

**Council on Forestry**  
**Recommended Policy through Legislation to Encourage**  
**The Production and Utilization of Woody Biomass**

The Council on Forestry recommends the following legislative changes be enacted to increase Wisconsin's production and utilization of sustainably produced woody biomass for energy. Enacting this legislation will help the State lead the nation in groundbreaking research that will make renewable energy more affordable. It will also ensure that our treasured forests will continue to be managed in a sustainable manner so we will continue to have a thriving and diverse forest ecosystem and a productive and stable forest products economy.

**State Policy**

The following policies concerning the production and utilization of woody biomass to increase Wisconsin's energy independence and reduce reliance on fossil fuels are recommended for inclusion in the State Energy Policy contained in Wisconsin State Statute 1.12.

1. That the production of woody biomass is conducted in an environmentally safe, sustainable and economical manner and which allows the state to fully utilize the forest resources to produce energy and bio chemicals.
2. That encouragement is given to individuals, public institutions and private business to increase production and utilization of woody biomass for energy and bio chemicals.
3. That research, development and innovation will be promoted for the design, operation and management of woody biomass facilities in order to improve the utilization of woody biomass and lower the costs associated with systems that utilize woody biomass.
4. That the use of woody biomass for heat and electricity as a substitute for non-renewable fuels will be encouraged if the practice recognizes and protects forest resources, public health, and our natural environment.
5. That to the extent technically feasible and cost-effective advice, education and mandatory practices will be provided to encourage the involvement and cooperation of individuals, government institutions, private organizations and businesses, in woody biomass production and utilization.
6. That the legislature will recognize the necessity of the state's regulatory role and the need to give municipalities and counties certain powers to achieve environmentally safe, sustainable and economical production and utilization of woody biomass.

## **Definitions**

The following definitions are recommended for inclusion in the State Energy Policy contained in Wisconsin State Statute 1.12(1).

1. Sustainable Woody biomass includes:
  - a. Trees grown for the purpose of energy production.
  - b. Trees or parts of trees that do not meet the utilization standards for pulpwood, posts, bolts, or sawtimber.
  - c. Brush, logging slash, or waste wood that is created by harvest, by precommercial timber stand improvement to meet silvicultural objectives, or by fire, disease, or insect control treatments, or watershed improvement.
  - d. Brush, trees, and other biomass harvested from within designated utility, railroad, and road rights-of-way.
2. Sustainable Forestry and Technology Center refers to a center established in the University of Wisconsin which conducts research, advises state agencies, establishes demonstrations and conducts education and programs that will ensure:
  - a. healthy and sustainable forests,
  - b. a thriving and diverse forest ecosystem,
  - c. a productive and stable forest products economy,
  - d. a strong and broadly shared conservation and stewardship ethic and,
  - e. a forest resource that provides a wide variety of recreational opportunities.
3. Afforestation means the practice and or process of establishing forest cover on land not currently forested for the production of wood, fiber, energy and other uses to meet the needs of our forest industries and society.
4. A carbon credit means a financial derivative instrument, expressed in metric tonnes of carbon dioxide equivalents, representing a reduction of greenhouse gases emitted to the atmosphere achieved through approved offset, reduction or sequestration mechanisms.

## **Amend Managed Forest Law (MFL)**

### Woody Biomass

Woody biomass will be explicitly included in the suite of property owner objectives listed in the MFL statute. It is generally accepted that the MFL program does currently facilitate the production of woody biomass through long term sustainable management of Wisconsin's forest land. However, production of woody biomass should be explicitly included due to its importance as part of the collection of renewable resources that will move Wisconsin toward energy independence.

It is recommended that the purpose of the MFL Law as stated in Wis. Stat. 77.80 will be amended to state, "to encourage the management of private forest lands for the production of future forest crops for commercial use through sustainable forestry practices, recognizing the objectives of individual property owners, compatible recreational uses, watershed protection, development of wildlife habitat, woody biomass and accessibility of private property to the public for recreational purposes."

### Carbon Sequestration

The Department of Natural Resources will be directed to explore certifying carbon sequestered on lands enrolled in the MFL program.

### Create Sustainable Forestry and Research Center.

Direct the University of Wisconsin System Board of Regents to engage in woody biomass research and sustainable forestry and technology by creating a center to conduct it. The center shall:

1. Conduct research on technology for the uses of wood and fiber including the use of woody biomass in thermal energy production for homes and industry.
2. Conduct research on the production of bio fuels and bio chemicals related to woody biomass.
3. Conduct research on short rotation woody vegetation including but not limited to poplar, willow and other fast growing species for the production of energy.
4. Conduct an outreach and education program through University Extension and in cooperation with the Department of Natural Resources.

### Create Outreach and Education Program

Direct the University of Wisconsin System Board of Regents to create via the extension service an outreach and education program which will educate landowners about production of woody biomass through sustainable forest management. This program will also identify barriers to removing woody biomass from private lands and educate forest landowners about the barriers.

### Wood Waste

Direct the DNR to take action on the following recommendations to recover more construction and demolition debris and other sources of wood waste as described in the [Final Report](#) of the Governor's Task Force on Waste Materials and Recovery and Disposal (December 2006). Any energy use policy that encourages combustion of clean wood waste should include appropriate air emission controls.

#### **C1.1: Initiate market development and research on the recovery and reuse of construction and demolition (C&D) waste and support the development of an infrastructure for recycling and marketing C&D waste in general and clean, untreated wood in particular.**

- Initiate market development and research focusing on construction and demolition debris starting in 2007. Focus should be placed on wood, drywall and shingles as high-priority items. Consideration should also be given to research on the potential for safe recycling of material with asbestos and lead paint.
- Establish a statewide C&D recycling clearinghouse to coordinate research and market development and market development information. Duties of this clearinghouse will be to develop markets, make market connections, and disseminate market information. The clearinghouse should also coordinate with the Office on Energy on sustainability issues with cross program relevance (i.e., energy conservation) and agencies such as the Department of Transportation regarding shingle recycling. This office should have funding available to conduct or contract for such activities as soil studies, pilot projects, and dissemination of market information. The DNR should contract for this clearinghouse.

- Develop/enhance markets for reclaimed C&D and other wood waste. Investigate and develop best management practices to reduce regulatory barriers for transportation, handling and processing of C&D waste and other wood waste to encourage recycling.

**C1.2: Local ordinances should be adopted statewide to require construction and demolition waste recycling.**

- A model local ordinance should be developed requiring construction projects to recycle as part of the permitting process.
- The model ordinance should require:
  - Submission of a waste management plan including the recycling of, at a minimum, materials banned from Wisconsin landfills including cardboard, cans and bottles, and office paper.
  - Submission of final project data which shows recycling rates
  - A deposit which is refunded based on proof of recycling. Unclaimed deposits may be utilized to fund enforcement and incentives such as funds to contractors who recycle above a certain rate.
- These ordinances should be required statewide and phased in to allow for public markets to develop. We recommend a phased in approach which takes into account type of project (construction or demolition), whether the project is commercial or residential, size of project, and whether or not taxpayer funds are utilized for the project. The DNR should convene stakeholder groups to work on the model ordinance for adoption by local governments.

**C1.3: Remove policy and regulatory barriers to waste reduction, reuse and recycling where environmentally appropriate.**

- Remove the requirement for a low-hazard exemption for recycling untreated, new construction wood and new construction drywall. Recyclers would instead follow best management practices set by the DNR or, if practices are not followed, may be fined under solid waste rules.
- The DNR should remove regulatory barriers to reuse and recycling and institute best management practices to encourage recycling and reuse while protecting the environment and public health.
- Consider establishing a separate management category under solid waste processing rules for wood waste, rather than managing these under the composting rules.
- If general, unseparated wood waste is still shown to be a significant contributor to Wisconsin landfills and incinerators after 2012 (per statewide waste characterization studies), then the Legislature should consider stronger measures to recover wood waste such as prohibiting disposal in Wisconsin landfills or incinerators of more than incidental quantities of clean, untreated wood from residential and commercial construction projects, wood pallets, and yard waste over six inches in diameter. "Incidental quantities" will be defined through rule making and include language related to a discrete amount of wood waste of a certain size or weight and for which the "recyclable quality" could be relatively easily assessed based on visual inspection.