

- (a) The production schedule for the year
- (b) The total remaining defined reserves to be mined
- (c) Prior years actual production.
- (3) Definitions. "Production" means tons of natural or crude ore extracted.

Note: An example of the computation described in sub. (1) is as follows:

Calculations:

	<u>1st Yr.</u>	<u>2nd Yr.</u>	<u>3rd Yr.</u>	<u>Total</u>
Total Production	663,000	946,000	1,335,000	
Less: Total production during months of insignificant production	<u>53,000</u>	<u>56,000</u>	<u>15,000</u>	
Total significant production:	<u>610,000</u>	<u>890,000</u>	<u>1,320,000</u>	<u>2,820,000</u>
Net Proceeds	\$400,000	\$500,000	\$800,000	

$$\text{The weighted average} = \$ (400,000 \times 610,000 + 500,000 \times 890,000 + 800,000 \times 1,320,000) \div (610,000 + 890,000 + 1,320,000) = \$618,794$$

History: Cr. Register, July, 1979, No. 283, eff. 8-1-79.

Tax 12.28 Review of assessments, claims for refunds. Additional assessments and claims for refunds for excess net proceed tax payments are subject to the same procedure for review and final determination as additional income tax assessments and claims for refunds under provisions of ch. 71, Stats., as far as the same may be applicable.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79.

Tax 12.29 Interest. For purposes of s. 70.385 (2), Stats., interest shall accrue at the rate of 9% per annum beginning on the original due date.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79.

Tax 12.40 Waste treatment facilities (industrial). (s. 70.11 (21), Stats.) (1) STATUTE. (a) The general property tax exemption for a waste treatment facility is contained in s. 70.11 (21), Stats.

(b) Property purchased or upon which construction began prior to July 31, 1975 shall be subject to s. 70.11 (21), 1973 Stats. Property purchased or upon which construction began on July 31, 1975 or thereafter shall be subject to s. 70.11 (21), 1975 Stats. and must be approved by the department.

(2) APPROVAL. (a) Requests for approval by industrial or commercial concerns for each waste treatment facility shall be made by completing the form entitled "Application for Exemption of Waste Treatment Facility". The completed form is due February 1 of each year and is to be filed annually even though in years subsequent to purchase or construction no capital changes have occurred to the waste treatment facility. All actual costs of purchase or construction of the facility must be reflected on this form.

(b) The completed form "Application for Exemption of Waste Treatment Facility" should be sent to the Bureau of Property Taxes, Division of State/Local Finance, Wisconsin Department of Revenue, 201 East Washington Avenue, Madison, WI 53702.

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(3) INDUSTRIAL WASTE TREATMENT FACILITY EXEMPTION. (a) The words "waste", "treatment" and "facility" are deemed to have the following meanings:

1. *Waste*; means that which is left over as superfluous, discarded or fugitive material. In addition, "industrial waste" is defined by reference to s. 144.01 (9), Stats., as liquid or other wastes resulting from any process of industry, manufacture, trade, business or the development of any natural resource. "Air contaminant" is defined by reference to s. 144.30 (1), Stats., as dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substances or any combination thereof but shall not include uncombined water vapor.

2. *Treatment*; means removing, altering or storing waste.

3. *Facility*; means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly performing a waste treatment function.

4. *Waste treatment facility* means tangible property that is built, constructed or installed as a unit so as to be readily identifiable as directly removing, altering or storing leftover, superfluous, discarded or fugitive material. Monitoring equipment which is not a component or integral part of a waste treatment facility is not exempt.

(b) The exemption for industrial waste treatment facilities does not extend to " 'unnecessary siltation' resulting from operations such as the washing of vegetables or raw food products, gravel washing, stripping of lands for development of subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross neglect of land erosion" (s. 144.01 (10), Stats.).

(c) The exemption also does not apply to conversion of an industrial furnace from one type of fuel to another type of fuel. The exemption does not apply to the increased height of a smoke stack to diffuse emissions over a wide area or increments to property held for the production of income but which may be indirectly related to pollution abatement. However, the installation of a scrubber or electrostatic precipitator in a smoke stack could qualify for exemption.

(d) A facility may be given a partial or no exemption status depending on the economic purpose of the facilities existence. The judgment of the department shall be governed by the economic gain that the facility will produce in either income, reduced cost, increased capacity or improved product to the taxpayer claimant.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79.