



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2270/1
ZDW:ahe

2019 BILL

1 **AN ACT** *to renumber and amend* 289.01 (33); and *to create* 289.01 (33) (e) of
2 the statutes; **relating to:** sand removed from Lake Michigan or Lake Superior.

Analysis by the Legislative Reference Bureau

This bill provides that the definition of “solid waste” does not include certain sediments removed from the bed of Lake Michigan or Lake Superior.

Under current law, the Department of Natural Resources administers rules relating to the management and disposal of solid waste. “Solid waste” includes garbage, sludge from treatment plants and pollution control facilities, and other discarded or salvageable materials. “Solid waste” does not include material in domestic sewage, irrigation return flows, or industrial discharges subject to permits or certain radioactive or nuclear materials. This bill provides that “solid waste” does not include sand naturally deposited on the bed of Lake Michigan or Lake Superior that is removed and for which a sediment sample analysis indicates an allowable level of contamination.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 289.01 (33) of the statutes is renumbered 289.01 (33) (intro.) and
4 amended to read:

BILL**SECTION 1**

1 289.01 (33) (intro.) “Solid waste” means any garbage, refuse, sludge from a
2 waste treatment plant, water supply treatment plant, or air pollution control facility,
3 and other discarded or salvageable materials, including solid, liquid, semisolid, or
4 contained gaseous materials resulting from industrial, commercial, mining, and
5 agricultural operations, and from community activities. “Solid waste” does not
6 include solids any of the following:

7 (a) Solids or dissolved material in domestic sewage, or solid or dissolved
8 materials in irrigation return flows or industrial discharges which are point sources
9 subject to permits under ch. 283, ~~slag~~.

10 (b) Slag generated by the production or processing of iron or steel and that is
11 managed as an item of value in a controlled manner and is not discarded, ~~source~~.

12 (c) Source material, as defined in s. 254.31 (10), special nuclear material, as
13 defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (1). “Solid
14 waste” does not include ~~post-use~~

15 (d) Post-use plastics or nonrecycled feedstock that are processed at a pyrolysis
16 or gasification facility; that are held at a pyrolysis or gasification facility, prior to
17 processing at the facility where they are being held, to ensure that production is not
18 interrupted; or that are held off site before delivery to a pyrolysis or gasification
19 facility with the intent that they will be processed at a pyrolysis or gasification
20 facility.

21 **SECTION 2.** 289.01 (33) (e) of the statutes is created to read:

22 289.01 (33) (e) Sand deposited on the bed of Lake Michigan or Lake Superior
23 by currents, storms, or other natural activity that is removed and for which a

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1 sediment sample analysis indicates an average level of contamination below
2 background or below the level of contamination present at the proposed deposit area.

3 (END)