

Requirements for Haulers of Solid Waste or Recyclables

PUB WA 1619



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

This document summarizes legal requirements for collectors and transporters of solid waste¹ or recyclables². These requirements are mandatory for maintaining your DNR collection and transportation (C&T) license under s. NR 502.06, Wis. Adm. Code.

There are additional requirements for haulers who provide recycling services to responsible unit (RU) recycling programs. The details can be found under s. NR 544.05, Wis. Adm. Code.

Recycling is mandatory in Wisconsin. As a hauler providing solid waste or recycling collection service, you are expected to be aware of these requirements and to ensure that you and your staff complies with them.

Each year DNR receives complaints concerning solid waste and recycling services. Please help us maintain a strong and respected recycling program by working with your staff to operate your business within the law. Here's how you can avoid becoming the subject of a complaint to DNR:

- **Don't tell customers they don't have to recycle.** Not only is this wrong information, but haulers are in fact required to notify customers of the need to comply with the recycling laws (see # 3 next page).
- **Don't tell customers the recyclables will be separated from the trash after collection.** There are currently no facilities in the state approved to extract recyclables from municipal solid waste collected from households or any non-residential facility.
- **Don't mix recyclables with trash.** Once recyclables are separated for recycling, they must remain separated. Complaints about mixing recyclables with trash often arise because customers or neighbors do not realize that the hauler is operating a dual-chamber truck, or the trash and recycling trucks look identical. To avoid confusion, use signage or paint to distinguish a recycling truck or dual-chamber truck from a trash truck (see # 9, page 3).
- **Provide residential recycling tonnages to RUs.** If you contract with an RU to collect recyclables from single family and 2-4 unit dwellings, you are required to provide this information. If you do not contract directly with an RU, DNR encourages you to provide this information so the RU can meet its statutory requirements. RUs are required to report tonnage information to the DNR every year (see # 11, page 3).
- **Notify all your customers about state recycling requirements** (see # 3 next page).
- **Maintain good market quality of recyclables.** Avoid over compacting your loads. Over compaction leads to contamination of paper by undue breakage of glass; resulting in lowered market value (see # 9, page 3).

¹Solid waste includes garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; as well as other discarded or salvageable materials (including solid, liquid, semisolid or contained gaseous materials) resulting from industrial, commercial, mining or agricultural operations or community activities.

²Recyclables: Lead acid batteries; major appliances; waste oil; yard materials; tires; aluminum containers; corrugated cardboard or other container board; magazines; newspapers; office paper; glass containers; #1 & #2 plastic bottles and jars; and steel and bi-metal containers.

Rules for all collectors and transporters

The following is a more complete overview of requirements under NR 502.06 that apply to haulers of solid waste or recyclables. If you have questions about these requirements, please contact your DNR environmental program associate (contact information on back page).

- 1. No person may operate or maintain a collection or transportation service without an operating license from the DNR, unless they qualify for one of the exemptions listed in NR 502.06(2).**
People performing these services must have, or be directly employed by someone who has, a Wisconsin DNR C&T License.
- 2. Comply with state landfill and incinerator bans (NR 502.06(4)(e)).** If you are having trouble with clients putting banned materials in the trash, contact the local RU (visit dnr.wi.gov and search for “list of RU contacts”). Your DNR recycling specialist may also be able to assist you (contact information on back page).

These items are banned from landfill disposal or incineration.

Lead acid batteries; major appliances; waste oil; oil filters; yard materials; tires; electronics; aluminum containers; corrugated cardboard or other container board; magazines; newspapers; office paper; glass containers; #1 & #2 plastic bottles and jars; and steel and bi-metal containers.

- 3. Notify your clients of the need to comply with recycling laws.** This requirement applies to all DNR C&T license holders (NR 502.06(4)(eg)). It is intended to ensure that all haulers and their customers are aware that Wisconsin’s recycling laws apply to all residential and non-residential facilities in Wisconsin, including those whose waste and recyclables are hauled out of state.

How to notify clients of the recycling requirement

Residential (1-4 units): verbally when the client is first arranging for service or written notification within 45 days and written notification annually thereafter.

All other: written notification at the time of arranging service and annually thereafter.

Notification can take various forms, as long as the statement is clear.

You may include the statement in:

Service agreements/contracts
Separate direct mailing to clients
A monthly bill

Here is an example:

“Remember that state and local laws require everyone in Wisconsin to recycle newspaper; office paper; magazines; cardboard; glass, plastic, aluminum, and steel food and beverage containers; tires; yard waste; appliances; motor oil; and lead acid batteries. Call your local recycling program for more information or visit dnr.wi.gov and search for ‘What to recycle’.”

Document when and how you notify your clients

All notification to clients, whether verbal or written, must be documented and records maintained for the current and previous calendar year. 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 to an existing spreadsheet to indicate the notification type and date(s) would be sufficient.

See DNR publication WA425 for more information. Visit dnr.wi.gov and search “WA425.”

4. **You may only transport solid waste to facilities that are licensed, approved or exempted by the DNR** (NR 502.06(4)(b)). To check the status of a facility, go to dnr.wi.gov and search for “waste facility and transporter list,” or contact your DNR environmental program associate.
5. **Do not let your vehicles or containers cause a mess.** Do not allow the contents of the trucks or containers to spill or leak. Also, clean them regularly so as not to create a nuisance (NR 502.06(4)(c)&(d)).
6. **You may need a permit to haul infectious waste** (NR 526.10). Infectious waste consists of items such as needles and blood-soaked rags and must be handled separately from other wastes. For more information visit dnr.wi.gov and search for “infectious waste.”
7. **Each of your vehicles must have “WDNR” followed by the DNR C&T license number lettered on the driver’s door.** Minimum 2” high letters, ½” brush stroke, contrasting color to background (NR 502.06(4)(a)). Also, make sure all VIN information is kept current with your DNR environmental program associate.
8. **Notify the DNR if you are planning to stop hauling.** Provide written notification to your DNR environmental program associate at least 30 days prior to ceasing services for an extended period of time (NR 502.06(4)(h)).

Rules about recyclables

The following is a brief overview of rules found in NR 502.06 and NR 544.05 related to transportation and handling of recyclables. **If you have questions**, please contact your DNR recycling specialist (contact information on back).

9. **Residential recyclables that have been separated for recycling must be kept separated and clean.** They may not be landfilled or incinerated, and collection/transportation may not negatively affect their cleanliness or marketability (NR 502.06(4)(f) and NR 544.05(1)(a)1 & 3). This means that any recyclable material that was separated for recycling must be transported separately from trash all the way to the processing facility. If the recycling compartment on the truck is full, it is still against the law to put recyclables in with trash, even if the intent is to separate them later.
10. **Residential recyclables must be processed at a materials recovery facility (MRF) that is self-certified under NR 544.16**, unless they are exempted under law as a single-commodity processor (NR 544.05(2)(b)); NR 544.16(2)(b). This rule applies to recyclables collected from single family and 2-4 unit dwellings whether or not you have a contract with an RU. A list of self-certified MRFs is available at dnr.wi.gov, search for “MRFs.”
11. **Provide residential recycling tonnages to RUs.** If you contract with an RU to collect recyclables from single family and 2-4 unit dwellings, you are required to provide information regarding the tonnage of recyclables collected (NR 502.06(4)(er)). If you do not contract directly with an RU, DNR encourages you to provide this information so the RU can meet its statutory requirements. RUs are required to report to the DNR by April 30 each year; please assist them by keeping good records and providing them with timely data.
12. **Maintain your records for three years.** You must keep satisfactory documentation that recyclable materials have been delivered to brokers, processors or end users of the materials, and provide this information to a DNR representative upon request (NR 502.06(4)(g)). DNR may request this information if an RU is unable to obtain recycling tonnages directly from their hauler.

Contact the DNR

If you have questions about any of the information in this document, contact your regional service center and ask for either your environmental program associate or recycling specialist. You can also go to dnr.wi.gov and search for “waste” to find staff contact lists.

Additional Resources:

- **To view the laws and codes** referred to in this document, go to dnr.wi.gov and search for “recycling law.”
- **For help notifying clients**, go to dnr.wi.gov and search for “recycling outreach.”
- **For a list of banned materials**, visit dnr.wi.gov and search for “what to recycle.”
- **Wisconsin Recycling Markets Directory:** www.wisconsinrecyclingdirectory.com

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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Bureau of Waste and Materials Management, P.O. Box 7921, Madison, WI 53707-7921
<http://dnr.wi.gov> search “Hauler requirements”, DNRWasteMaterials@Wisconsin.gov





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.

DOCUMENT ID

WA-19-1619-C

DOCUMENT TITLE

Requirements for Haulers of Waste or Recycling

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 289, Wis. Stats., NR 502, 544, Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

November 4, 2019

DATE FINALIZED

December 2, 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'.

December 2, 2019

Signature

Date