



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5084/1
MCP:amn

2019 ASSEMBLY BILL 713

January 8, 2020 - Introduced by Representatives QUINN, BILLINGS, KRUG, MILROY, DOYLE, TUSLER and BOWEN, cosponsored by Senators BEWLEY, TIFFANY and JACQUE. Referred to Committee on Environment.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 289.63 (6) (d) 1. (intro.), 289.63 (6) (d) 2. a., 289.63 (6) (d) 2. b.,
2 289.63 (6) (d) 3. a., 289.64 (4) (d) 1. (intro.), 289.64 (4) (d) 2. a., 289.64 (4) (d) 2.
3 b., 289.64 (4) (d) 3. a., 289.645 (4) (h) 1. (intro.), 289.645 (4) (h) 2. a., 289.645 (4)
4 (h) 2. b., 289.645 (4) (h) 3. a., 289.67 (1) (fj) 1. (intro.), 289.67 (1) (fj) 2. a., 289.67
5 (1) (fj) 2. b. and 289.67 (1) (fj) 3. a.; and **to create** 289.63 (6) (d) 1. c., 289.64 (4)
6 (d) 1. c., 289.645 (4) (h) 1. c. and 289.67 (1) (fj) 1. c. of the statutes; **relating to:**
7 exempting certain waste-to-energy facilities from tipping fees.

Analysis by the Legislative Reference Bureau

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 materials processed, recycled, and discarded; and the facility must be in compliance with its plan of operation.

This bill creates the same exemption, with the same eligibility requirements, for existing facilities that incinerate solid waste for the purpose of energy recovery,

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commonly called waste-to-energy facilities. 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:

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

2 289.63 **(6)** (d) 1. (intro.) In this paragraph, “qualified ~~materials recovery~~
3 facility” means one of the following:

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

5 289.63 **(6)** (d) 1. c. A facility that is in operation on the effective date of this subd.
6 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of
7 energy recovery, if the facility is licensed under this chapter as a solid waste
8 processing facility, the approved plan of operation for the facility requires the
9 reporting of the volume or weight of materials processed, recycled, and discarded as
10 residue, and the facility is in compliance with its approved plan of operation.

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

12 289.63 **(6)** (d) 2. a. For a qualified ~~materials recovery~~ facility described in subd.
13 1. a., an amount equal to the weight of the residue generated by the qualified
14 ~~materials recovery~~ facility or 10 percent of the total weight of material accepted by
15 the qualified ~~materials recovery~~ facility, whichever is less.

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

17 289.63 **(6)** (d) 2. b. For a qualified ~~materials recovery~~ facility described in subd.
18 1. b. or c., an amount equal to the weight of the residue generated by the qualified

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1 materials recovery facility or 30 percent of the total weight of material accepted by
2 the qualified materials recovery facility, whichever is less. This exemption does not
3 apply to ash residue generated by a qualified facility described in subd. 1. c.

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

5 289.63 (6) (d) 3. a. The department may require an operator that claims the
6 exemption under this paragraph to certify that the operator's facility satisfies the
7 criteria in subd. 1. a. ~~or b.~~ or c. and to report the weight of the residue for which the
8 operator does not pay the groundwater and well compensation fees and any other
9 information needed to determine eligibility for the exemption.

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

11 289.64 (4) (d) 1. (intro.) In this paragraph, "qualified materials recovery
12 facility" means one of the following:

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

14 289.64 (4) (d) 1. c. A facility that is in operation on the effective date of this subd.
15 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of
16 energy recovery, if the facility is licensed under this chapter as a solid waste
17 processing facility, the approved plan of operation for the facility requires the
18 reporting of the volume or weight of materials processed, recycled, and discarded as
19 residue, and the facility is in compliance with its approved plan of operation.

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

21 289.64 (4) (d) 2. a. For a qualified materials recovery facility described in subd.
22 1. a., an amount equal to the weight of the residue generated by the qualified
23 materials recovery facility or 10 percent of the total weight of material accepted by
24 the qualified materials recovery facility, whichever is less.

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

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

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

7 289.64 (4) (d) 3. a. The department may require an operator that claims the
8 exemption under this paragraph to certify that the operator's facility satisfies the
9 criteria in subd. 1. a. ~~or~~ b., or c. and to report the weight of the residue for which the
10 operator does not pay the solid waste facility siting board fee and any other
11 information needed to determine eligibility for the exemption.

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

13 289.645 (4) (h) 1. (intro.) In this paragraph, "qualified ~~materials recovery~~
14 facility" means one of the following:

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

16 289.645 (4) (h) 1. c. A facility that is in operation on the effective date of this
17 subd. 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose
18 of energy recovery, if the facility is licensed under this chapter as a solid waste
19 processing facility, the approved plan of operation for the facility requires the
20 reporting of the volume or weight of materials processed, recycled, and discarded as
21 residue, and the facility is in compliance with its approved plan of operation.

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

23 289.645 (4) (h) 2. a. For a qualified ~~materials recovery~~ facility described in
24 subd. 1. a., an amount equal to the weight of the residue generated by the qualified

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

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

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

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

11 289.645 (4) (h) 3. a. The department may require an operator that claims the
12 exemption under this paragraph to certify that the operator's facility satisfies the
13 criteria in subd. 1. a. ~~or~~ b., or c. and to report the weight of the residue for which the
14 operator does not pay the recycling fee and any other information needed to
15 determine eligibility for the exemption.

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

17 289.67 (1) (fj) 1. (intro.) In this paragraph, "qualified materials recovery
18 facility" means one of the following:

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

20 289.67 (1) (fj) 1. c. A facility that is in operation on the effective date of this subd.
21 1. c. [LRB inserts date], at which solid waste is incinerated for the purpose of
22 energy recovery, if the facility is licensed under this chapter as a solid waste
23 processing facility, the approved plan of operation for the facility requires the
24 reporting of the volume or weight of materials processed, recycled, and discarded as
25 residue, and the facility is in compliance with its approved plan of operation.

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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)