

Wisconsin Waste Reduction and Recycling Law



Background

This publication provides an overview of Wisconsin's statewide recycling program with references to the state statute (Wisconsin Statutes, Chapter 287) and to the related administrative rules found in Wisconsin Administrative Code (Chapters NR 542 to 549). For specific situations, the appropriate statutes and administrative rules should be consulted. Links to the Wisconsin Statutes and to the Wisconsin Administrative Codes pertaining to recycling are available on the Department of Natural Resources website at dnr.wi.gov by searching "recycling law."

The solid waste reduction, recovery and recycling law was enacted to promote development of waste management structures and encourage reduction, reuse and recycling of Wisconsin's solid waste. When the law passed in 1990, only about 17 percent of municipal solid waste was recycled. By the end of 2004, ten years after the recycling requirements were fully implemented, studies showed the percentage had climbed to 32 percent. Today, recycling markets are expanding, creating jobs in Wisconsin and diverting waste from landfills.

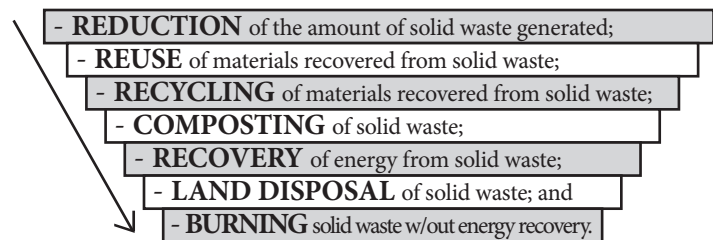
Recycling promotes jobs

Recycling supports jobs and economic growth in Wisconsin. When recyclable materials are disposed of in landfills, state industries lose valuable resources. Wisconsin's Department of Natural Resources (DNR) is committed to minimizing wastes and increasing the recovery of resources to grow Wisconsin's economy with significant investment in the state's recycling infrastructure. Processing facilities, municipal recycling services and other local responses to the law's requirements bolster employment and fuel the growing recycling industry.



Hierarchy of waste options

The policy outlined in the law established a hierarchy of preferences for solid waste management options. The options ranked from most to least preferred are:



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The law also instituted bans on landfilling and incineration of certain materials that went into effect in 1991, 1993 and 1995. Additional bans were instituted in 2010 and 2011. However, there are some exceptions. The main points of Wisconsin's recycling law are summarized in the following pages.

Wisconsin recycles

The following items are banned from landfills and incinerators statewide and should be reused, recycled or composted.

Containers

- #1 and #2 plastics, bottles and jars
- Aluminum containers
- Bi-metal cans and containers
- Glass containers
- Steel (tin) cans and containers

Paper and cardboard

- Corrugated cardboard
- Magazines, catalogs and other materials on similar paper
- Newspaper and newsprint materials
- Office paper

Yard materials

- Grass clippings
- Debris and brush under 6" in diameter
- Leaves

Automotive items

- Lead-acid vehicle batteries
- Tires*
- Used oil filters
- Waste oils*

**Tires and waste oils may be burned in a solid waste treatment facility with energy recovery*



Appliances

- Air conditioners
- Boilers
- Clothes dryers
- Clothes washers
- Dehumidifiers
- Freezers
- Furnaces
- Microwaves (see s. 287.07, Wis. Stats.)
- Refrigerators
- Stoves and ovens
- Water heaters



Electronics

- Cell phones
- Computers - desktop, laptop, netbook, tablet
- Computer monitors
- Desktop printers (including those that scan, fax and/or copy and 3-D printers)
- DVD players, VCRs, DVRs and all other video players
- E-readers
- Fax machines
- Other computer accessories (including keyboards, mice, speakers, external hard drives and flash drives)
- Televisions



Why ban items from the landfill and incinerator?

The items on this list are made of materials that can be reused in new products. Some also have toxic components that can contaminate water, air or soil. Recycling and composting allow landfills to last longer, provide markets with valuable reusable materials, create jobs and prevent pollution.

Why not ban more materials?

Corrugated cardboard is banned while waxed cardboard is not. Some things with plugs, like computers, are banned, while others, like toasters, are not. Why? Current bans cover some of the most easily reusable or most toxic materials on the market today. Eventually more items may be added to this list as new recycling markets develop or the types of materials we throw away change.

Some communities go above and beyond what is required by state law. Check with your local government or recycling service provider to find out what additional materials are accepted for recycling in your area. Wisconsin's recycling requirements apply to everyone in the state at all residences and places of work or play.

NOTE: While foam polystyrene packaging and #3 through #7 plastics are also included in the ban and are recyclable in some communities, a variance issued by the DNR does currently allow such materials to be landfilled or incinerated.

Exceptions

Residuals

The bans do not apply to residual "containers" and "paper and cardboard" items collected, treated and disposed of by a Responsible Unit (RU). Even a good recycling program will not capture 100% of all potential recyclables, and some materials cannot be recycled due to use or contamination. Examples include plastic jugs used for waste oil collection or newspaper used for cleaning. There are also exceptions for emergencies, unintentionally contaminated materials, the approved beneficial reuse of a material within a landfill and certain plastics if recycling is not feasible.

Certain waste-to-energy incinerators

RUs in the service area of a waste-to-energy (WTE) incinerator that was in operation as of April 1990 have an exception under the law. The two WTE facilities operating in Wisconsin are the Barron County Incinerator and the La Crosse/Xcel Energy Resource Recovery Facility. These RUs are required to recycle only steel, aluminum and glass containers. They are allowed to burn other combustible materials for energy. However, many RUs in WTE incinerator service areas require paper and plastics recycling by local ordinance.

More information regarding the exceptions can be found in s. 287.07, Wis. Stats., or by contacting the Waste and Materials Management Program Recycling Coordinator at DNRRecycling@Wisconsin.gov.

Recycling roles

The DNR role

The DNR oversees the disposal bans and program requirements and has shared responsibility with local units of government to enforce those provisions. The DNR is authorized under s. 287.95, Wis. Stats., to issue citations and to collect forfeitures from individuals and companies that violate state recycling laws. In general, the DNR's implementation of the recycling law works to achieve compliance through education, technical assistance and financial assistance. The DNR conducts statewide data collection, produces free outreach materials and administers financial aid to responsible units.



Effective recycling programs

Each RU in Wisconsin is required to maintain an approved effective recycling program as defined in s. 287.11, Wis. Stats., and NR 540 and 542, Wis. Adm. Code. The designation of an effective recycling program is significant because it determines a local government's ability to landfill or incinerate municipal solid waste in Wisconsin and its eligibility for state recycling grant funds. Without an effective recycling program, no individual, business or institution within an RU's jurisdiction can legally dispose of municipal solid waste in Wisconsin.

RUs are also required to report annually to the DNR on their recycling program, including the amount of materials collected for recycling.



The role of Wisconsin's communities

Responsible units (RUs)

The statutes delegate responsibility for implementing municipal recycling programs to responsible units (RUs). An RU can be a municipality, county, tribe, solid waste management system or other unit of local government that is responsible for planning, operating and funding a recycling program. Each RU must develop and implement a recycling program to manage the banned materials generated within its region in compliance with the law and Wisconsin's solid waste management priorities.

Every community must be an RU or part of a multi-municipality or county RU.

An RU is also charged with educating its residents and businesses about the recycling law. An ongoing educational campaign that reminds residents and businesses about local recycling programs is essential for maintaining high recycling rates in communities. See page 4 for more details.



Program requirements

Under Wisconsin's comprehensive recycling law, every citizen in Wisconsin must have residential recycling service or drop-off centers within easy access and should be provided with recycling education and outreach. In addition to ensuring recycling services are provided to residents, the law delegates to RUs the responsibility of ensuring that non-residential locations—including businesses, institutions, special events and construction sites—recycle materials banned from landfills. The law does not require RUs to provide these services themselves.

The haulers' role and requirements

All DNR-licensed waste haulers who collect and transport municipal solid waste are required to notify their clients of the need to comply with state and local recycling laws (NR 502.06, Wis. Adm. Code). To comply with this requirement, a hauler must notify new and existing clients that state and local laws apply equally to all residents and non-residential facilities in Wisconsin, including those whose waste and recyclables are hauled out of the state. Guidance on how to comply with the state requirement is available in DNR publication WA-425, "Notification of Recycling Requirements for Waste Haulers," available at dnr.wi.gov.

Criteria for an effective recycling program

Responsible unit recycling programs must comply with certain requirements listed in the state statutes and administrative codes. The basic requirements are summarized below.

1. Pass a local recycling ordinance that:
 - requires residents to separate recyclables for recycling;
 - requires owners of multi-family housing and non-residential properties to provide adequate, separate containers for recyclables, notify and inform all users and occupiers about the recycling program and provide for the collection and recycling of the materials;
 - prohibits the disposal of recyclables that have been separated for recycling; and
 - contains provisions for enforcement that create the authority to verify compliance and assess penalties for non-compliance.

RUs can download a sample ordinance by searching "sample recycling ordinance" at dnr.wi.gov.

2. Operate an education program to inform residents and businesses on what recyclables are collected, where and how to recycle, as well as on recycling or composting options for other materials banned from landfill disposal.
3. Provide a program for collecting, processing and marketing recyclables from single family and two- to four-unit residences. This system may be operated directly or contracted for by the RU. The system must ensure that recyclables are separated from solid waste and maintain their marketable condition. *RUs that do not provide or contract for collection service must be able to demonstrate that their residents have convenient access to privately contracted collection service. See note for more details.***

4. Implement a Compliance Assurance Plan to improve compliance for at least one commonly encountered recycling violation and update it as other non-compliance issues are encountered. RUs are encouraged to address more compliance strategies than the minimum and update these as necessary. For more information on compliance assurance plans, see DNR publication WA-427, "Developing a Compliance Assurance Plan for an Effective Recycling Program."
5. Submit an annual report on programs and collection to the DNR by April 30 of each year. Every RU must do this, whether or not they receive a recycling grant. Annual reports are available online or in paper copy in mid-January each year. Department staff offer assistance in completing reports through webinars and conference calls.
6. Notify the DNR of program changes (including changes in contact information) by contacting a regional recycling specialist.
7. Adhere to other provisions established by DNR rule. For more information on these requirements, see DNR publication WA-1593, "Basic Requirements for RU Recycling Programs," or search "responsible unit" at dnr.wi.gov.

***Administrative rules require that municipalities with populations of 5,000 or more and an aggregate population density of at least 70 persons per square mile provide curbside collection of newspaper, glass, aluminum and steel containers, #1 and #2 plastic containers, corrugated cardboard and magazines at least once a month from single family and two- to four-unit residences. They must also provide drop-off collection for materials not collected at curbside. Municipalities with populations less than 5,000 or an aggregate population density of less than 70 persons per square mile must provide either curbside or drop-off collection for single family and two- to four-unit residences.*

State financial assistance to RUs

The DNR provides grants to RUs to use in administering and improving their recycling programs.

Basic Recycling Grant to Responsible Units

This grant is available only to RUs with an approved effective recycling program. To receive this grant, an RU must maintain an effective recycling program, be able to document its operating and equipment expenses and file a complete application by October 1 of the year preceding the grant award. RUs submitting late applications received before October 30 are eligible but receive funding at a reduced rate. Additional information and application forms are available by searching "recycling grants" at dnr.wi.gov.

Recycling Consolidation Grant

This grant program offers supplemental assistance to Responsible Units that meet the eligibility criteria in s. 287.24, Wis. Stats., with the objective of encouraging collaboration among RUs. Additional information and application forms are available by searching "consolidation grant" at dnr.wi.gov.

Requirements for state agencies

Agency purchase of recycled products

The Department of Administration (DOA) is responsible for establishing guidelines for state and local agencies regarding procurement specifications for recycled content in products, purchasing requirements and separation and collection of recyclable materials from government offices. For more information, visit the DOA website at doa.wi.gov, or see the Wisconsin Legislative Fiscal Bureau Informational Paper on "Solid Waste Recycling and Waste Reduction Programs."

Product labeling requirements

The Department of Agriculture, Trade and Consumer Protection (DATCP) has set standards that are largely consistent with nationwide industry standards on the content of products labeled as recycled, recyclable or degradable. Labeling or representing a product in violation of these standards is subject to a fine. DATCP also administers a rule that establishes labeling requirements for plastic containers. Accurate labeling provides information needed by operators of recycling programs to facilitate recycling or reuse of the containers. For more information, see the Wisconsin Legislative Fiscal Bureau Informational Paper on "Solid Waste Recycling and Waste Reduction Programs."

Recycled road construction materials

The Department of Transportation (DOT) works with contractors to use the maximum amount of recovered materials possible in DOT-administered construction projects. Recovered materials include glass, waste paper, pavement, pottery cull, recycled plastics and high volume industrial waste such as fly ash, bottom ash, paper mill sludge, foundry waste and other waste with similar characteristics that is approved by the DNR. These items can be used for surfacing material, structural material, landscaping material and fill for all highway and other transportation system improvements. DOT is developing technical standards for the use of various materials in construction and encouraging contractors to use these materials when possible. For more information, visit wisconsin.gov.



Resources under the recycling law

Wisconsin Clean Sweep

Administered by the Department of Agriculture, Trade and Consumer Protection (DATCP), Clean Sweep allows local governments to collect and properly dispose of agricultural, residential and business hazardous wastes as well as unwanted prescription drugs. The program uses money from the Environmental Fund to provide grants for counties, cities, towns, regional planning commissions and other municipalities to host collections. Established in 1990 to provide financial assistance in collecting unwanted agricultural pesticides, the program expanded in 2004 to include household wastes such as acids, flammable chemicals, mercury, lead paint and solvents. In 2007, the legislature authorized DATCP to increase grant eligibility to include unwanted prescription drugs. To learn more about Wisconsin Clean Sweep, visit cleansweep.wi.gov.



Council on Recycling

The Council on Recycling is a citizens group appointed by the Governor to advise the Governor, legislature and state agencies on solid waste reduction, recovery and recycling policy. The Council is attached to the DNR for administrative purposes (s. 287.22, Wis. Stats). Current membership includes individuals representing industry, business and local units of government. For more information on the Council, search "Council on Recycling" at dnr.wi.gov.

Other recycling and waste laws

Recycling space requirements

The Department of Safety and Professional Services requires that building owners provide adequate space inside or adjacent to a public building for the separation, temporary storage and collection of materials subject to landfill bans. This code applies to newly constructed public buildings, additions that increase the size of a public building by more than 50 percent, or alterations of 10,000 square feet or larger (s. 101.126, Wis. Stats.).



Lead-acid & mercuric oxide batteries

Retailers of lead-acid automotive batteries are required to charge a deposit of \$10 on the sale of automotive replacement batteries and refund the deposit if the consumer returns the battery to the retailer. The retailer can charge up to \$3 for each additional battery delivered and can refuse to accept more than two batteries per day from any one customer (s. 287.18, Wis. Stats.). For more information, search “recycling batteries” at dnr.wi.gov.



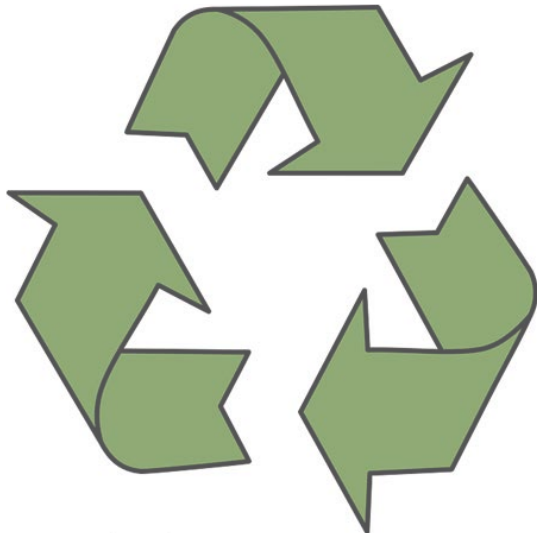
Used oil collection and recycling

Any business that sells automotive engine oil to consumers is required to either maintain a used oil collection center or post a sign informing customers of the nearest used oil collection center. If adequate used oil collection centers are not available, local or county governments are required to provide them. As of 2011, used oil filters are also banned from landfills and thus must be recycled (s. 287.07 and 287.15, Wis. Stats.). For more information, search “used oil” at dnr.wi.gov.



Littering

It is illegal to litter in Wisconsin. Littering includes dumping any solid waste on or along any highway, in any waters of the state or on any other public or private property, unless it is done in compliance with other state laws. It is also illegal to abandon any automobile, boat, other vehicle or aircraft in the waters of the state (s. 287.81, Wis. Stats.).



Appliances containing refrigerants

Both state and federal regulations prohibit the release of regulated refrigerants—CFCs, HCFCs, HFCs, PFCs and blends—to the environment. These chemicals are used to produce cooling in vehicles and home appliances such as refrigerators, freezers, air conditioners, dehumidifiers and water coolers. The refrigerants are recyclable and must be properly recovered, using approved equipment operated by qualified technicians. The facility recovering these refrigerants must be registered with the DNR, keep records of their recovery activities and supply documentation that the refrigerants were properly removed to whomever receives the scrapped equipment. Anyone hauling equipment that is to be salvaged and still may contain refrigerants must annually certify “Safe Transport” to the DNR (NR 488, Wis. Adm. Code). For information, search “refrigerant recovery” at dnr.wi.gov.

Composting and burning

Composting

Since 1993, when yard materials were banned from landfill disposal, many communities and individuals have started composting. The DNR regulates large-scale composting operations to varying degrees, depending on the size of the operation and the materials composted. Local ordinances may also apply to any type of composting, from household to large-scale commercial operations. For composting rules and regulations, search “compost” at dnr.wi.gov.



Open burning and trash incineration

State law prohibits anyone from burning recyclable materials banned from landfills (see p. 2). It is also illegal to burn other garbage, wet materials, oily substances, asphalt materials, rubber products and plastic of any kind, including agricultural and horticultural plastics like silage film, haylage bags, bale wrap, woven tarps and nursery pots and trays.

Under state law, homeowners may legally burn small quantities of their own dry leaves, plant clippings, brush and clean, untreated, unpainted wood. However, local ordinances may prohibit burning certain materials or prohibit open burning entirely. Generally, businesses and municipalities need DNR approval and a license to burn any waste.

Open burning of any waste material is discouraged because it results in air pollution, can cause health problems and is the leading cause of wildfires in Wisconsin. Composting and recycling are the preferred alternatives.

If materials cannot be composted, recycled or delivered to a legal disposal facility, burning may be acceptable with a permit. Before burning, individuals should search “open burning” at dnr.wi.gov to find out if a burning permit is needed or if emergency burning restrictions are in effect. DNR burn permits are obtained by searching “burn permit” at dnr.wi.gov or by calling 1-888-WIS-BURN.

Additional recycling initiatives

New recycling markets

New recycling markets are developing all the time. In recent years, markets for recycled plastic and wrap, cartons, mattresses, paints and carpets have all expanded. These materials are not included in the Wisconsin landfill bans but may be recycled all the same. For information on Wisconsin markets for recycling both banned and non-banned materials, go to wisconsinrecyclingdirectory.com.



E-cycling

Electronics recycling is a growing industry in the state, creating jobs and preserving valuable resources. As of 2010, a number of electronic items are included in the landfill bans (s. 287.07, Wis. Stats.), but other electronic items can be collected and recycled as well (s. 287.17, Wis. Stats.). For more information, search “ecycle” at dnr.wi.gov.



Recycling away from home/at events

Special events such as fairs and festivals present an opportunity for recycling away from home. While setting up recycling at these events may appear daunting, a number of event organizers have shown that it can be done effectively and efficiently. For tips on how to recycle away from home and free event recycling signage, search “recycling away from home” at dnr.wi.gov.

Construction and demolition

As disposal costs increase, businesses are finding that they can reduce these costs by recycling construction and demolition debris. For more information, search “demolition” at dnr.wi.gov. This site includes information on residential asphalt shingle recycling and an easy-to-follow checklist for contractors and other construction firms (DNR publication WA-651, “Planning Your Demolition or Renovation Project”).

Recycling resources

Studies and reports

Since Wisconsin's recycling law took effect in the mid-1990s, the DNR has used annual reports and surveys to monitor the progress and success of Wisconsin's recycling efforts. Data for these reports and surveys come from RUs, material recovery facilities (MRFs), landfill operators and residential households. The DNR also occasionally conducts physical sampling at landfills. These and other studies, including the Wisconsin Legislative Fiscal Bureau Informational Paper, can be found by searching "recycling studies" at dnr.wi.gov.

Recycling Updates

Recycling Updates is an email newsletter offered by the Wisconsin Department of Natural Resources. Subscribers come from around the state and include recycling businesses, local governments, schools and individual citizens interested in recycling. To subscribe, search "Recycling Updates" at dnr.wi.gov.

Outreach and education

The DNR and its recycling program partners provide many free print and electronic resources for a variety of audiences. These resources include informational pamphlets and guides on recycling efforts in specific business, public and household environments. They also include free posters and signs to spread recycling awareness and educational materials for pre-kindergarten through 12th grade students. For information and access to these free materials, search "recycling publications" at dnr.wi.gov.



Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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For more information on the DNR recycling program, contact:

Waste and Materials Management Bureau
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707
DNRRecycling@Wisconsin.gov

Additional resources

Department of Natural Resources Waste Program
Search "recycling" at dnr.wi.gov
Associated Recyclers of Wisconsin
www.recyclemorewisconsin.org
WasteCap Wisconsin
www.wastecap.org



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