



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 494

Assembly Amendment 1

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2013 Assembly Bill 494 relates to fees imposed on waste disposed at a solid or hazardous waste disposal facility.

2013 ASSEMBLY BILL 494

Current law imposes certain fees, often referred to as “tipping fees,” on the disposal of solid and hazardous waste in a disposal facility. Assembly Bill 494 authorizes the Department of Natural Resources (DNR) to grant a waiver from certain tipping fees if the department determines that granting a waiver will provide an incentive for a person to participate in waste removal activities to mitigate potential environmental impacts and related liability. The waiver may cover only those fees resulting from such activities. The waiver applies to the following tipping fees: groundwater and well compensation, solid waste facility siting, recycling, and environmental repair fees.

The bill prohibits the DNR from granting a waiver from the tipping fees to either of the following:

- A person who knowingly committed a violation of law that caused or contributed to the need for the waste removal activities.
- A person who committed an act that the person knew or should have known would cause or contribute to the need for the waste removal activities.

If the DNR grants a waiver under the bill, it must issue a document regarding the exemption from fees to the recipient of the waiver. The waiver recipient must then provide a copy of that document to the operator of the facility where the material is to be disposed, or to any intermediate hauler used to transport the material to a facility.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 adds a modification to a provision of current law that authorizes the DNR to deny, suspend, or revoke a solid waste facility's operating license. Specifically, the amendment changes a reference to "solid waste disposal facility" in that provision to "solid waste facility," which is the term used in the definitions for the chapter of the statutes governing solid waste facilities. In addition, in the context of the DNR's authority to deny, suspend, or revoke an operating license for grievous and continuous failure to comply with an approved plan of operation, the amendment replaces a reference to plans of operation under a specific section with a reference to plans of operation under the chapter governing solid waste facilities.

BILL HISTORY

Representative Loudenbeck offered Assembly Amendment 1 to 2013 Assembly Bill 494 on December 17, 2013. On January 14, 2014, the Assembly voted to adopt Assembly Amendment 1 and to pass the bill, as amended, both on voice votes.

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