



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.

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.

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### ***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.

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***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.

**ASSEMBLY BILL 713****SECTION 18**

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

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

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

7           289.67 (1) (f) 2. b. For a qualified ~~materials recovery~~ facility described in subd.  
8 1. b. or c., an amount equal to the weight of the residue generated by the qualified  
9 ~~materials recovery~~ facility or 30 percent of the total weight of material accepted by  
10 the qualified ~~materials recovery~~ facility, whichever is less. This exemption does not  
11 apply to ash residue generated by a qualified facility described in subd. 1. c.

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

13           289.67 (1) (f) 3. a. The department may require an operator that claims the  
14 exemption under this paragraph to certify that the operator's facility satisfies the  
15 criteria in subd. 1. a. ~~or~~ b., or c. and to report the weight of the residue for which the  
16 operator does not pay the environmental repair fee and any other information  
17 needed to determine eligibility for the exemption.

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(END)