund to the owner or operator any amount of the overdue

1 groundwater and well compensation fees paid by the owner or operator and shall
2 grant a waiver to the owner or operator from the requirement to pay any additional
3 amount of the overdue groundwater and well compensation fees. If the person later
4 pays the overdue groundwater and well compensation fees to the owner or operator,
5 the owner or operator shall pay the full amount received to the department.

6 (b) 1. If a person required under sub. (1) to pay the groundwater and well
7 compensation fees to an intermediate hauler fails, within 120 days after the date of
8 disposal, to pay the groundwater and well compensation fees and to pay the charges
9 imposed by the intermediate hauler, the hauler may submit an affidavit to the owner
10 or operator of the licensed solid waste or hazardous waste disposal facility at which
11 the solid or hazardous waste is disposed of that includes all of the following:

12 a. Identifying information for the person that failed to pay the groundwater and
13 well compensation fees.

14 b. A description of the efforts made to collect the groundwater and well
15 compensation fees that are overdue.

16 c. A commitment that the hauler will not accept any solid waste or hazardous
17 waste from the person that failed to pay the groundwater and well compensation fees
18 until the overdue groundwater and well compensation fees are paid.

19 2. When the owner or operator of a licensed solid waste or hazardous waste
20 disposal facility receives an affidavit under subd. 1., the owner or operator shall
21 submit the affidavit to the department.

22 3. When the department receives an affidavit that complies with subd. 1., the
23 department shall refund to the owner or operator any amount of the overdue
24 groundwater and well compensation fees paid by the hauler and shall grant a waiver
25 to the hauler from the requirement to pay any additional amount of the overdue

1 groundwater and well compensation fees and the owner or operator shall pay any
2 refund to the hauler. If the person later pays the overdue groundwater and well
3 compensation fees to the hauler, the hauler shall pay the full amount received to the
4 owner or operator and the owner or operator shall forward the payment to the
5 department.

6 **SECTION 3.** 289.64 (4) (d) of the statutes is created to read:

7 289.64 (4) (d) 1. In this paragraph, “qualified materials recovery facility”
8 means one of the following:

9 a. A materials recovery facility, as defined in s. 287.27 (1), if the operator of the
10 facility is self-certified under s. NR 544.16 (2), Wis. Adm. Code, and, if the facility
11 has an approved plan of operation, the facility is in compliance with its approved plan
12 of operation.

13 b. A facility at which materials generated by construction, demolition, and
14 remodeling of structures are processed for recycling if the facility is licensed under
15 this chapter as a solid waste processing facility, the approved plan of operation for
16 the facility requires the reporting of the volume or weight of materials processed,
17 recycled, and discarded as residue, and the facility is in compliance with its approved
18 plan of operation.

19 2. Subject to subd. 3., the following amounts of solid waste materials are not
20 subject to the solid waste facility siting board fee imposed under sub. (1):

21 a. For a qualified materials recovery facility described in subd. 1. a., an amount
22 equal to the weight of the residue generated by the qualified materials recovery
23 facility or 10 percent of the total weight of material accepted by the qualified
24 materials recovery facility, whichever is less.

1 b. For a qualified materials recovery facility described in subd. 1. b., an amount
2 equal to the weight of the residue generated by the qualified materials recovery
3 facility or 30 percent of the total weight of material accepted by the qualified
4 materials recovery facility, whichever is less.

5 3. a. The department may require an operator that claims the exemption under
6 this paragraph to certify that the operator's facility satisfies the criteria in subd. 1.
7 a. or b. and to report the weight of the residue for which the operator does not pay
8 the solid waste facility siting board fee and any other information needed to
9 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 solid waste facility siting
13 board fee is not paid and to identify the facilities that generate that residue.

14 c. If the operator of a facility claims the exemption under this paragraph for a
15 greater weight of residue than is authorized under subd. 2., the operator is ineligible
16 for the exemption for any additional residue until it pays the balance of the solid
17 waste facility siting board fee that it owes.

18 **SECTION 4.** 289.64 (8) of the statutes is created to read:

19 289.64 (8) REPAYMENT OR WAIVER OF OVERDUE WASTE FACILITY SITING BOARD FEE.

20 (a) 1. If a person required under sub. (1) to pay the waste facility siting board fee to
21 a licensed solid waste or hazardous waste disposal facility fails, within 120 days after
22 the date of disposal, to pay the waste facility siting board fee and to pay the charges
23 imposed by the licensed solid waste or hazardous waste disposal facility, the owner
24 or operator of the licensed solid waste or hazardous waste disposal facility may
25 submit an affidavit to the department that includes all of the following:

1 a. Identifying information for the person that failed to pay the waste facility
2 siting board fee.

3 b. A description of the efforts made to collect the waste facility siting board fee
4 that is overdue.

5 c. A commitment that the owner or operator will not accept any solid waste or
6 hazardous waste from the person that failed to pay the waste facility siting board fee
7 until the overdue waste facility siting board fee is paid.

8 2. When the department receives an affidavit that complies with subd. 1., the
9 department shall refund to the owner or operator any amount of the overdue waste
10 facility siting board fee paid by the owner or operator and shall grant a waiver to the
11 owner or operator from the requirement to pay any additional amount of the overdue
12 waste facility siting board fee. If the person later pays the overdue waste facility
13 siting board fee to the owner or operator, the owner or operator shall pay the full
14 amount received to the department.

15 (b) 1. If a person required under sub. (1) to pay the waste facility siting board
16 fee to an intermediate hauler fails, within 120 days after the date of disposal, to pay
17 the waste facility siting board fee and to pay the charges imposed by the intermediate
18 hauler, the hauler may submit an affidavit to the owner or operator of the licensed
19 solid waste or hazardous waste disposal facility at which the solid or hazardous
20 waste is disposed of that includes all of the following:

21 a. Identifying information for the person that failed to pay the waste facility
22 siting board fee.

23 b. A description of the efforts made to collect the waste facility siting board fee
24 that is overdue.

1 c. A commitment that the hauler will not accept any solid waste or hazardous
2 waste from the person that failed to pay the waste facility siting board fee until the
3 overdue waste facility siting board fee is paid.

4 2. When the owner or operator of a licensed solid waste or hazardous waste
5 disposal facility receives an affidavit under subd. 1., the owner or operator shall
6 submit the affidavit to the department.

7 3. When the department receives an affidavit that complies with subd. 1., the
8 department shall refund to the owner or operator any amount of the overdue waste
9 facility siting board fee paid by the hauler and shall grant a waiver to the hauler from
10 the requirement to pay any additional amount of the overdue waste facility siting
11 board fee and the owner or operator shall pay any refund to the hauler. If the person
12 later pays the overdue waste facility siting board fee to the hauler, the hauler shall
13 pay the full amount received to the owner or operator and the owner or operator shall
14 forward the payment to the department.

15 **SECTION 5.** 289.645 (2) of the statutes is amended to read:

16 289.645 (2) COLLECTION. The owner or operator of a licensed solid waste or
17 hazardous waste disposal facility shall collect the recycling fee from the generator,
18 a person who arranges for disposal on behalf of one or more generators or an
19 intermediate hauler and shall pay to the department the amount of the fee required
20 to be collected according to the amount of solid waste or hazardous waste received
21 and disposed of at the facility during the preceding reporting period, except as
22 provided under sub. (8).

23 **SECTION 6.** 289.645 (4) (h) of the statutes is created to read:

24 289.645 (4) (h) 1. In this paragraph, “qualified materials recovery facility”
25 means one of the following:

1 a. A materials recovery facility, as defined in s. 287.27 (1), if the operator of the
2 facility is self-certified under s. NR 544.16 (2), Wis. Adm. Code, and, if the facility
3 has an approved plan of operation, the facility is in compliance with its approved plan
4 of operation.

5 b. A facility at which materials generated by construction, demolition, and
6 remodeling of structures are processed for recycling if the facility is licensed under
7 this chapter as a solid waste processing facility, the approved plan of operation for
8 the facility requires the reporting of the volume or weight of materials processed,
9 recycled, and discarded as residue, and the facility is in compliance with its approved
10 plan of operation.

11 2. Subject to subd. 3., the following amounts of solid waste materials are not
12 subject to the recycling fee imposed under sub. (1):

13 a. For a qualified materials recovery facility described in subd. 1. a., an amount
14 equal to the weight of the residue generated by the qualified materials recovery
15 facility or 10 percent of the total weight of material accepted by the qualified
16 materials recovery facility, whichever is less.

17 b. For a qualified materials recovery facility described in subd. 1. b., an amount
18 equal to the weight of the residue generated by the qualified materials recovery
19 facility or 30 percent of the total weight of material accepted by the qualified
20 materials recovery facility, whichever is less.

21 3. a. The department may require an operator that claims the exemption under
22 this paragraph to certify that the operator's facility satisfies the criteria in subd. 1.
23 a. or b. and to report the weight of the residue for which the operator does not pay
24 the recycling fee and any other information needed to determine eligibility for the
25 exemption.

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

5 c. If the operator of a facility claims the exemption under this paragraph for a
6 greater weight of residue than is authorized under subd. 2., the operator is ineligible
7 for the exemption for any additional residue until it pays the balance of the recycling
8 fee that it owes.

9 **SECTION 7.** 289.645 (8) of the statutes is created to read:

10 289.645 (8) REPAYMENT OR WAIVER OF OVERDUE RECYCLING FEE. (a) 1. If a person
11 required under sub. (1) to pay the recycling fee to a licensed solid waste or hazardous
12 waste disposal facility fails, within 120 days after the date of disposal, to pay the
13 recycling fee and to pay the charges imposed by the licensed solid waste or hazardous
14 waste disposal facility, the owner or operator of the licensed solid waste or hazardous
15 waste disposal facility may submit an affidavit to the department that includes all
16 of the following:

17 a. Identifying information for the person that failed to pay the recycling fee.
18 b. A description of the efforts made to collect the recycling fee that is overdue.
19 c. A commitment that the owner or operator will not accept any solid waste or
20 hazardous waste from the person that failed to pay the recycling fee until the overdue
21 recycling fee is paid.

22 2. When the department receives an affidavit that complies with subd. 1., the
23 department shall refund to the owner or operator any amount of the overdue
24 recycling fee paid by the owner or operator and shall grant a waiver to the owner or
25 operator from the requirement to pay any additional amount of the overdue recycling

1 fee. If the person later pays the overdue recycling fee to the owner or operator, the
2 owner or operator shall pay the full amount received to the department.

3 (b) 1. If a person required under sub. (1) to pay the recycling fee to an
4 intermediate hauler fails, within 120 days after the date of disposal, to pay the
5 recycling fee and to pay the charges imposed by the intermediate hauler, the hauler
6 may submit an affidavit to the owner or operator of the licensed solid waste or
7 hazardous waste disposal facility at which the solid or hazardous waste is disposed
8 of that includes all of the following:

9 a. Identifying information for the person that failed to pay the recycling fee.

10 b. A description of the efforts made to collect the recycling fee that is overdue.

11 c. A commitment that the hauler will not accept any solid waste or hazardous
12 waste from the person that failed to pay the recycling fee until the overdue recycling
13 fee is paid.

14 2. When the owner or operator of a licensed solid waste or hazardous waste
15 disposal facility receives an affidavit under subd. 1., the owner or operator shall
16 submit the affidavit to the department.

17 3. When the department receives an affidavit that complies with subd. 1., the
18 department shall refund to the owner or operator any amount of the overdue
19 recycling fee paid by the hauler and shall grant a waiver to the hauler from the
20 requirement to pay any additional amount of the overdue recycling fee and the owner
21 or operator shall pay any refund to the hauler. If the person later pays the overdue
22 recycling fee to the hauler, the hauler shall pay the full amount received to the owner
23 or operator and the owner or operator shall forward the payment to the department.

24 **SECTION 8.** 289.67 (1) (a) of the statutes is amended to read:

1 289.67 (1) (a) *Imposition of fee.* Except as provided under pars. (f) and to (fm),
2 a generator of solid or hazardous waste shall pay an environmental repair fee for
3 each ton or equivalent volume of solid or hazardous waste which is disposed of at a
4 licensed solid or hazardous waste disposal facility. If a person arranges for collection
5 or disposal services on behalf of one or more generators, that person shall pay the
6 environmental repair fee to the licensed solid or hazardous waste disposal facility or
7 to any intermediate hauler used to transfer wastes from collection points to a
8 licensed facility. An intermediate hauler who receives environmental repair fees
9 under this paragraph shall pay the fees to the licensed solid or hazardous waste
10 disposal facility. Tonnage or equivalent volume shall be calculated in the same
11 manner as the calculation made for tonnage fees under s. 289.62 (1).

12 **SECTION 9.** 289.67 (1) (fj) of the statutes is created to read:

13 289.67 (1) (fj) *Exemption from environmental repair fee; recycling residue.* 1.
14 In this paragraph, “qualified materials recovery facility” means one of the following:

15 a. A materials recovery facility, as defined in s. 287.27 (1), if the operator of the
16 facility is self-certified under s. NR 544.16 (2), Wis. Adm. Code, and, if the facility
17 has an approved plan of operation, the facility is in compliance with its approved plan
18 of operation.

19 b. A facility at which materials generated by construction, demolition, and
20 remodeling of structures are processed for recycling if the facility is licensed under
21 this chapter as a solid waste processing facility, the approved plan of operation for
22 the facility requires the reporting of the volume or weight of materials processed,
23 recycled, and discarded as residue, and the facility is in compliance with its approved
24 plan of operation.

1 2. Subject to subd. 3., the following amounts of solid waste materials are not
2 subject to the environmental repair fee imposed under par. (a):

3 a. For a qualified materials recovery facility described in subd. 1. a., an amount
4 equal to the weight of the residue generated by the qualified materials recovery
5 facility or 10 percent of the total weight of material accepted by the qualified
6 materials recovery facility, whichever is less.

7 b. For a qualified materials recovery facility described in subd. 1. b., an amount
8 equal to the weight of the residue generated by the qualified materials recovery
9 facility or 30 percent of the total weight of material accepted by the qualified
10 materials recovery facility, whichever is less.

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

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

20 c. If the operator of a facility claims the exemption under this paragraph for a
21 greater weight of residue than is authorized under subd. 2., the operator is ineligible
22 for the exemption for any additional residue until it pays the balance of the
23 environmental repair fee that it owes.

24 **SECTION 10.** 289.67 (1) (j) of the statutes is created to read:

1 289.67 (1) (j) *Repayment or waiver of overdue environmental repair fee.* 1. a.

2 If a person required under par. (a) to pay the environmental repair fee to a licensed
3 solid waste or hazardous waste disposal facility fails, within 120 days after the date
4 of disposal, to pay the environmental repair fee and to pay the charges imposed by
5 the licensed solid waste or hazardous waste disposal facility, the owner or operator
6 of the licensed solid waste or hazardous waste disposal facility may submit an
7 affidavit to the department that includes identifying information for the person that
8 failed to pay the environmental repair fee; a description of the efforts made to collect
9 the environmental repair fee that is overdue; and a commitment that the owner or
10 operator will not accept any solid waste or hazardous waste from the person that
11 failed to pay the environmental repair fee until the overdue environmental repair fee
12 is paid.

13 b. When the department receives an affidavit that complies with subd. 1. a., the
14 department shall refund to the owner or operator any amount of the overdue
15 environmental repair fee paid by the owner or operator and shall grant a waiver to
16 the owner or operator from the requirement to pay any additional amount of the
17 overdue environmental repair fee. If the person later pays the overdue
18 environmental repair fee to the owner or operator, the owner or operator shall pay
19 the full amount received to the department.

20 2. a. If a person required under par. (a) to pay the environmental repair fee to
21 an intermediate hauler fails, within 120 days after the date of disposal, to pay the
22 environmental repair fee and to pay the charges imposed by the intermediate hauler,
23 the hauler may submit an affidavit to the owner or operator of the licensed solid
24 waste or hazardous waste disposal facility at which the solid or hazardous waste is
25 disposed of that includes identifying information for the person that failed to pay the

1 environmental repair fee; a description of the efforts made to collect the
2 environmental repair fee that is overdue; and a commitment that the hauler will not
3 accept any solid waste or hazardous waste from the person that failed to pay the
4 environmental repair fee until the overdue environmental repair fee is paid.

5 b. When the owner or operator of a licensed solid waste or hazardous waste
6 disposal facility receives an affidavit under subd. 2. a., the owner or operator shall
7 submit the affidavit to the department.

8 c. When the department receives an affidavit that complies with subd. 2. a., the
9 department shall refund to the owner or operator any amount of the overdue
10 environmental repair fee paid by the hauler and shall grant a waiver to the hauler
11 from the requirement to pay any additional amount of the overdue environmental
12 repair fee and the owner or operator shall pay any refund to the hauler. If the person
13 later pays the overdue environmental repair fee to the hauler, the hauler shall pay
14 the full amount received to the owner or operator and the owner or operator shall
15 forward the payment to the department.

16 **SECTION 11. Effective date.**

17 (1) This act takes effect on January 1, 2015.

18 (END)