

Notification of Recycling Requirements for Waste Haulers under s. NR 502.06, Wis. Adm. Code



P .O. Box 7921
Madison, WI 53707-7921

Publication WA 425-2005 rev

Purpose and Background

Effective July 1, 2005, licensed waste haulers who collect and transport municipal solid wastes and recyclable materials¹ are required to notify their clients² of the need to comply with state and local recycling laws (s. NR 502.06, Wis. Adm. Code). The requirement is intended to ensure that all waste generators and haulers are aware that **Wisconsin's recycling laws apply equally to all residents and non-residential facilities in Wisconsin, including those whose waste and recyclables are hauled out of the state.**

Recycling supports jobs and economic growth in Wisconsin. When recyclable materials are disposed of in landfills, industries in Wisconsin and the Upper Midwest lose valuable resources. DNR is committed to minimizing wastes and increasing the recovery of resources to grow Wisconsin's economy.

How to Notify Clients

The type and frequency of notification required depend on the type of waste and the length of contract, as shown in this chart:

Client Type	Residential waste ³	Non-residential waste ⁴
Short term Client < 45 days	Verbal notification	Written at the time of arranging service
Long term Client > or equal to 45 days	Verbal or written within 45 days of arranging service, and annually thereafter	Written at the time of arranging service and annually thereafter

Verbal notification may be provided in person or by phone.

Various methods may be used to provide written notification, as long as the statement is clearly legible. The statement may be included in marketing materials or service proposals to potential clients, in service agreements/contracts, in a separate direct mailing to clients, or in a monthly bill. As an example, the notification might look like this:

"Remember, state and local laws require everyone in Wisconsin to recycle newspaper, magazines, cardboard, glass/plastic/aluminum/steel food and beverage containers, tires, yard waste, appliances, motor oil, lead acid batteries and office paper. Call your local recycling office for more information or visit: <http://dnr.wi.gov/org/aw/wm/recycle/reference.html>. "

¹ "Recyclable materials" refers to the materials banned from Wisconsin landfills under s. 287.07 (1m) to (4), Wis. Stats., namely: newspaper; magazines; cardboard; food and beverage containers made of glass, plastics #1 or 2, aluminum, steel or bi-metals; tires; yard waste; appliances; motor oil; lead acid batteries; and office paper.

² Client is defined under s. NR 502.06(4)(eg), and means "...the contracting entity or the entity that arranges for service provision in the case where there is no formal contract."

³ "Residential" customers refer to occupants of single-family and 2-4 unit dwellings.

⁴ "Non-Residential" refers to all other customers including but not limited to occupants of multi-family dwellings of 5 or more units, commercial, retail, industrial, institutional and governmental facilities including locations under construction, demolition, remodeling, or used for special events, conference and exhibits.

How to Document Notification to Clients

All notification to clients, whether verbal or written, must be documented. The service provider must maintain records of this notification for the current and previous calendar year. Documentation may vary depending on the hauler's system for tracking services provided to clients. At a minimum, documentation must include: a copy of the notification statement furnished to clients, a brief statement on how clients are notified upon start of service and annually thereafter, and a system to track when clients are notified. Adding a column or two in an existing client database or spreadsheet to indicate the notification type and date(s) would provide an adequate tracking system. DNR staff may request to review haulers' documentation and tracking system as needed.

Enforcement Procedures

The DNR may take appropriate measures to ensure compliance with s. NR 502.06, consistent with the stepped enforcement process defined in the DNR Environmental Enforcement Handbook. DNR staff will notify the appropriate local government (responsible unit for recycling) about reports of non-compliance. Responsible unit contacts will be encouraged to participate in meetings to develop procedures with the service provider, but are not required to do so.

Commonly Asked Questions

1. Is open burning of recyclable materials an option for some clients?

ANSWER: No, burning recyclables is not an option for any resident or business. It is illegal under Wisconsin law to burn any garbage, plastic, rubber, oily substance, treated or painted wood, or material intended for recycling. Open burning of these materials emits pollutants. Using a burn barrel to burn any of these materials is illegal, unhealthy and unneighborly. Check your local ordinance regarding yard waste. Although haulers are not required to inform their clients about state and local restrictions on open burning of waste, DNR strongly urges haulers to use any opportunity to inform clients about the prohibitions. Typical emissions from open burning include dioxins, ash, furans, halogenated hydrocarbons, carbon monoxide, lead, barium, chromium, cadmium, carbon dioxide, sulfur dioxide, arsenic or mercury. Please refer <http://dnr.wi.gov/environmentprotect/ob/> for more information.

2. If the hauler notifies a client about recycling requirements, but the client mixes recyclable materials with non-recyclables anyway, what should be done?

ANSWER: The waste service provider should contact the local recycling office (responsible unit) or the regional DNR recycling coordinator and discuss the non-compliance circumstances. A listing of DNR recycling staff can be found at <http://dnr.wi.gov/org/aw/wm/contacts/recycle.htm>.

3. What about other recyclable items?

ANSWER: As a good business practice, waste service providers may choose to notify clients about additional recycling services for materials such as construction and demolition waste, carpet, hazardous waste⁵, electronics, etc. Haulers may also include in the notification contact information for the local recycling office and DNR recycling staff.

4. Why is this notification requirement necessary?

ANSWER: DNR staff have heard repeatedly over the years that some waste haulers incorrectly inform their clients that recycling is not required. This is not correct. Wisconsin law and local ordinances require everyone to recycle, including the owners and designated agents of non-residential facilities and properties. The notification requirement clarifies the scope of the law and helps level the playing field for all service providers. This requirement should increase the amount of recyclables collected from residential and non-residential properties. Increased collection of recyclables will benefit both the environment and waste service providers (in the form of profits from sale of recyclable materials).

5. When clients arrange contracts over the phone, can the hauler notify them about recycling requirements verbally?

⁵ Disposal of hazardous wastes generated by businesses, institutions and other non-residential generators is prohibited in Wisconsin solid waste landfills under chs. NR 600 to 679, Wis. Adm. Code and ch. 291, Wis. Stats. Color CRT-containing devices, CRTs and CRT glass that are destined for disposal should be assumed to be regulated as hazardous waste, unless appropriate testing indicates otherwise. When these materials are managed according to the guidance for CRTs destined for recycling, they are **not** regulated as hazardous waste in Wisconsin. The complete guidance is available at: (<http://dnr.wi.gov/org/aw/wm/publications/hazard/managementcertinwisc.pdf>).

ANSWER: *Verbal notification is adequate for residential clients only. For short-term (less than 45 days) residential clients, verbal notification meets the minimum requirements in s. NR 502.06.. For long- term residential clients (service greater than or equal to 45 days), initial verbal notification is acceptable, but within 45 days written notification must be provided as well. Long term residential clients must receive annual notification.*

6. Is the requirement for tracking verbal and written notification the same?

ANSWER: *Yes. Service providers must document both written and verbal notification of their clients.*

Contacts for More Information

Regional recycling office at: <http://dnr.wi.gov/org/caer/cs/ServiceCenter/SSbyRegion.html>

DNR recycling staff can be found at: <http://dnr.wi.gov/org/aw/wm/contacts/recycle.htm>.

Contact 608/266-2111 or DNRWasteMaterials@Wisconsin.gov for further information.

Disclaimer: This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please call 608/266-2111 for more information.