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ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

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Testimony on 2021 Senate Bill 166
Senator Robert Cowles
Senate Committee on Natural Resources and Energy
April 8th, 2021

Thank you, Committee Members, for allowing me to testify on 2021 Senate Bill 166. This bill encourages the proper disposal of deer carcasses that may be infected by CWD through landfill options and more disposal sites.

Chronic Wasting Disease (CWD) is a transmissible neurological disease found in white-tailed deer, mule deer, and elk that produces small lesions in brains of infected animals. Originally contained to portions of the Mountain West, the state Department of Natural Resources (DNR) began monitoring for CWD in white-tailed deer in 1999 and the first positive test was found in 2002. To date, approximately three-fourths of Wisconsin counties, 58 of 72, are CWD-affected counties meaning that either a positive test was found in the county or the county is neighboring a county with a positive test not far over the border.

Experts agree that one of the best ways to slow the spread of CWD is by keeping the prions of infected deer out of the soil. While some natural decomposition on the landscape is bound to spread infected prions, proper carcass disposal from hunting can help to reduce the prion's spread. The Adopt-A-Dumpster program, run by the DNR with local partnerships, has been successful but has shown the need for more disposal locations. But with little funding dedicated to the program, dumpster locations for deer carcass disposal are often few and far between, and even hunters near disposal locations may not be aware of these options.

A targeted effort by the Adopt-A-Dumpster program in Richland County led to over 1,400 carcasses being properly collected for a total of 78,000 pounds in 2018 with few issues resulting from the effort, including limited instances of scavengers roaming around the disposal sites, garbage improperly disposed of with deer, or odor complaints from nearby humans. Given a 16% prevalence rate in the region of CWD, it is estimated that over 220 of the carcasses collected in 2018 had CWD that may have otherwise been improperly disposed of on the landscape, meaning these disposal options helped to minimize the spread of more prions in the landscape.

Senate Bill 166 provides \$100,000 per year from the segregated-Environmental Management Account to allow the DNR to give grants to businesses, nonprofits, and local governments to provide deer carcass disposal dumpsters. The disposal sites must be easily accessible and open for the duration of all deer hunting seasons. This bill requires grantees to provide the dumpster location to the DNR, and requires the DNR to publish the locations online.

As an added benefit beyond helping to reduce the spread of CWD, Senate Bill 166 can help provide financial boosts to businesses that once served as deer registration locations, which drove customers to visit their business in late November. With a deer disposal location, they may once again serve as a gathering spot for those celebrating a successful hunt. Further, improperly disposed of carcasses not only pose risks for the spread of CWD, but they may also attract unwanted animals like coyotes or wolves closer to buildings, including homes, where the deer were processed. Proper disposal options can prevent this nuisance.

Senate Bill 166 also provides a second option for hunters to ensure even more proper disposal by stipulating that landfill operators may not refuse a deer carcass that is double-bagged. I believe this is a pivotal provision in the bill as, along with providing options for hunters who may not have easy access to a deer disposal location, increased dumpster locations doesn't provide any certainties for reducing CWD spread if the host location doesn't have any economic landfill options to dispose of the carcasses in their dumpsters. Some landfills in Wisconsin are already accepting deer carcasses, but many aren't.

Still early in the bill's process, we've been in discussions with the DNR, solid waste industry professionals, and conservation organizations with questions or concerns they've brought forward. Some of these are simple fixes, such as clarifying that this applies to municipal solid waste landfills, while others are more complex, such as leachate and biosolids management from landfills or liability concerns. We're committed to having ongoing conversations and taking the time with an amendment to get this right. But without options for the final disposal of deer carcasses, we're not going to be able to truly tackle CWD.

Wisconsin hunters have long been good stewards of our natural resources. Senate Bill 166 may help to reduce the impact of CWD in our state by empowering more hunters to join the effort in combatting CWD with simple options for proper disposal of carcasses.



SCOTT KRUG

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Madison, WI 53708-8952
Rep.Krug@legis.wi.gov

TO: Assembly Committee on Jobs and the Economy
FROM: Rep. Scott Krug
RE: 2021 SENATE BILL 166
DATE: April 8, 2021

I write today to thank the committee and Chair Sen. Cowles for holding a hearing on SB 166, and to express my support for the bill. (Of course Sen. Cowles is the lead author in the Senate for this bill and I appreciate his leadership on this.)

We have a problem in Wisconsin disposing of deer carcasses, and the real issue of course is the existence of Chronic Wasting Disease (CWD), a prion disease affecting deer and some other animals that has the potential to harm humans. I know the outlines of CWD are known to the committee. My purpose in taking a lead on SB 166 and in testifying in support of the bill today, are to get us started with meeting the increasing need for disposal of deer carcasses in an age when we need to take precautions against CWD when we dispose of animal waste.

SB 166 would require the Department of Natural Resources to award up to \$200,000 in grants in 2021-23 to create new sites for the disposal of deer carcasses.

The bill calls on DNR to prioritize the development of sites in underserved areas that are affected by chronic wasting disease and ensure the greatest geographic distribution of disposal sites.

Under the bill, disposal sites created with a grant award must be accessible to the general public throughout deer hunting season and may not charge any fee for carcass disposal.

The bill also provides that the operator of a landfill may not refuse to accept any deer carcass that is in a bag for disposal.

It's clear that we need to have disposal sites for deer carcasses. I have heard anecdotally that the sites we now have, are used and appreciated by hunters. This bill is an attempt to help meet the need for such sites.

MORE

It's my understanding that landfilling deer carcasses is a best-practice. It's also my understanding that deer carcasses are now going into landfills.

It's been suggested to me that some in the solid waste community are uneasy with the provision in AB 166 that would require landfill operators to accept deer carcasses. It's also been suggested to me that landfills accepting carcasses for disposal may create issues for those landfills regarding their compliance with the requirements they face under DNR regulations to operate their landfills.

I know that the committee will explore these issues. I also know that the DNR will be able to work with the committee and with the waste industry to confirm that we are all working from the same set of expectations about compliance with administrative rules. Finally, I invite the parties with concerns about SB 166, to approach Sen. Cowles and myself with suggestions for the bill.

I do ask that we not overshoot our target. SB 166 intends to increase disposal opportunities for deer carcasses, and thereby to help keep our landscape clean and our ditches clear while also attempting to fight the spread of CWD by facilitating responsible disposal of carcasses. That is the goal of the bill.

I conclude by asking for your support for SB 166. Thank you for your attention to this matter.



Senate Committee on Natural Resources and Energy

2021 Senate Bill 166 *Deer Carcass Disposal* *April 8, 2021*

Good afternoon Chair Cowles and members of the Committee. My name is Natasha Gwidt, and I am the Field Operations Director for the Waste and Materials Management Program with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on SB 166 regarding disposal of deer carcasses.

Safe disposal of cervid (deer) carcasses is an important component of Wisconsin's Chronic Wasting Disease Response Plan. Because landfill disposal reduces the risk of uncontrolled spread of the prions that cause CWD, one objective of the plan is to ensure there is a proper disposal location in each county. Toward that end, the department currently administers an Adopt-A-Dumpster (AAD) program with an approximate annual \$80,000 allocation, which provides volunteer applicants cost-share funds to host a dumpster for the fall deer hunting season in areas where disposal options are sparse. The AAD program is currently funded by multiple funding sources, including segregated funds, Pittman Robertson funds, and a state statutory appropriation.

SB 166 would complement the AAD program and support the CWD Response Plan. By providing funds for additional dumpsters, it would increase the number of disposal locations for hunters and broaden the distribution of those locations around the state, making it easier for hunters to dispose of carcasses. The bill would also increase the number of solid waste disposal facilities that accept deer carcasses by requiring landfill operators to accept deer carcasses for disposal at their facilities.

The department appreciates the intent of this bill and supports many aspects of the approach the bill takes to solving the problem of insufficient disposal options. The department offers the following feedback for the committee and bill author's consideration:

- *The bill would require landfill operators to accept deer carcasses for disposal.* In addition to setting a precedent by requiring landfill operators to accept into their facilities a waste they may not wish to accept, the bill raises liability concerns for the landfill operator. The state has the authority to indemnify landfill operators and the associated wastewater treatment plants that accept leachate from landfills that accept deer carcasses potentially affected by CWD. Indemnification is a voluntary option for the landfill and is not mandated by the department. Currently, only two landfills in the state have accepted indemnification as a satisfactory solution to the liability concerns associated with accepting deer carcasses potentially affected by CWD.
- *Limit types of landfills required to take deer carcasses.* The bill in its current form does not limit the types of landfills that would be required to take deer carcasses. Typically, only municipal solid waste landfills are designed and constructed in a manner that would protect the environment and public health from deer carcass wastes. Other types of landfills such as

industrial waste landfills and construction and demolition landfills should be excluded from this requirement.

- *Follow department guidelines.* For municipal solid waste landfills that accept deer carcasses potentially affected by CWD for disposal, the department provides guidance to specify certain disposal procedures to minimize the potential for CWD prions to escape the landfill. The bill could require that landfill operators accepting deer carcasses potentially affected by CWD follow the department's guidelines for accepting this waste through a formal modification to the facility's plan of operation.
- *Management of leachate.* Municipal solid waste landfills in Wisconsin generally rely on publicly owned wastewater treatment plants to accept and manage leachate. Leachate is the liquid that drains or 'leaches' from a landfill which often contains dissolved and suspended material. Many treatment plant operators have indicated they would not accept leachate from landfills accepting deer carcasses potentially affected by CWD due to concerns about prions making their way into wastewater treatment biosolids that are destined for land spreading on fields. The bill does not require treatment plant operators to accept leachate from landfills accepting potential CWD-affected deer carcasses, which would leave landfill operators unable to dispose of leachate for treatment, and therefore unable to continue operating. However, if WWTPs are required to accept leachate potentially containing CWD prions, farmers may refuse to accept biosolids for land application. This could lead to the need for landfilling of biosolids which would be a significant cost increase to publicly owned WWTPs.
- *Double-bagging.* The provision in the bill that would require landfill operators to accept deer carcasses that are double-bagged is not consistent with current landfill practices for handling deer carcasses. Dumpsters in the AAD program are required to be lined and therefore, double-bagging of individual carcasses is not needed for disposal, only for transport. For protection against migration of prions into leachate, the department currently suggests the construction of secondary clay encapsulation within the landfill.
- *\$100,000 funds.* The bill would provide \$100,000 in funding for additional dumpster locations for each year of the biennium. The department estimates this amount would be sufficient to provide disposal sites for approximately 10 percent of the deer harvest in counties where no disposal option is available. An estimated cost to provide disposal sites (dumpsters) for 100% of a county's deer harvest in areas where no disposal options are available is around \$1 million annually.
- *'New sites' language.* Language regarding 'new sites' could be removed to ensure that existing partners are eligible for grants, but this would increase the funding need, or dilute the value of the grants to new sites.
- *Defining term "site".* Defining the term "site" would facilitate administration of the grants established by this bill.
- *Defining term "underserved".* The term "underserved" is not defined; the department would likely interpret that term to mean counties without a disposal option.
- *Nuisance or vector for disease language.* Keeping the disposal sites open during each open deer season would entail additional costs due to the length of the bow hunting season, which extends from mid-September to early January throughout the state (and in some locations until the end of January). During warmer periods, additional disposal (i.e., increased frequency of dumpster servicing) may be necessary to ensure putrescible waste is emptied every week as required by code. It would be helpful in administering the program if the bill included language requiring the operation not create a nuisance or vector for disease.

On behalf of the department, we thank you for your time today. We would be happy to answer any questions you may have.



April 2, 2021

RE: Testimony: Senate Bill 166: relating to disposal of deer carcasses

Dear Chair Cowles & Honorable Members of the Natural Resources Committee:

On behalf of the members of the Solid Waste Association of North America- Badger Chapter and the Wisconsin Counties Solid Waste Management Association, please accept this testimony on Senate Bill 166. While we appreciate and support the intent of this bill, to mitigate the negative impacts of chronic waste disease (CWD) on deer populations, we cannot support the bill in its present form.

In particular, we cannot support the proposed section 289.56(1), which prohibits a landfill owner/operator from refusing to accept deer carcasses that are double-bagged for disposal. Certainly, double-bagging is a sound method of containing residual flesh, bodily fluids, organs and carcasses when placing these items in a trash bin. However, once the waste is placed in a landfill, a 120,000 pound trash compactor, with 4-inch steel teeth, will rip to shreds the double-bag and its contents. The double-bagging will not contain the contents when compacted to the minimum requisite 1,200 pounds per cubic yard. The prions will not be locked inside the double-bag.

Wisconsin Administrative Code NR514.07(9) requires landfills to have an organic stability plan. One method of achieving organic stability is to recirculate leachate (liquids that leach out of waste in a landfill). Based on a WDNR letter of November 24, 2014, to the city of Janesville Landfill with a subject: Deer Disposal, Leachate Recirculation and Organic Stability”, landfills may not recirculate leachate above a deer disposal area or within 150 feet of a deer disposal area. While the letter states that recirculation may occur before placing deer carcasses in a landfill or outside of the 150 foot setback, compelling landfills to accept deer carcasses has the potential to make landfills out of compliance with their NR514.07(9) legal obligations.

As well, all landfills are required to have leachate disposal options, which are almost exclusively municipal wastewater treatment facilities. Those facilities are not required to accept landfill leachate. The growing concerns related to per- and polyfluorinated compounds have wastewater facilities already turning away leachate. Some wastewater facilities also exclude leachate from landfills that accept deer carcasses. Requiring landfills to accept deer carcasses adds to an already growing issue of landfill operators finding appropriate and affordable leachate disposal options.

As the legislature works to find solutions for controlling CWD and where landfill disposal is seen as an option, we respectfully ask that you seek the technical expertise of the solid waste industry. We are at the ready to assist in doing what we do every day...protect human health and the environment.

With respect,

Solid Waste Association of North America- Badger Chapter has more than 200 members in Wisconsin, providing information, training programs, and networking opportunities to solid waste professionals and sharing ideas and solutions to better manage municipal waste.

Contact: President John Welch, (Dane Co. Waste & Renewables Dept. Director), 608-267-8815 Welch@countyofdane.com

Wisconsin Counties Solid Waste Management Association works with all counties to promote effective and environmentally sound waste management systems and resource recovery efforts.

Contact: Chair Gerry Neuser, (Manitowoc County Public Works Director), 920-683-4307 GerryNeuser@co.manitowoc.wi.us



April 5, 2021

RE: Testimony: Senate Bill 166: relating to disposal of deer carcasses

Dear Chair Cowles & Honorable Members of the Natural Resources Committee:

On behalf of the members of the Associated Recyclers of Wisconsin (AROW) please accept this testimony on Senate Bill 166. While managing deer carcasses is a bit outside the mission of AROW, we wish to express support for the testimony of our partner solid waste organization, the Solid Waste Association of North America-Badger Chapter and the Wisconsin Counties Solid Waste Management Association.

The testimony of these groups identify a number of concerns, all of which have the potential to negatively impact landfill operations. Given those concerns our partner organizations have indicated they cannot support the bill in its present form.

Like our partner solid waste organizations, AROW supports all efforts to minimize and/or negate the impact of chronic wasting disease. This is a monumental task with not one simple answer. As this committee and others within the legislature work to solve this problem, we recommend the members reach out to the professionals of our partner organizations for guidance on how this and other bills impact landfill operations.

Please feel free to contact us with any questions.

Associated Recyclers of Wisconsin is a professional association, with members from local government, businesses and non-profit groups, which provides statewide proactive leadership on waste reduction and recycling through education, advocacy, collaboration, programs and services.

Contact: President Meleesa Johnson, (Marathon Co. Solid Waste Director),
meleesa.johnson@co.marathon.wi.us 715-573-3165

MEMORADUM

TO: Members of the Senate Committee on Natural Resources and Energy

FROM: Jordan Lamb on behalf of GFL Environmental (formerly Advanced Disposal)

DATE: April 8, 2021

RE: Opposition to Landfill Mandate in Senate Bill 166

GFL Environmental is an environmental services company that operates five landfill sites in the State of Wisconsin. GFL is the only major diversified environmental services company in North America offering services in solid waste management, liquid waste management, and infrastructure development. We are committed to environmental responsibility and allow our customers and the communities we serve to be “Green For Life.”

However, GFL Environmental opposes the provision in Senate Bill 166 that would mandate that Wisconsin landfill operators accept any deer carcass. In general, we are concerned with any legislation forcing landfills to take a specific waste stream because of our responsibility and ability to manage landfill leachate.

Landfill owners and operators are responsible for compliance with all applicable environmental laws. All landfills produce leachate. Leachate is liquid that has passed through the landfill and has extracted soluble or suspended solids, or other components from the material through which it has passed. It can contain environmentally harmful substances. As such, landfills must send leachate to be treated by wastewater treatment plants.

The main concern for GFL is that if we accept deer carcasses into our landfill sites and those deer are infected with Chronic Wasting Disease (CWD), then CWD prions may be in the leachate and will potentially prevent us from effectively managing the disposal of the leachate.

Most landfills send their leachate to municipal public wastewater treatment systems (POTWS). The POTWS that we contract with have told us that they will not take the leachate if we are taking deer carcasses from the CWD zones in Wisconsin. We believe that their concern is with their ability to land spread their byproducts.

Enacting this mandate will increase our risk – the risk that we will have no POTWS that will take our leachate but we will remain responsible for its disposal. This is an enormous financial risk for landfills like GFL, especially when compared to the very small waste stream revenue source, if any (*i.e.*, accepting deer from the Wisconsin deer hunt.)

Accordingly, we respectfully request that Senate Bill 166 be amended to remove this mandate on Wisconsin landfill operators. We cannot comply with our environmental responsibilities to manage our leachate if this mandate is enacted. Thank you for your consideration of our comments and concerns.



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Fred Strand, *Vice Chairman*
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April 8, 2021

RE: Deer Carcass Disposal, LRB-1305/1

Chairman Cowles, Senate Committee on Natural Resources and Energy

Dear Chairman Cowles and Members of the Senate Committee on Natural Resources and Energy:

Bayfield County would like to go on record supporting LRB-1305/1 providing funding for deer carcass disposal.

Our County and Board supports the State's intent to control the spread of Chronic Wasting Disease (CWD).

We believe that efforts to control CWD by encouraging hunters to properly dispose of deer carcasses is proactive.

Bayfield County has worked closely with the DNR in our region over the past two years to collect deer heads for testing and offered limited dumpster sites on a trial basis. Funding to support this on an ongoing basis is important.

Bayfield County supports funding for deer carcass disposal on a statewide basis.

Sincerely,

Fred Strand
Bayfield County Board of Supervisors, Vice-Chairman

Ben Dufford
Bayfield County Land & Water Conservation Department Director