



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0913/P1
MCP:skw

DOA:.....Potts, BB0306 - Tipping fee exemption

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

GENERAL ENVIRONMENT

Tipping fee exemption for waste-to-energy facilities

Current law imposes several fees, commonly called tipping fees, on generators of solid waste that is disposed of at a landfill or other waste disposal facility. Under current law, a facility that recycles construction, demolition, and remodeling materials is exempt from these tipping fees, in an amount equal to the weight of residue generated by the recycling process or 30 percent of the total weight of material accepted by the recycling facility, whichever is less. To be eligible for this exemption, the facility must be licensed as a solid waste processing facility; the facility's plan of operation must require reporting of the volume or weight of materials processed, recycled, and discarded; and the facility must be in compliance with its plan of operation.

This bill creates a similar exemption from tipping fees for existing facilities that incinerate solid waste for the purpose of energy recovery, commonly called waste-to-energy facilities. To be eligible for this exemption, the facility must be licensed as a municipal solid waste combustor; the facility's plan of operation must require reporting of the weight of material coming into the facility, and the weight of material rejected and residue produced by the facility and where the rejected

material and residue is sent; and the facility must be in compliance with its plan of operation. The exemption does not apply to ash residue generated at these facilities.

The bill also makes a terminology change, referring to facilities exempt from the tipping fee as “qualified facilities” instead of “qualified materials recovery facilities.”

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 289.63 (6) (d) 1. (intro.) of the statutes is amended to read:

289.63 (6) (d) 1. (intro.) In this paragraph, “qualified ~~materials recovery~~ facility” means one of the following:

SECTION 2. 289.63 (6) (d) 1. c. of the statutes is created to read:

289.63 (6) (d) 1. c. A facility that is in operation on the effective date of this subd. 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of energy recovery, if the facility is licensed as a municipal solid waste combustor; the approved plan of operation for the facility requires the reporting of the weight of material coming into the facility, the weight of material rejected by the facility and where it was sent, and the weight of residue produced and where it was sent; and the facility is in compliance with its approved plan of operation.

SECTION 3. 289.63 (6) (d) 2. a. of the statutes is amended to read:

289.63 (6) (d) 2. a. For a qualified ~~materials recovery~~ facility described in subd. 1. a., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 10 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less.

SECTION 4. 289.63 (6) (d) 2. b. of the statutes is amended to read:

289.63 (6) (d) 2. b. For a qualified ~~materials recovery~~ facility described in subd. 1. b. or c., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 30 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less. This exemption does not apply to ash residue generated by a qualified facility described in subd. 1. c.

SECTION 5. 289.63 (6) (d) 3. a. of the statutes is amended to read:

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

SECTION 6. 289.64 (4) (d) 1. (intro.) of the statutes is amended to read:

289.64 (4) (d) 1. (intro.) In this paragraph, "qualified ~~materials recovery~~ facility" means one of the following:

SECTION 7. 289.64 (4) (d) 1. c. of the statutes is created to read:

289.64 (4) (d) 1. c. A facility that is in operation on the effective date of this subd. 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of energy recovery, if the facility is licensed as a municipal solid waste combustor; the approved plan of operation for the facility requires the reporting of the weight of material coming into the facility, the weight of material rejected by the facility and where it was sent, and the weight of residue produced and where it was sent; and the facility is in compliance with its approved plan of operation.

SECTION 8. 289.64 (4) (d) 2. a. of the statutes is amended to read:

289.64 (4) (d) 2. a. For a qualified ~~materials recovery~~ facility described in subd. 1. a., an amount equal to the weight of the residue generated by the qualified

~~materials recovery~~ facility or 10 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less.

SECTION 9. 289.64 (4) (d) 2. b. of the statutes is amended to read:

289.64 (4) (d) 2. b. For a qualified ~~materials recovery~~ facility described in subd. 1. b. or c., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 30 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less. This exemption does not apply to ash residue generated by a qualified facility described in subd. 1. c.

SECTION 10. 289.64 (4) (d) 3. a. of the statutes is amended to read:

289.64 (4) (d) 3. a. The department may require an operator that claims the exemption under this paragraph to certify that the operator's facility satisfies the criteria in subd. 1. a. ~~or b.~~ or c. and to report the weight of the residue for which the operator does not pay the solid waste facility siting board fee and any other information needed to determine eligibility for the exemption.

SECTION 11. 289.645 (4) (h) 1. (intro.) of the statutes is amended to read:

289.645 (4) (h) 1. (intro.) In this paragraph, "qualified ~~materials recovery~~ facility" means one of the following:

SECTION 12. 289.645 (4) (h) 1. c. of the statutes is created to read:

289.645 (4) (h) 1. c. A facility that is in operation on the effective date of this subd. 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of energy recovery, if the facility is licensed as a municipal solid waste combustor; the approved plan of operation for the facility requires the reporting of the weight of material coming into the facility, the weight of material rejected by the facility and where it was sent, and the weight of residue produced and where it was sent; and the facility is in compliance with its approved plan of operation.

SECTION 13. 289.645 (4) (h) 2. a. of the statutes is amended to read:

289.645 (4) (h) 2. a. For a qualified ~~materials recovery~~ facility described in subd. 1. a., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 10 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less.

SECTION 14. 289.645 (4) (h) 2. b. of the statutes is amended to read:

289.645 (4) (h) 2. b. For a qualified ~~materials recovery~~ facility described in subd. 1. b. or c., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 30 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less. This exemption does not apply to ash residue generated by a qualified facility described in subd. 1. c.

SECTION 15. 289.645 (4) (h) 3. a. of the statutes is amended to read:

289.645 (4) (h) 3. a. The department may require an operator that claims the exemption under this paragraph to certify that the operator's facility satisfies the criteria in subd. 1. a. ~~or b.~~ or c. and to report the weight of the residue for which the operator does not pay the recycling fee and any other information needed to determine eligibility for the exemption.

SECTION 16. 289.67 (1) (fj) 1. (intro.) of the statutes is amended to read:

289.67 (1) (fj) 1. (intro.) In this paragraph, "qualified ~~materials recovery~~ facility" means one of the following:

SECTION 17. 289.67 (1) (fj) 1. c. of the statutes is created to read:

289.67 (1) (fj) 1. c. A facility that is in operation on the effective date of this subd. 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of energy recovery, if the facility is licensed as a municipal solid waste combustor; the

approved plan of operation for the facility requires the reporting of the weight of material coming into the facility, the weight of material rejected by the facility and where it was sent, and the weight of residue produced and where it was sent; and the facility is in compliance with its approved plan of operation.

SECTION 18. 289.67 (1) (fj) 2. a. of the statutes is amended to read:

289.67 (1) (fj) 2. a. For a qualified ~~materials recovery~~ facility described in subd. 1. a., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 10 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less.

SECTION 19. 289.67 (1) (fj) 2. b. of the statutes is amended to read:

289.67 (1) (fj) 2. b. For a qualified ~~materials recovery~~ facility described in subd. 1. b. or c., an amount equal to the weight of the residue generated by the qualified ~~materials recovery~~ facility or 30 percent of the total weight of material accepted by the qualified ~~materials recovery~~ facility, whichever is less. This exemption does not apply to ash residue generated by a qualified facility described in subd. 1. c.

SECTION 20. 289.67 (1) (fj) 3. a. of the statutes is amended to read:

289.67 (1) (fj) 3. a. The department may require an operator that claims the exemption under this paragraph to certify that the operator's facility satisfies the criteria in subd. 1. a. ~~or~~ b., or c. and to report the weight of the residue for which the operator does not pay the environmental repair fee and any other information needed to determine eligibility for the exemption.

(END)