

**Testimony of DNR on AB 444  
Assembly Environment and Forestry Committee  
October 29, 2013**

**Good morning, Mr. Chairman and committee members. My name is Brad Wolbert and I am the DNR section chief in charge of Recycling and Solid Waste. First of all, I'd like to thank you for this opportunity to testify, for information only, on Assembly Bill 444, relating to environmental fees imposed on solid waste landfilled in Wisconsin.**

**The bill would waive the state's environmental fees for four types of landfilled solid waste:**

- (1) Solid waste residuals from recycling facilities that handle paper, bottles, cans and the like;**
- (2) Solid waste residuals from recycling facilities that handle construction and demolition materials like lumber, drywall, shingles and so forth;**
- (3) Soil removed during the cleanup of a contaminated site that is undergoing remediation; and**
- (4) Waste that was landfilled in situations where the landfill operator who accepted the waste was unable to collect its own fees to the customer disposing of the waste.**

**The landfill environmental fees top out at about \$13 per ton, depending on the origin and type of waste and how it is used at the landfill. These fees are deposited in the state's Environmental Fund and are used for a wide variety of environmental and public health programs, primarily in DNR but also in DHS, DATCP, DMA, DOC, the UW-System. A portion of the fund is also**

**allocated to WEDC. The fiscal note indicates the approximate effect of the proposed fee waivers on the Environmental Fund.**

**Numerous waste types are exempt from part or all of the environmental fees already. The DNR maintains a fee schedule with 19 separate categories, 15 of which are subject to significantly reduced fees or no fees at all. This includes many industrial wastes, wastes used in landfill construction, sediments contaminated with PCBs, wastes generated by certain nonprofit organizations, and wastes generated from certain natural disasters. In some cases we have had difficulty verifying or auditing the use of these exemptions to ensure the appropriate fees are being paid and that the exemptions are not being over-reported, and some of the same issues may arise with the newly proposed exempt categories.**

**Regarding contaminated soils, this bill provides a disposal fee exemption for: contaminated soil removed during a cleanup of an industrial or commercial site that is “abandoned, idled or underused”, which is the state definition of “brownfield.” Implementing this provision would require the Department, waste hauler and landfill operator to determine which loads, or portions of loads, are contaminated soil, whether they were actually removed during a cleanup or some other construction activity, and whether the material actually came from a site that meets the definition of “brownfield” rather than from a different type of cleanup site. The determination of whether a site is a “brownfield” is somewhat subjective.**

**With respect to the proposed waiver of fees for materials recovery facility, or “MRF,” residuals; the residual rates among the 60-odd MRFs active in**

**recycling household materials in 2012 ranged from 0 percent to 33 percent. AB 444 caps the fee waiver at 10 percent, which is to say, landfilled residuals constituting more than 10 percent of a MRF's incoming materials stream would have to pay the fees. Only 6 of the ~60 MRFs exceeded the proposed cap rate, and nearly 80 percent of the MRFs managed to keep their residual rate below 5 percent.**

**Thank you, and I'd be happy to answer any questions you may have.**