



Bureau of Waste Management

# RECYCLING NEWS



\* Spring 2002 \*

## DNR will hold Public Hearings on June 13<sup>th</sup>, 2002, for the Recycling Efficiency Incentive Grants Program and the Pilot Program for Alternate Method of Compliance

The Board of Natural Resources (Board) has authorized public hearings for a new rule on recycling efficiency incentive grants and a new rule on the Pilot Program on Alternate Method of Compliance. The hearings will be held via video-conferences from several sites across Wisconsin on June 13, 2002. Hearings will be held in from Noon until 2:00 PM and again from 6:30-8:30 PM. (See box for details)

A summary of the rules and the rules in their entirety are available from the DNR in three ways:

1. Through the DNR website – [www.dnr.state.wi.us/org/aw/wm/recycle/ProposedNewRules.asp](http://www.dnr.state.wi.us/org/aw/wm/recycle/ProposedNewRules.asp).  
[www.dnr.state.wi.us/org/aw/wm/whatsnew/](http://www.dnr.state.wi.us/org/aw/wm/whatsnew/)
2. By calling 608/266-0918 or 608/267-6897 (Telecommunication Device for Hearing Impaired) and requesting a hardcopy.
3. By writing to: Proposed New Recycling Rules (CA/8)  
Department of Natural Resources  
101 S. Webster St.  
P.O. Box 7921  
Madison, WI 53705-7921  
Please clearly identify in your letter which rule you are commenting on.

The rules will be published in the *Administrative Register* on May 24<sup>th</sup>, 2002. Any member of the public may submit written comments on the rule to the DNR, or attend and comment orally on the rules at the public hearing. Unfortunately, the

### Hearing Times, Addresses:



#### Noon Hearings:

- Eau Claire..... DOA 718 W. Clairemont Ave, Room 139
- Green Bay..... DOA 200 N. Jefferson St. Room 618
- Madison ..... DNR, 101 S. Webster, Room 021
- Milwaukee ..... DOA 819 N. 6<sup>th</sup> St., Room 542
- Platteville ..... UW 1 University Plaza, Room 159 Pioneer Tower
- Rhineland ..... DNR 107 Sutliff Ave

#### 6:30 Hearings:

- Eau Claire..... 105 Garfield St.
- Green Bay..... Instructional Services Building, IS 1034
- Madison ..... DNR, 101 S. Webster, Room 021
- Milwaukee ..... UCCE 161 W. Wisconsin Ave, Suite 6000
- Platteville ..... UW 1 University Plaza, Room 159 Pioneer Tower
- Rhineland ..... DNR 107 Sutliff Ave.
- Spoooner ..... DNR 810 W. Maple St., Conference Room

DNR is not able to accept comments through electronic mail or other electronic means, but only through written (paper) comments mailed to the department and oral comments made at the public hearings. Comments will be accepted between May 24 and June 21, 2002.

The proposed rules are subject to change through the public and legislative review process. After the public hearings, the Board makes a determination of whether to recommend the adoption of the proposed rules. The Legislature then reviews each rule and makes the final determination of whether to allow the department to adopt the rules.

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# The Recycling Efficiency Incentive Grant Program

Under the proposed rule for a the efficiency incentive grants program, DNR will award grants to responsible units that work together to provide services at either a lesser cost or more efficiently than a single responsible unit could alone. Responsible units may qualify for grants in one of two ways, both of which involve working cooperatively with at least one other responsible unit. They may either join together to form a single responsible unit — ‘consolidation’ (see s. 287.09, Stats.), or enter into a ‘cooperative agreement’ that achieves a significant improvement in the efficiency of the units.

The efficiency grants are currently funded at \$1.9 million. It is expected that funding for the grants program will continue at this level through 2005. Efficiency grants will be awarded over and above grant funds received through the local government grants program.

The deadline for applications for the first year of the grant is March 1<sup>st</sup>, 2003. To qualify for grants in this first year, a Responsible Unit must claim an efficiency that was implemented between January 1<sup>st</sup>, 1999 and February 28<sup>th</sup>, 2003. The deadline for applications for the second year of grants is October 30<sup>th</sup>, 2003. Applications will be considered for efficiencies implemented between March 1, 2003 and October 30, 2003. For the first grant year, applications will be mailed out separately from the basic recycling grant application. All future applications will be included with the basic recycling grant application.

# The Pilot Program for Alternative Method of Compliance

The propose ruled for the pilot program provides participating responsible units with the flexibility to select materials to be recycled from a prescribed list of recyclable materials. The list includes all the 1995 banned materials, as well as other materials identified by the rule drafters because of market availability or an existing collection or processing infrastructure or because of the potential environmental benefit of recycling.

## Who does the Pilot Rule Affect?

The department was directed by the Legislature to select nine responsible units to participate voluntarily in the pilot program (three with population under 5,000, three with populations between 5,000- 25,000 and three with populations over 25,000). Because implementation of the pilot program could affect existing contractual business agreements, pilot responsible units will need to seek the cooperation of businesses and facilities with which they work.

Unless you are one of the nine participating RU’s or provide a service to a participant, you will not be directly affected by this legislation at this time. However, the department intends to evaluate the

merits and successes of the program after it has been in operation for a year to determine if it should be expanded to other responsible units throughout the state.

## How does the Pilot Program Differ from the Current Recycling Program?

The Solid Waste Reduction, Recovery and Recycling Law, enacted in 1990, instituted a graduated series of bans on landfilling and incineration of certain materials, and delegated responsibility to local units of government to manage the banned materials generated within their regions. The requirements for an effective recycling program are specified in ch. NR 544, Wis. Adm. Code.

The pilot program is an alternative approach to recycling. Unlike the current program which is based on landfill bans, the basis for the pilot program is to meet a recycling goal while allowing the local program flexibility in how that goal is achieved. The pilot program is structured to operate within the framework of the Effective Recycling Program but provides participants flexibility in meeting requirements to recycle materials subject to the 1995 landfill and incinerator bans.

## Recycling Markets Directory Update

The annual update of the Recycling Markets Directory will be completed by June 2002. We have increased the number of types of reusable materials identified in the directory, including televisions and

other electronics. In total, about 300 businesses are listed in the directory. Check it out on the DNR Recycling website: [www.dnr.state.wi.us/org/aw/wm/markets/category.html](http://www.dnr.state.wi.us/org/aw/wm/markets/category.html)

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## Business Recycling

Businesses in the State of Wisconsin are required to recycle in accordance with the State's Recycling Law. Failure to do so violates local recycling ordinances. Responsibility for ensuring that businesses comply with the ordinance rests with the Responsible Unit (RU). The RU has the ability to enforce business recycling through their ordinance, which provides inspection authority and a provision to issue citations for failure to recycle.

The enforcement provisions in the local recycling ordinances give RUs the authority to enforce against any business that disposes of materials that have been separated for recycling in a landfill or an incineration facility. There are haulers who transport the recyclable materials and the trash they collect from businesses to out-of-state landfills. Recently it has come to the attention of the Department that some haulers may be advising business owners that they are not required to separate their recyclables from their trash because it is all going to an out-of-state landfill. If haulers are doing this, they are providing incorrect information according to local ordinances. Businesses are required to separate their recyclables from trash, regardless of its' final destination. Haulers must continue to keep the materials separated and keep recyclables out of landfills and from incineration.

## Recycling Tipping Charge Lawsuit Dismissed

A lawsuit filed by the National Solid Waste Management Association and several large disposal companies challenging an increase in the tipping charge in s.289.645, Stats. as a violation of the U. S. Constitution's Commerce Clause was dismissed by federal Judge John Shabazz on January 11, 2002. The court found that the \$3.00 charge had the characteristics of "a tax under state law" so that, under the U.S. Tax Injunction Act, plaintiffs needed to

## Open Burning of Yard Waste and Debris by Municipalities Prohibited

Yard waste or other debris may not, in general, be burned by local units of government. Activities such as burning municipally collected leaves, brush or other yard waste or burning miscellaneous items from municipally owned operations such as drop-off centers and highway shops, are typically prohibited.

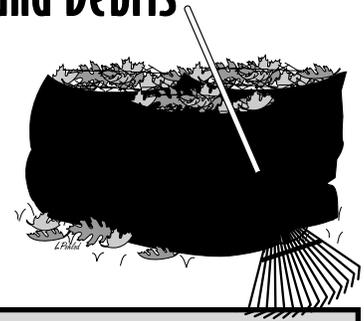
### General Solid Waste

Under Wisconsin's solid waste regulations, local units of government are viewed as businesses with respect to burning solid waste. That is, no burning of any type of waste by a business or municipality may occur without a license or approval issued by the Department or without falling under a specific exemption. Furthermore, licenses for waste burning are not possible in many cases because of the Department's requirements for burning facilities, such as setbacks from residential development and the need to maintain high combustion temperatures to minimize air pollution.

### Yard Waste

In general, collected yard waste may not be burned without energy recovery (or landfilled) in Wisconsin. There are certain exceptions for woody waste.

seek remedy in state court. The court found the recycling charge to be like a tax because it was imposed by the legislature on a broad class of citizens who generate municipal solid waste and the proceeds are used to fund the municipal recycling program, which is a general public benefit. The plaintiffs did not appeal the case to another federal court but could still challenge the recycling charge on Commerce Clause grounds in Wisconsin courts.



*Looking for environmentally sound, lower-cost alternatives for yard waste management? Consider chipping, composting or both. These activities can provide useable landscaping products for residents and municipal operations. Please contact your local UW-Extension Office and DNR Service Center for technical information and requirements for developing a compost site.*

Woody waste collected from residents, such as brush, sticks and tree limbs, may be open-burned in a licensed woodburning facility. Exemptions to licensing requirements include on-site burning of wood and brush that is not yard waste as part of certain land clearing or maintenance operations or if the burning is part of an agricultural or silvicultural activity. In cases of emergencies such as natural disasters, brush and other yard waste may be burned without a license, provided Department approval is obtained.

### Firefighting Exercises

Burning of structures for fire fighting practice or testing of fire fighting equipment may be allowed if certain requirements are met. Contact your local DNR office for more information.

### Burning Permits

It may be necessary to obtain burning permits from the Department for all of the above activities. Burning permits, to be distinguished from solid waste licenses, exemptions or approvals, are issued at certain times in certain counties within forest fire control areas.

# Update on Wisconsin's Newspaper Recycled Content Requirements

AB 365 was introduced and passed by the Assembly during the 2001 legislative session. Under this bill, the mandated minimum percentage of fiber from post-consumer waste for newsprint would be capped indefinitely at 33 percent. This legislation was proposed in response to the difficulty reported by some newspaper publishers and printers in obtaining newsprint containing the required amount of recycled material. The bill passed the Assembly but died in committee in the Senate.

## How to Recycle Your Used Cell Phone



There are a number of charitable organizations that want your old cell phone! Two organizations that have come to the attention of the recycling staff are listed below. Department staff contacted both organizations to confirm that the programs were still active and to verify addresses. Both programs expressed interest in having their program publicized through our newsletter.

### Call to Protect

c/o Motorola, Inc.  
1580 Ellsworth Road  
Ann Arbor, MI 48108  
www.donateaphone.com

### CollectiveGood International

4551 NW 44<sup>th</sup> Avenue  
Ocala, FL 34482  
770-856-9021  
info@CollectiveGood.com

Call to Protect works with victims of domestic abuse. CollectiveGood works with a variety of charities/nonprofit organizations.

We're sure that there are a number of other groups that will be able to use your old mobile phone, so check out the options and recycle that phone!



## Southeast Wisconsin Waste Reduction Coalition Forges Partnerships

Since 1995, the Southeast Wisconsin Waste Reduction Coalition has been working to reduce the amount of waste generated by area residents and businesses through a regionally coordinated waste reduction campaign. The Coalition combines the expertise and resources of local government, state agencies, non-profit organizations, businesses and environmental organizations to sponsor Be Smart (Save Money and Reduce Trash) programs. More than 45 partners participate.

Steering committee members are representatives from the cities of Milwaukee, Wauwatosa, West Allis and Cedarburg; counties of Jefferson, Walworth and Waukesha; Town of Cedarburg, Keep Greater Milwaukee Beautiful, Milwaukee Metropolitan Sewerage District, WasteCap Wisconsin, University of Wisconsin-Extension, and the Department of Natural Resources.

Corporate sponsors include The Home Depot, Superior Services, Onyx Environmental Services, Tailored Label Products, Waste Management and Recycle America. The Milwaukee Journal Sentinel is the media partner.

The group initially received DNR Recycling and Waste Reduction demonstration grants to develop programs, set up the website at [www.besmart.org](http://www.besmart.org) and operate a telephone hotline: 414-272-3334.

### Following are some highlights of the Be Smart program:

- \* Since 1998, 77 students in Southeast Wisconsin have received a total of more than \$39,000 in scholarship awards for waste reduction projects implemented in their communities.
- \* Annual publication of a special Green Pages environmental resource guide in cooperation

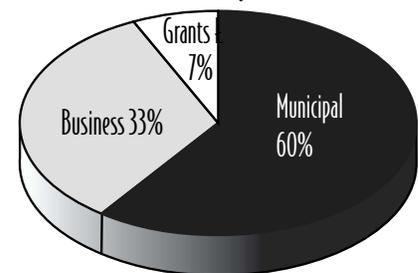
with the Milwaukee Journal Sentinel, which has a circulation of over 267,000.

### In 2001

The Coalition Received a Wisconsin Environmental Education Board grant to expand Be Smart programs to Jefferson County and the Cedarburg area.

- \* A strategy was developed to seek funding from foundations.
- \* Seventeen area festivals implemented strategies to reduce waste by 13-25% and recycle more than 4,600 pounds of containers and cardboard and compost over 500 pounds of food waste.
- \* The Coalition conducted a special meeting for local governments in cooperation with the DNR to get local input on proposed new recycling rules.
- \* Residential computer recycling drop off sites in Milwaukee, Wauwatosa, West Allis, and Waukesha County collected 97 tons for recycling.
- \* Almost 54 tons of textiles and household goods were collected at 8 recycling sites in a cooperative effort with Goodwill.
- \* A total of \$228,000 in contributions, including in-kind staff time, media value and funding were received from coalition members and partners to support the program.

### Coalition Funding Sources 2001



# DNR Regional Recycling Contacts as of 04/02

Here is an updated list of DNR staff contacts for waste reduction and recycling along with the counties for which they are responsible. Please feel free to call with questions or to introduce yourself.

<b>Regional Recycling Contact</b>	<b>Region Address</b>	<b>Counties Served</b>
<b>Robert Germer</b> 715/635-4060 e-mail <a href="mailto:germer@dnr.state.wi.us">germer@dnr.state.wi.us</a> fax 715/635-4105	<i>Northern Region</i> 810 W. Maple St Spooner, WI 54801	<i>Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Polk, Price, Rusk, Sawyer, Taylor, Washburn</i>
<b>Sherry Otto</b> 715/365-8982 e-mail <a href="mailto:ottos@dnr.state.wi.us">ottos@dnr.state.wi.us</a> fax 715/365-8932	<i>Northern Region</i> 107 Sutliff Ave Rhineland, WI 54501	<i>Florence, Forest, Iron, Langlade, Lincoln, Oneida, Price, Taylor, Vilas</i>
<b>Marcy McGrath</b> 920/492-5593 e-mail <a href="mailto:mcgram@dnr.state.wi.us">mcgram@dnr.state.wi.us</a> fax 920/492-5859	<i>Northeast Region</i>	<i>Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, Winnebago</i>
<b>Deb Pingel</b> 715/359-4531 e-mail <a href="mailto:pinged@dnr.state.wi.us">pinged@dnr.state.wi.us</a> fax 715/355-5253	<i>West Central Region</i> 5301 Rib Mountain Dr. Wausau, WI 54401	<i>Adams, Marathon, Portage</i>
<b>Paul Wiegner</b> 715/839-5171 e-mail <a href="mailto:wiegnp@dnr.state.wi.us">wiegnp@dnr.state.wi.us</a> fax 715/839-6076	<i>West Central Region</i> P.O. Box 4001 1300 Clairemont Ave Eau Claire, WI 54701	<i>Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Juneau, La Crosse, Monroe, Pepin, Pierce, St. Croix, Trempealeau, Vernon, Wood</i>
<b>James L. Bakken</b> 608/935-1924 e-mail <a href="mailto:bakkej@dnr.state.wi.us">bakkej@dnr.state.wi.us</a> fax 608/935-9652	<i>South Central Region</i> 1500 N. Johns St. Dodgeville, WI 53533	<i>Grant, Iowa, Lafayette, Richland, Sauk</i>
<b>Dave Edwards</b> 920/387-7870 Fax 920/387-7888	<i>South Central Region</i> N7725 Hwy 28 Horicon, WI 53032	<i>Columbia, Dodge, Jefferson</i>
<b>Cynthia K. English</b> 608/275-3240 e-mail <a href="mailto:englic@dnr.state.wi.us">englic@dnr.state.wi.us</a> fax 608/275-3338	<i>South Central Region</i> 3911 Fish Hatchery Road Fitchburg, WI 53711	<i>Green, Rock</i>
<b>Jessica Maloney</b> 608/275-3298 e-mail <a href="mailto:malonj@dnr.state.wi.us">malonj@dnr.state.wi.us</a> fax 608/275-3338	<i>South Central Region</i> 3911 Fish Hatchery Road Fitchburg, WI 53711	<i>Dane</i>
<b>Kendra Kennel</b> 262/574-2142 e-mail <a href="mailto:kennek@dnr.state.wi.us">kennek@dnr.state.wi.us</a>	<i>Southeast Region</i> 407 Pilot Court, Ste 100 Waukesha, WI 53188	<i>Kenosha, Walworth, Waukesha</i>
<b>Barb Palecek</b> 414/263-8571 e-mail <a href="mailto:palecb@dnr.state.wi.us">palecb@dnr.state.wi.us</a> 262/574-2117	<i>Southeast Region</i> P.O. Box 12436 Milwaukee, WI 53212	<i>Milwaukee, Ozaukee, Racine, Sheboygan, Washington</i>





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