



E-Cycle Wisconsin Guidance on Landfill and Incinerator Ban Enforcement

PUB-WA-1494 2016

Purpose

This guidance clarifies issues regarding the electronic materials disposal bans under s. 287.07, Wis. Stats.

Background information about disposal of electronic devices

Section 287.07 prohibits disposal of certain recyclable materials, including many common electronic devices, in Wisconsin landfills and incinerators.

Recovering as many electronics as possible is in everyone's interest. Many electronics contain hazardous materials, such as lead, mercury and cadmium. Recycling them also minimizes the environmental impacts of manufacturing replacement products using virgin materials and reduces energy consumption required to acquire and refine new raw materials, such as copper, gold and iron.

This is an absolute disposal ban, similar to the bans applying to major appliances, lead-acid batteries, yard waste and clearly separated accumulations of other banned recyclables.

Your role as a waste service provider

Department of Natural Resources staff look for accumulations of banned materials as part of their routine facility inspections.

The DNR understands the practical constraints on most waste haulers' and facility operators' abilities to police every load for electronics. However, the DNR expects loads to be rejected when there is a clear violation of the electronics disposal ban. If the banned items cannot be returned to the generator, they should be removed if possible and properly recycled. Operators should also work with the hauler or generator to address loads containing significant quantities of banned electronics. When necessary, the DNR will pursue enforcement against appropriate parties to discourage illegal disposal of electronics.

DNR staff can help facilities follow up with waste haulers, generators and local governments to minimize

E-Cycle Wisconsin disposal bans

- Cell phones
- Computers (desktop, laptop, netbook and tablet)
- Computer monitors
- Computer peripherals (mice, keyboards, scanners, etc.)
- Digital video players/recorders
- DVD players
- E-readers
- Fax machines
- Printers (desktop printers, including those that scan, fax and/or copy and 3-D printers)
- Televisions
- VCRs

For complete definitions, see s. 287.17(1), Wis. Stats.

disposal of banned electronics. Please email DNRWecycling@wisconsin.gov for assistance.

Common electronics not banned from landfills and incinerators

See the box above for a list of electronics specifically banned from disposal under s. 287.07(5), Wis. Stats. Some common items not banned from disposal include:

- MP3 players/iPods
- Stereos and stereo speakers
- Cameras
- Landline phones
- Electronic toys
- TVs and monitors with screens less than 7" measured diagonally

Solid waste facility owners/operators may ban additional electronic devices, such as the materials listed above, at their own facilities.

Waste haulers' roles in educating customers about the disposal ban

Waste haulers are required to notify their clients of the need to comply with state and local recycling requirements, which includes the electronics ban. Notification must be made when the client first engages a hauler's services and annually thereafter [s. NR 502.06 (4)(eg), Wis. Adm. Code].

Expectations for haulers to ensure they do not collect banned materials

Any visible banned electronics should be rejected and haulers should follow their normal procedures for refusing recyclable materials (e.g., tagging and leaving at the curb, sending a notice, picking up and charging a fee, etc.).

Solid waste haulers are encouraged to develop a plan for how they will address violations and provide training to their employees on the procedures. Suggested components for a plan include the following:

- Identify triggers for when trash containers should be inspected (e.g., suspected to contain electronics, random inspections, etc.).
- Identify what steps should be taken if electronics are found in the waste (e.g., tagging and leaving at the curb).
- Prepare a fee structure in the event that you decide to take the electronics for recycling.
- Make arrangements with a collector or recycler to take electronics that your company recovers.

How waste facility operators can assist customers who bring in electronics for landfill disposal or incineration

At a minimum, facility operators should explain that the materials are banned from disposal. Operators may also want to help customers find a recycling location or service nearby. Visit dnr.wi.gov and search "ecycle" to find collection sites and mail-back options.

However, facility operators are encouraged to accept and arrange to recycle any electronics that are brought to their facility even if they do not regularly accept electronics. The facility may charge for this and send the electronics to an electronics collector or recycler. This will help prevent illegal disposal, such as ditch dumping or mixing with other trash.

The DNR encourages facility operators to develop a plan for how they will address electronics that come into their facility and provide training to employees on the procedures. Suggested plan components include the following:

- Steps to notify facility users that banned items are not accepted (e.g., signage, mailings, website postings, etc.). The DNR has a variety of free outreach materials that could serve these purposes.
- Decision criteria for when waste loads should be inspected (e.g., suspected to contain electronics, random inspections, etc.).
- Procedures to take if electronics are found in the waste stream, and preparation of a fee structure to cover this situation.
- Arrangements with a collector or recycler to accept any electronics that your facility recovers.

Waste load inspections

Currently, landfills must conduct random load inspections for every 5,000 tons of waste or a minimum of once a month, whichever is most frequent (s. NR 506.16, Wis. Adm. Code). The maximum load inspection frequency required is once a week. Landfill operators should be checking for any banned materials, including electronics, at these times, but no additional inspections are required.

However, gate staff are encouraged to question each vehicle driver as to whether any prohibited items are known or suspected to be in the load. Facility operators should be trained to observe loads as they are delivered and recognize prohibited items. If prohibited items are discovered, the operator should record the firm transporting the waste, vehicle license number and transporter's Wisconsin solid waste license number. This information should be reported to the DNR.

When to remove electronics from a waste load

S. 287.07(5)(b), Wis. Stats., requires the operator of a solid waste disposal or treatment facility to make a reasonable effort to manually separate, and arrange to have recycled, a consumer video display device (i.e., TVs and computer monitors with a screen at least 7 inches in its longest diagonal measurement) that is readily observable in solid waste delivered to the facility for disposal or burning.

This should be done unless the operator determines that separating the device is not practical, would require measures to protect human health or safety other than the

ordinary measures, or the device has been damaged in such a way that recycling is not feasible or practical. Most electronics that are removed from the waste stream are recyclable. If in doubt, check with your electronics recycler or collection program for damage guidelines.

Although the requirement to remove electronics only applies to readily observable TVs and monitors, facility operators are encouraged to remove all banned materials that can still be recycled as long as there is no additional threat to employees' health and safety to remove them.

A waste load that clearly contains a large volume of electronics should be rejected. The operator should record the firm transporting the waste, vehicle license number and transporter's Wisconsin solid waste license number and report it to the DNR.

DNR disposal ban enforcement

The DNR educates the public about the electronics disposal bans and the importance of recycling these materials. Local governments that are responsible units under state recycling law are also required to publicize the electronics ban.

Under s. 287.95, Wis. Stats., citations may be issued to any person who violates the landfill and incineration bans.

Responsibility for illegally dumped electronics

The owner of the property where electronics were dumped needs to handle removal of the materials. If you know who dumped the items, local law enforcement authorities may look into potential trespassing or littering violations. To deter repeated incidents, you might consider real or mock security cameras, improved lighting, or signage warning of legal consequences. DNR staff may be able to assist in investigation of dumping of large quantities of electronics. Please contact the DNR to report significant issues.

Manufacturer credit for illegally dumped materials

If the amount of illegally disposed electronics could reasonably have come from one or two households, they can be considered residential and therefore eligible for recycling through E-Cycle Wisconsin collectors or recyclers. Visit dnr.wi.gov and search "ecycle" for lists of registered collectors and recyclers. If there is evidence the electronics came from a business or institution, please contact DNR staff to discuss the situation.

More Information

For more information on E-Cycle Wisconsin, visit dnr.wi.gov and search "ecycle."



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WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

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WA-19-1494-C

DOCUMENT TITLE

E-Cycle Wisconsin Guidance on Landfill and Incinerator Ban Enforcement

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 287, Wis. Stats.; Chs. 502 and 506, Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

September 30, 2019

DATE FINALIZED

October 30, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'Joseph P. Van Rossum', is written over a horizontal line.

October 30, 2019

Signature

Date