

Senator Darling
Representative Vos
Senator Hopper
Representative Meyer
Representative Nygren

NATURAL RESOURCES -- AIR, WASTE, AND CONTAMINATED LAND

Omnibus Motion
[LFB Papers #495 through #500]

Motion:

Move to do the following:

1. *Reimbursement for Disposal of PCB Contaminated Sediment [LFB Issue Paper #495]*. Adopt Alternative 2, which would delete \$3,000,000 SEG annually and retain authorization for the program.

2. *Recycling Tipping Fee and Environmental Fund Changes [LFB Issue Paper #496]*. Approve the Governor's recommendation, as technically corrected, to rename the recycling and renewable energy fund the economic development fund and transfer all recycling and renewable energy fund appropriations to the environmental fund, except for the Department of Revenue surcharge administration appropriation that would stay in the renamed economic development fund.

Deposit the \$7 per ton recycling tipping fee in the environmental fund (no recycling tipping fee would go to the economic development fund). This would provide an estimated \$72.1 million of revenue to the environmental fund (\$35.7 million in 2011-12 and \$36.4 million in 2012-13), which is \$41.2 million more than under the bill (\$20.4 million in 2011-12 and \$20.8 million in 2012-13).

3. *Repeal Municipal and County Recycling Grant Program, Repeal Local Government Recycling Mandates, and Landfill Disposal Restrictions [LFB Issue Paper #497]*. Adopt Alternatives A2b, A3a, B3, and C3. Alternative A2b would restore the municipal and county recycling grant program and provide funding of \$19,000,000 SEG annually.

Alternative A3a, would restore the current October 1 application deadline, late application provisions, and requirement that DNR pay annual grants to responsible units no later than June 1, and requirement that DNR distribute grant funds according to the current law formula which specifies that responsible units receive a grant equal to the same percentage of the total grant funding as the responsible unit received, or would have received, in 1999.

In addition, provide \$1,000,000 SEG annually and require DNR to distribute the funds on a per capita basis to responsible units that meet one of the following eligibility requirements:

- a. Is a county that has taken action to become a responsible unit;

- b. Is a federally-recognized Indian tribe;
- c. Is a responsible unit with a population of 25,000 or more and is a single municipality or consolidated municipality;
- d. Is a responsible unit other than listed under (a) through (c) if it does one of the following: (1) adds at least one responsible unit to an existing responsible unit; (2) enters into a cooperative agreement with another responsible unit under s. 66.0301 for the joint provision of at least one of the following elements of an effective recycling program: (a) performing comprehensive program planning; (b) collecting and transporting recyclables; (c) sorting recyclable materials at a materials recovery facility; (d) developing and distributing educational materials relating to waste reduction, reuse, and recycling; (e) carrying out a program of technical assistance to businesses and owners and occupants of multifamily dwellings to increase the availability and convenience of recycling; or (f) performing other program elements approved by DNR.

Alternative B3 would restore the current law provisions related to local government recycling mandates, except it would: (a) approve the deletion of obsolete references; and (b) approve the deletion of references to out-of-state local governments that were found unconstitutional.

Alternative C3 would maintain the current law landfill disposal restrictions. In addition to the current prohibition on a person disposing of materials that are subject to the 1995 landfill bans in a landfill, it would prohibit a person from placing materials subject to the 1995 landfill bans in a container the contents of which will be disposed of in a landfill, converted into fuel, or burned at an incinerator.

4. *Eliminate Vehicle Environmental Impact Fee [LFB Issue Paper #498].* Adopt Alternative 1, which would adopt the Governor's recommendation to repeal the \$9 per vehicle environmental impact fee.

5. *Brownfields Site Assessment and Green Space Grants [LFB Issue Paper #499].* Adopt Alternatives 6 and 7b. Further, approve the Governor's recommendation to delete \$2,065,000 environmental fund SEG annually in DNR and repeal the green space grant program. In addition, transfer the brownfields site assessment [s. 292.75] grant program statutes from DNR to WEDC. Provide \$1,000,000 environmental fund SEG annually to WEDC for the program. Alternative 6 would require WEDC to give funding priority in 2011-12 to site assessment grant applicants who would have been on the 2010-11 funding award list. Alternative 7b would specify grants under the site assessment grant program may not exceed 67% of eligible project costs. The recipient must cover at least 33% of a project's costs.

6. *Dry Cleaner Environmental Response Program [LFB Issue Paper #500].* Approve the modification to provide an additional \$1,472,800 SEG in 2011-12 from the dry cleaner environmental response fund for payment of claims under the program.

7. *Commerce Brownfields Grant Program Encumbrances.* Transfer the 2010-11 encumbrances for grants made from the Commerce brownfields grant program appropriation, to the WEDC economic development fund SEG appropriation. The Commerce appropriation is funded from the environmental management account and repealed under the bill. The WEDC SEG

appropriation would pay approximately \$9 million in encumbrances as grants are closed out after July 1, 2011.

8. *Tipping Fee Exemption.* Exempt solid waste from all state tipping fees for solid waste disposed of at a solid waste disposal facility (landfill) from a natural disaster, if all of the following apply: (a) natural disaster would mean a severe natural or human-caused flood, or a severe tornado, heavy rain, or storm; (b) the natural disaster resulted in a federal or state declaration of disaster; (c) the waste generated in the natural disaster was disposed of in a landfill within 60 days after the occurrence of the natural disaster; (d) the waste was generated within a municipality that was included in the federal or state disaster declaration; and (e) the waste was removed as part of the disaster recovery effort and was segregated from other solid wastes when delivered to the landfill. Estimate that, on average, approximately 10,000 tons per year would be anticipated. This would result in a SEG revenue reduction of approximately \$227,600 (\$99,200 in 2011-12 and \$128,400 in 2012-13) and PR revenue reduction or approximately \$3,100 (\$1,500 in 2011-12 and \$1,600 in 2012-13).

9. *Repeal and Recreate Nonpoint Source Pollution Performance Standards.* Move to reconsider adoption of Alternatives 2a and 2b of Paper #487, as specified in Motion #298, and instead specify the following for Paper #487:

a. Adopt Alternative 3. This alternative would delete the bill provisions requiring a repeal and recreation of administrative rule NR 151, and instead specify that DNR may not enforce any provision of an administrative rule establishing nonagricultural performance standards for runoff from developed urban areas, excluding performance standards for new development or redevelopment, if the provision specifies a percentage reduction in total suspended solids exceeding 20% from no controls that is to be achieved by a political subdivision holding a Wisconsin pollutant discharge elimination system permit by a certain date.

b. Specify that if any municipality has achieved a reduction in total suspended solids exceeding 20% from no controls that the municipality shall, to the maximum extent practicable, maintain all best management practices in use on the bill's effective date, in accordance with the practices' designs.

10. *Wastewater Permit Exemption for Certain Nutrient Management Research Projects.* Authorize the Department of Natural Resources (DNR) to waive compliance with the requirements of Chapter 283 (Wisconsin pollutant discharge elimination system [WPDES] permitting) for a research project developed for the purposes of evaluating the feasibility of advanced nutrient management tools and precision agriculture technology, provided the following conditions are met: (a) DNR determines that the project is unlikely to negatively impact or threaten the environment or public health; (b) DNR reviews and approves the project prior to its initiation; and (c) the owner or operator of the project agrees to take necessary action to maintain compliance with surface water and groundwater laws under Chapters 281 and 283, and to take necessary action to regain compliance with these laws if a violation occurs in the course of the project.

Require persons seeking a waiver of WPDES permitting requirements to apply to DNR for a waiver. Specify DNR shall approve or deny the application in writing within 45 days of receiving a complete application. Provide the Department may approve the application with conditions

including, but not limited to: (a) requirements for reporting project activities to the Department; and (b) limitations on the duration of the project or the waiver for the project.

Specify any project receiving DNR approval shall be considered an agricultural practice, as defined in s. 823.08 of the statutes, commonly known as the right-to-farm law.

Specify the intent of this provision is to encourage research projects designed to demonstrate the feasibility of advanced nutrient management tools and precision agriculture technology while providing adequate and reasonable safeguards to the environment.

Note:

Under the motion, the environmental management account of the environmental fund would have an estimated June 30, 2013, balance of \$3.9 million, as shown in the attachment.

Repeal and Recreate Nonpoint Source Pollution Performance Standards. This motion would void the adoption of Alternatives 2a and 2b in Paper #487, and instead adopt: (a) Alternative 3; and (b) a modification of Alternative 4, requiring municipalities to maintain the best management practices in place on the bill's effective date, to the maximum extent practicable.

[Change to Bill: \$36,000,000 environmental fund SEG (\$18,000,000 in 2011-12 and \$18,000,000 in 2012-13), \$1,472,800 dry cleaner SEG, -\$227,600 SEG-REV, -\$3,100 PR-REV.

ATTACHMENT

Motion: Environmental Management Account Condition Statement

	<u>Actual</u> 2009-10	<u>Estimate</u> 2010-11	<u>Motion</u> 2011-12	<u>Motion</u> 2012-13
Opening Balance	\$20.02	\$17.23	\$8.64	\$6.62
Revenue:				
Vehicle Impact Fee	\$10.45	\$10.66	\$0.00	\$0.00
Tipping Fees \$2.64 per ton	9.74	14.35	14.65	14.90
Recycling \$3/ton	N.A.	N.A.	15.30	15.60
Recycling \$4/ton	N.A.	N.A.	20.40	20.80
PECFA Fund Transfer	1.70	1.70	1.70	1.70
Fertilizer/Pesticide Fees	1.42	1.45	1.45	1.45
Site Specific Remediation	3.18	3.00	3.00	3.00
Other Revenues	<u>2.02</u>	<u>2.55</u>	<u>2.70</u>	<u>2.40</u>
 Total Revenue	 \$28.51	 \$33.71	 \$59.20	 \$59.85
Total Available	\$48.53	\$50.94	\$67.84	\$66.47
Expenditures:				
DNR Operations	\$9.31	\$10.24	\$10.63	\$10.62
Debt Service	4.73	12.83	13.11	13.67
DNR Spills Cleanup	1.16	2.29	2.29	2.29
Site Specific Remediation	2.82	2.64	3.00	3.00
Brownfields Grants	5.84	10.69	1.61*	0.11*
WEDC Site Assessment grants			1.00	1.00
Other Agencies **	0.40	0.47	0.50	0.52
Recycling Grants	N.A.	N.A.	20.00	20.00
DNR Operations [Recycling]	N.A.	N.A.	2.68	2.62
PCB Disposal [Recycling]	N.A.	N.A.	0.00	0.00
Other Agencies [Recycling] **	N.A.	N.A.	4.09	4.09
Health Reserves & Lapses	<u>0.00</u>	<u>-2.82</u>	<u>0.52</u>	<u>0.37</u>
Total Expenditures	\$24.26	\$36.34	\$61.22	\$60.08
 Inter-Fund Transfer	 \$7.04	 \$5.96	 \$0.00	 \$0.00
Ending Cash Balance	\$17.23	\$8.64	\$6.62	\$6.39
Encumbrance/Cont. Bal.	\$17.80	\$5.66	\$4.48	\$4.52
Available Balance	-\$0.56	\$2.98	\$2.14	\$1.87

* The Commerce brownfield grants program would be repealed and FY 2011 encumbrances would be transferred to WEDC. FY 2012 and 2013 expenditures reflect amounts to complete DNR grants awarded prior to July, 1, 2011.

** Other agencies include Health Services environmental standards, UW environmental education and Military Affairs emergency response training. Other [Recycling] includes UW Bioenergy Center & SHWEC; DATCP Cleansweep and Corrections recycling.

