

State of Wisconsin



1995 Assembly Bill 640

Date of enactment: **December 1, 1995**
Date of publication*: **December 15, 1995**

1995 WISCONSIN ACT 99

AN ACT to create 144.4385 and 147.0175 of the statutes; relating to: exempting certain fruit and vegetable washing facilities from certain permitting, plan approval and licensing requirements.

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

SECTION 1. 144.4385 of the statutes is created to read:
144.4385 Exemption for certain fruit and vegetable washing facilities. (1) DEFINITIONS. AS used in this section:

(b) "Washing station" has the meaning given in s. 147.0175 (1) (b).

(c) "Wash water" has the meaning given in s. 147.0175 (1) (c).

(d) "Wash water storage facility" has the meaning given in s. 147.0175 (1) (d).

(2) EXEMPTION. No permit, license or, except as provided in par. (d), plan approval is required under this chapter for the owner of a washing station to establish, construct or operate a solid waste facility for the treatment, storage or disposal of wash water or to compost or land spread plant parts separated from wash water if all of the following requirements are met:

(a) The washing station is not adjacent to or operated as part of a food processing plant, as defined in s. 97.29 (1) (h).

(b) All wash water is either stored in a sealed wash water storage facility or is dispersed on land owned or leased by the owner of the washing station in a manner which avoids ponding, runoff or nuisance conditions and

in accordance with acceptable agricultural practices or acceptable practices for the land spreading of waste.

(c) All plant parts that are separated from wash water are either composted or stored in a plant parts storage facility and disposed of using an environmentally safe land spreading technique. The treatment, storage, disposal or composting under this paragraph must be confined to property owned or leased by the owner of the washing station.

(d) For a washing station that anticipates operating at least 100 days per year or that operated at least 100 days during the immediately preceding year, do all of the following:

1. Register annually with the department as a washing station.

2. Submit annually an operating plan that implements best management practices and that is approved by the department.

3. Operate only in accordance with the approved operating plan.

SECTION 2. 147.0175 of the statutes is created to read:
147.0175 Exemption for certain fruit and vegetable washing facilities. (1) DEFINITIONS. AS used in this section:

(b) "Washing station" means a facility where fruits or vegetables are washed or cleaned after harvesting and before further processing.

* Section 991.11, WISCONSIN STATUTES 1993-94: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(c) “Wash water” means water that has been used at a washing station to wash or clean fruits or vegetables and that may contain dirt or other substances removed from the fruits or vegetables during the washing process or biodegradable additives used during the washing process.

(d) “Wash water storage facility” means a facility, including a settling pond or lagoon, that is used to store wash water.

(2) EXEMPTION. The owner of a washing station may discharge or dispose of wash water, and may land spread or compost plant parts separated from the wash water, without a permit under this chapter if all of the following requirements are met:

(a) The washing station is not adjacent to or operated as part of a food processing plant, as defined in s. 97.29 (1) (h).

(b) All wash water is either stored in a sealed wash water storage facility or is dispersed on land owned or leased by the owner of the washing station in a manner

which avoids ponding, runoff and nuisance conditions and in accordance with acceptable agricultural practices or acceptable practices for the land spreading of waste.

(c) All plant parts that are separated from the wash water are either composted or stored in a plant parts storage facility and disposed of using an environmentally safe land spreading technique. The disposal or composting must be confined to property owned or leased by the owner of the washing station.

(d) For a washing station that anticipates operating at least 100 days per year or that operated at least 100 days during the immediately preceding year, do all of the following:

1. Register annually with the department as a washing station.

2. Submit annually an operating plan that implements best management practices and that is approved by the department.

3. Operate only in accordance with the approved operating plan.
