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SEN. JACQUE'S BILL RELIEVING LOCAL TAXPAYERS FROM BURDEN OF UNEQUAL LANDFILL REGULATION CLEARS COMMITTEE UNANIMOUSLY

Legislation holds municipal and private landfills to same financial standards

MADISON, WI... Local taxpayers would be freed from the burden of higher costs for unreasonable financial standards for municipal landfills, compared to private facilities, under legislation that unanimously cleared an Assembly committee today.

Sen. André Jacque, co-author of the measure along with Rep. Jeff Mursau, said the provisions address an inequity in current state law requiring municipal solid waste facilities to meet proof of financial responsibility requirements that exceed those of privately-owned landfills and public utilities.

“Municipal landfills currently must demonstrate that they have sufficient funds for closure, long-term care, and spill remediation in compliance with all laws and regulations,” Sen. Jacque said. “However, privately-owned landfills and electric cooperatives must only meet a “net worth test,” requiring just a certain level of net worth, liabilities to net worth ratio, and credit worthiness.”

Sen. Jacque said the higher financial standards forced on municipal landfills usually require such actions as the posting of a bond, depositing funds with the state, or setting up an escrow account or line of credit.

“These financial instruments are extremely costly and cumbersome for municipal facilities to administer,” Sen. Jacque said. “Municipal budgets - and their taxpayers - are stretched thin as it is, and passing this legislation would make public resources available for other priorities.”

Sen. Jacque said the measure puts municipal landfills on the same level as private landfills, affording municipalities the option available under federal law to demonstrate their financial fitness using the net worth method.

“This flexibility will free municipal taxpayers from bearing the burden of unnecessary costs associated with bonds, letters of credit, or escrow accounts, which are not borne by for-profit entities,” Sen. Jacque said. “Should a municipal landfill not meet the net worth test in subsequent years, other options, such as obtaining a letter of credit, would still be available to them under this bill.”

Sen. Jacque said another safeguard under the bill allows the DNR to pay costs from a segregated waste management account for activities associated with closure, spills or long-term care of a landfill.

Sen. Jacque's legislation ([Assembly Bill 492](#)) passed the Assembly Committee on Local Government on a unanimous bi-partisan 10-0 vote. It must next clear the full Assembly and Senate, and be signed by the Governor, to become law.

Senator André Jacque represents Northeast Wisconsin's First Senate District, consisting of Door and Kewaunee Counties and portions of Brown, Calumet, Manitowoc, and Outagamie counties.