2009 DRAFTING REQUEST

Bill

Received: **11/25/2008**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact: **John Stolzenberg, LC**
DNR

Addl. Drafters:

Subject: **Environment - recycling**
Environment - solid haz. waste

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.wisconsin.gov**

Carbon copy (CC:) to: **John.Stolzenberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Electronic waste recycling program and prohibition on landfilling certain electronic waste

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	btradewe 12/15/2008	kfollett 12/17/2008		_____ _____			
/P1			jfrantze 12/18/2008	_____ _____	sbasford 12/18/2008		
/1	btradewe 01/07/2009	kfollett 01/07/2009	rschluet 01/08/2009	_____ _____	mbarman 01/08/2009		

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/2	btradewe 01/25/2009	kfollett 01/26/2009	rschluet 01/26/2009	_____ _____	cduerst 01/26/2009		
/3	btradewe 02/17/2009	kfollett 02/17/2009	phenry 02/18/2009	_____ _____	cduerst 02/18/2009	cduerst 03/09/2009	

FE Sent For: ~~NO~~

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FE requested 05-06-2009
↓
Oked by CMH (Steve M. on vaction)
↓
"/3" sent 05-06-2009

Request Made By... Rep. Miller's office & SCC office

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/?	btradewe	/P1 kjf 12/19	12/17	12/18			

FE Sent For:

<END>

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

November 12, 2008

Senator Mark Miller
409 South, PO Box 7882
Madison, WI 53707-7882

Subject: Recommended changes to SB 397

Dear Senator Miller:

I'm forwarding for your consideration a list of suggested modifications to SB 397 Electronics Recycling (Amendment 1). The objective in compiling these has been to identify ways to further streamline program administration and reporting, strengthen recycler standards, or add clarity to provisions and definitions. We've avoided anything we think might undermine or detract from the initial intent and structure of your proposal.

Our suggestions are based on a review within the Waste and Materials Management Program at DNR, discussions with Garth Hickle (MPCA) on "lessons learned" from the Minnesota Electronics Recycling program, and discussions with an informal group of stakeholders with whom program staff met two times over the summer. John Anderson attended the first of those meetings, and Jamie Fadell attended the second meeting. We propose to share this list with our stakeholder group, made up primarily of electronics recyclers. Their input is important and it is critical to keep them informed and as participants in moving the bill ahead.

I'd like to highlight a few items on the list that are particularly significant changes:

- Elimination of manufacturer quarterly reporting and quarterly shortfall fees
- Elimination of required retailer reporting of sales to manufacturers
- Maintaining the manufacturer registration fee at $5,000 for at least an initial four-year period

We have consulted with John Stolzenberg and Becky Treadwell to ensure that the formatting and level of detail in the attached document is appropriate for the purpose of drafting legislation.

Due to the number and extent of recommended changes, we would like to meet with you and your staff to review the attached document and answer any questions. We look forward to continuing to assist in making SB 397 a reality this legislative session.

Sincerely

Suzanne Bangert
Deputy Air and Waste Division Administrator

cc: Paul Heinen, Gene Mitchell, Cynthia Moore, Sarah Murray

Proposed changes to SB397
Submitted by the Bureau of Waste and Materials Management
Department of Natural Resources

November 12, 2008

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
1	Throughout the bill	Starting dates should be revised by 1 year- The first date for recycler and collector reporting should be August 1, 2010.	Date changes needed include landfill ban, sale requirements, registration, fee payment and reporting requirements. The dates were originally timed assuming bill passage in March, and implementation starting with the new fiscal year July 2008 (except for 2 months of FTEs in May and June 2008). Delaying starting dates by one year would work, even if the bill were passed before March 2009. On page 4, #10, and page 5 # 13 & 15, we recommend considering elimination of quarterly reporting and quarterly short fall fees. If those reports were eliminated, recyclers and collectors would not need to submit their first reports until August 1, 2010, along with their registration for Year 2.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
2	P. 2, line 21	Change "video display device" to "covered electronic device" and change the statute reference appropriately.	Landfill operators should be responsible for removing any of the banned items, not just VDDs.	DNR recommendation

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
3	P. 5, lines 3-8	Definition of a manufacturer—No change. DNR will develop and use guidance to clarify situations as they arise.	Distinguishing who is the owner is not clear in cases where a third party has purchased the brand name and/or logo but does not engage in selling the item. DNR would develop guidance to address determinations in cases where ownership is not clear. Given the multitude of ownership permutations, it's more practical to have bill language that allows some latitude and develop guidance on how to make determinations.	DNR discussion with MPCA (Garth Hickle) on MN experience
4	P.6, lines 14-23	Definition of a video display device: line 15: change "screen that is at least 9 inches" to "screen that is at least 4 inches" Lines 21-23: add exemption for depth finders on fishing gear.	The 4-inch definition is consistent with that used by other states with e-waste legislation. In addition, adjusting the minimum screen size will capture small portable DVD players, laptops and some video game players, which account for a growing proportion of used electronics. Add depth finders as another exemption	DNR discussion with MPCA (Garth Hickle) on MN experience
5	P. 7, lines 17-21	Revise wording—retailer can only sell or offer for sale a VDD that the retailer has determined is listed on the DNR's Internet site under sub. (10)(a). Delete the requirement to check with the DNR website.	Don't need to include the requirement that the retailer refer to the Internet site. The retailer should be responsible for determination that the VDD is listed on the DNR site, and do not specify how they make that determination.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
6	P. 8, lines 10-15	Consider deleting this section. If it is not deleted, then consider rewording so that the manufacturer has to indicate whether a) its VDDs comply with RoHS Directive b) its VDDs comply with RoHS with published exemptions and list those c) don't comply	MCPA recommends deleting this section. All registered manufacturers have stated they are in compliance, without published exemptions. In addition, this is a disclosure statement only—the state has no authority to enforce compliance with the RoHS directives.	DNR discussion with MPCA (Garth Hickle) on MN experience
7	P 9, lines 1-4	1. Revise this section to require the department to complete its review and notify the manufacturer within 30 days of registration submittal. Registration is accepted and approved when it's complete. 2. Delete the last sentence of this paragraph	1. Need to add a time period for DNR review. 2. Since the real penalty for a manufacturer for not submitting a complete registration or for not resubmitting a registration in a timely manner is not being able to sell VDDs in the state, the last sentence is meaningless and not necessary.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
8	P. 9, line 10-11 and lines 14-15	Registration fees for small-volume manufacturers: 2) Consider inserting a minimum threshold for the $1,250 fee payment by small manufacturers—and not requiring any registration fee for manufacturers selling fewer than 25 units/year	Stolzenberg questioned whether the $1,250 annual registration fee was reasonable for all small manufacturers, especially those selling a very few VDDs in the state. For example, a manufacturer selling only 10 units in the state would in effect be adding $125 to the sale price of each unit, to cover their registration fee costs. Minnesota says this has not been an issue, but in view of the high cost for very small manufacturers, exempting the very small from a registration fee seems reasonable. We suggest applying the fee to manufacturers selling at least 25 units a year; the maximum "unit cost" of the fee would be $50.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
9	P. 9, line 12-14	Manufacturer Registration fees: Consider keeping the annual fee at $5,000 for each year for manufacturers selling more than 100 units/year, rather than reducing the fee to $2,500 after the first year registration. Re-evaluate after 4 years to determine if surplus or deficit requires revision.	Minnesota MPCA experience is that fewer manufacturers than expected have registered in the state, and that some that registered in Year 1 will not re-register due to mergers. For instance, MPCA expected about 70 manufacturers to register for the full fee amount each year. Our latest report from MPCA is that 50 manufacturers have registered for the current year, with the possibility of another 5-10 registrations. MN anticipates that the revenue from the $2,500 manufacturer registration for year 2 and thereafter will not raise sufficient revenue for program administration. MPCA does not think manufacturers would complain if the fee were held at $5,000.	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
10	P. 14, lines 21- p. 15 line 11 P 11, line 23 – p 13 line 6	Manufacturer quarterly reporting requirement. Delete the quarterly reporting requirement Also delete the quarterly shortfall fee.	Quarterly reporting and assessment of a quarterly shortfall fee were included as an incentive to manufacturers to collect CED throughout the year rather than wait until the end of the year to contract with recyclers for collection. Discussions with MPCA indicate that uneven manufacturer collection may have been an issue in the first year of the program as recyclers and manufacturers worked out contract negotiations but that this may not be a problem in the future. The quarterly reporting and fee assessment adds complication to the program and elimination will streamline the program and its administration.	DNR discussion with MPCA (Garth Hickle) on MN experience
11	P. 15, lines 22 to page 16, line 2	Replace the requirement for the manufacturer to "assess the performance of registered recyclers and collectors" with a simple requirement to only use collectors and recyclers that are registered with the program.	Registered recyclers and collectors must certify compliance with program management and operational standards. Manufacturers should not be required to audit that recycler/collector is in compliance— but should be required to use only recyclers and collectors that have registered with the state under this program.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
12	P. 16, line 8	Collector registration: This address should be a street address of the locations where the business operates as a collector	Asking for the address is not specific enough-for example, PO Box addresses are not useful in case one needs to visit the site for an inspection or other need	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
13	P. 16. lines 15-19	Collector reporting. Eliminate quarterly reporting requirement and replace with a requirement for an annual report to be submitted on August 1, beginning in 2010. Keep the report year as currently structured (Sept - August). Add a requirement to keep records on file for 3 years documenting what recyclers the devices are sent to	MPCA experience is that annual reports from collectors are sufficient. This will streamline recycler requirements and DNR administration.	DNR discussion with MPCA (Garth Hickle) on MN experience
14	P 17, line 1	Recycler registration: This address should be a street address of the locations where the recycling takes place	Asking for the address is not specific enough-for example, PO Box addresses are not useful in case one needs to visit the site for an inspection or other need	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
15	P. 17 lines 7-12	Recycler reporting. Eliminate quarterly reporting requirement and replace with an annual reporting requirement to be submitted on Nov 1. Keep the report year as currently structured (Sept - August). Add a requirement to keep records on file for 3 years documenting where devices are collected or received from.	MPCA experience is that annual reports from recyclers are sufficient. This will streamline recycler requirements and DNR administration.	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
16	P 17, after line 17	Insert a requirement to demonstrate financial assurance for closure. A registered recycler shall provide ~~adequate~~ financial assurance in the form of a financial instrument specified under s. 289.41(3)(a) Stats., and the implementing rules, sufficient to cover the expected costs of closing the facility, including properly managing remaining covered electronic devices, and materials derived from them, and cleaning up any hazardous substance spills and properly managing any spill cleanup material. All costs shall be based on a third party performing the work and itemized on a per unit basis. The source of estimates shall be documented.	The recycler should be required to demonstrate its ability to pay for closure and any cleanup of any facilities and properties should the recycling business fail. The way to define acceptable forms of financial instruments is to either cite the standard methods of establishing proof of financial responsibility listed in s. 289.41(3)(a) Stats. or to cite s. NR 520.06 Wis. Adm. Code. Methods of providing proof of financial responsibility. The code provisions list a broader spectrum of acceptable financial instruments. Both the cost estimates and the financial instruments must be maintained by the facility and made available upon DNR request but no formal review and approval step is intended to be done by DNR.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
17	P 17, line 18-25	Delete all of (c) 3, which requires the manufacturer to have an environmental management system in place and replace this requirement with the additional items (Additions 1 – 5) listed below.	The intent is to ensure that recyclers are being "responsible recyclers" and to set minimum levels of recycler standards. The "minimum" includes: 1. Compliance with applicable state, federal and local rules and regulation for the handling, recycling and export of materials collected under the program. 2. Being able to demonstrate that materials are being recycled to the extent possible (technically as well as economically) through recordkeeping. DNR believes it is preferable to list out the specific operational requirements rather than require the manufacturer to have an environmental management system, which may not adequately address the specifics we believe should be covered under minimum recycler standards	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
18	Page 19, lines 5-10	Reconsider whether to keep the requirement for retailers to report to manufacturers on sale of VDD. The bill language allows the use of national sales data or other data, at the discretion of the manufacturer. On page 14, lines 16-18, a manufacturer is required to include in their report how they calculated the weight of VDD sold.	Minnesota has found it very difficult to identify and locate the many smaller retailers to enforce the retailer reporting requirement, and they question whether this is worth the department resources when national sales data are available. National data is less reliable for smaller manufacturers, and must be extrapolated from aggregated data, but the smaller firms account for about 10% of all sales.	DNR discussion with MPCA (Garth Hickle) on MN experience
19	Addition 1.	The recycler should comply with existing federal, state and local waste management laws and rules that apply to the storage, transportation, exporting, disassembly and processing of covered electronic devices or the materials derived from the processing. Compliance with these laws and rules would be enforceable under existing code, or through EPA. Relevant statutes and federal codes are listed in the column to the right and can be cited depending on your preference for statutes or rules.	Recyclers should comply with existing laws and rules on the handling and recycling of CED[1]. Federal rules relating to these matters are found in 40CFR 261.39(a)(5) {for recycling of CRTs} and 40CFR 261.41 {for reuse of CRTs}. 40CFR 273.20 contains export requirements for Universal Waste. The enabling Federal Legislation for these regulations is the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA). State regulation addresses universal waste in s. NR 673.20 Wis Adm Code. The State enabling legislation for the rules is s. 291.05?	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

[1] Covered electronic devices as defined on page 4, lines 8-19.

DNR Comments on SB 397 and recommendations for consideration of change				
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20	Addition 2.	The recycler should implement measures to safeguard occupational and environmental health and safety. This should include 1) training of personnel with regard to material and equipment handling, worker exposure, control of releases and safety and emergency procedures 2) keeping a current written plan on responses to spills 3) keeping a current written plan for identification and management of hazardous materials.	We want to cite the federal OSHA requirements for Environmental Health & Safety training (see #1 in the left column). This requirement is found in 29 CFR 1910. The federal legislation that authorized the rules is "The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590)" We want to cite equivalent state requirements for contingency plans (see paragraph #2 in left column). This requirement is found in ch. NR 665, subch. D – Contingency Plan and Emergency Procedures. The authorizing statute for these rules is s. 291.05, Wis Stats. We want to cite the federal requirements for a hazardous materials identification and management plan (see paragraph #3 in left column). The authorizing federal statute is the Superfund Amendment and Reauthorization Act, (SARA) Title III, also known as the Emergency Planning and Community Right-To-Know Act (EPCRA).	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
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21	Addition 3.	Recycler should have records on file, covering the past three years, documenting for at least two levels downstream from the recycling facility, where materials derived from covered electronic devices (CED) are sent for further processing, export or for use as feedstock in the manufacturing process. These records should be available for review by the state and potential and actual clients. The recycler should have records on file to demonstrate, upon request by the state or a client, the percentage of CED weight collected for recycling that is actually recycled or sent for further recycling, and the percentage of CED weight that is landfilled or incinerated (Called a "mass balance" assessment by recyclers).	Intent is to have recyclers disclose what they are doing with CEDs collected for recycling as a means of encouraging responsible recycling. It's not practical for the state to mandate a minimum "recycling" rate for materials, given that the amount of recyclable material in a CED depends on existing technology, markets and economics and varies widely among the different materials. However, it has been demonstrated in other instances that "transparency in transactions" can provide a strong incentive for a higher level of responsible recycling. A "mass balance" is a method commonly used by recyclers to document how much of the material they accept for recycling is actually recycled.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
22	Addition 4.	The recycler should document what actions it took to ensure that "downstream" markets for disassembly or further processing of CED-derived material (at least two levels down from receipt by the recycler) were in fact handling the material for eventual use as a manufacturing feedstock and not landfilling or incinerating it.	Intent is to use "transparency in transactions" as an incentive to recyclers to audit downstream markets and end users to ensure these are responsibly processing CED-derived material for eventual use as a manufacturing feedstock.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

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23	Addition 5.	The recycler should comply with applicable federal and state laws regulating the export of hazardous and universal wastes. This would cover applicable Wisconsin hazardous and universal waste laws as well as the federal RCRA rules.	State is unable to restrict exports or "export dumping" but at a minimum can enforce compliance with existing regulations. The federal RCRA rules include EPA notification requirements for the export of CRTs for recycling. DNR would provide guidance on applicable federal and state laws. Applicable federal and state laws and rules regarding the export of CED, hazardous wastes and universal wastes are found in 40 CFR 261.39(a)(5) {for recycling of CRTs} and 40 CFR 261.41 {for reuse of CRTs}. 40 CFR 273.20 contains export requirements for Universal Waste. The enabling Federal Legislation for these regulations is the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA). State regulation addresses universal waste in s. NR 673.20 Wis Adm Code. The State enabling legislation for the rules is s. 291.05?	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
24	P 18, lines 1-5	Delete in entirety	The requirement for an audited EMS would be eliminated and replaced with the operations requirements listed in Additions 1-5 above.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
25	P 18, lines 8-20	Delete lines 14-16 Require certification of compliance with requirements in Additions 1-5 as part of the certification statements.		Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
26	P 19, line13	Retailers should provide information describing how all materials listed as a covered electronic device can be collected and recycled, not just video display devices.	Stolzenberg questions whether retailers should provide information about recycling for all CED rather than just VDDs since the former are banned from landfilling.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
27	Page 23, lines 11-15	Modify wording to allow DNR to either promulgate rules or seek statutory changes to either add or remove items from the CED or landfill ban requirements of the legislation.	Provide future flexibility for DNR, through either public rule making or statutory change, to add or delete items from either the CED or landfill ban requirements of the bill. The electronics industry is fast evolving and flexibility to add new products that are not in the market today will allow the DNR to keep pace with technology. Conversely, we may find with experience that the legislation is unnecessary or even counterproductive for some products in a fast changing technology.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
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28	Senate Amendment 1 to Substitute Amendment	DNR does not believe these changes are necessary	This amendment addresses 1) definition of a manufacturer in the case of licensing a brand for manufacture and sale 2) changes to the definition of a VDD in response to concerns expressed by WMC. We do not think these changes are necessary: 1) we addressed the need for guidance for determining ownership in cases where this is not clear (#3) 2) the definition of a VDD applies only to devices that are marketed for household use. The determination will need to be made on a case by case basis rather than through exclusions to definition, given the complexity of products and changing technologies.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

1
2
3 ***Guidance regarding registration fee refunds:***

MPCA has had to address several cases where 1) the manufacturer stopped selling in state in the middle of the year and requested a refund from the registration fee and 2) a manufacturer had registered and paid their fee but later realized they did not have to pay a fee. MPCA recommends developing guidance for this type of situation, but not necessarily including this detail in the bill language.

Guidance on how to determine who should report to DNR in the case of joint collection program:
There are some cases where it's not clear whether the collector or the recycler should report tonnages collected. Examples include a collection event sponsored by a local government with recycling contracted to a private hauler; local government providing collection service for a private hauler such as providing location.

Reseller registration as a manufacturer:
A reseller should register as a manufacturer if they are selling new equipment- the guidance should clarify what is meant by new equipment

11/25/08 Meeting with Sen. Miller, John Anderson, John Stolzenberg, several representatives of DNR
#s refer to points in DNR's chart dated 11/12/2008

✓ 1. yes

✓ 2. yes. OK to change p. 2, line 19 - p. 3, line 5.

✓ 3. No change.

✓ 4. Sen. Miller considering screen at least 4 inch diagonal for coverage

✓ 5. yes

✓ 6 Sen Miller: Do not delete. Allow check box: comply; comply with published exemption; don't comply

✓ 7 yes

✓ 8 yes

✓ 9 OK. Allow DNR to increase or decrease the $5,000 fee by rule.

✓ 10. yes.

✓ 11. yes

✓ 12. yes

✓ 13. yes

✓ 14. yes

✓15. yes

✓16. In the draft, list the types in the rules cited by DNR - but not a net worth test

✓17 yes

✓18 Delete retailer reporting. No change on p. 14.

19+23 Consolidate 19 & 23 or take expert out of #19. They want to emphasize the expert requirements

20 Yes - 1) is current law 2) & 3) are not

✓21 Yes. Change p. 18, lines 10-13

✓22. yes How did they verify the mass balance and what they are doing with the materials

23 see 19

✓24. yes

25. John & I are to work out what is operational req & what must be certified

✓26. yes

✓27 yes. add or subtract. Might add to landfill bans but not CEO or vice versa

28. Sen Miller does not want SA 1

DNR is to look at p. 23, lines 7-10.

Tradewell, Becky

From: Moore, Cynthia G - DNR [Cynthia.Moore@Wisconsin.gov]
Sent: Saturday, December 06, 2008 10:51 AM
To: Stolzenberg, John; Tradewell, Becky
Cc: Anderson, John; Mitchell, Gene R - DNR; Murray, Sarah C - DNR
Subject: : Final list of recommended changes to SB397

Attachments: electronics recycling; RE: Final list of recommended changes to SB397; proposed_changes_to_SB397_FINAL_120308.doc

JOhn and Becky
Per my message to John Anderson (below), I realized we hadn't sent you a copy of the final revisions- so here they are- there was one further communication from SArah Murray on the RoHS directive (who to handle it) which I've also attached (second attachment). Please let us know if you need further work from us on these. and thanks for your patience!

electronics recycling RE: Final list of recommended ...

Cynthia G Moore
Great Lakes Program Coordinator
Office of the Great Lakes
Division of Water
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(☎) phone: (608) 261-4385
(☎) fax: (608) 267-2800
e-mail: cynthia.moore@wisconsin.gov

From: Murray, Sarah C - DNR
Sent: Wednesday, December 03, 2008 3:25 PM
To: Anderson, John - LEGIS
Cc: Bangert, Suzanne A - DNR; Mitchell, Gene R - DNR; Heinen, Paul H - DNR; Moore, Cynthia G - DNR
Subject: Final list of recommended changes to SB397

Hi John,

We've updated our table based on last week's meeting, and attached is the final list of recommended changes to SB 397. Please let us know if you have any questions. One small note--we still have a question out to Joanie, who has been out of the office, on the wording of the RoHS disclosure requirement. We should have an update for you on that by tomorrow, but didn't want to hold up John and Becky's work.

proposed_changes_to_SB397_FINA...

As discussed, we will plan to also send this out to the stakeholder group as an update and will copy you.

Thanks,
Sarah

Sarah Murray
Senior Communications Specialist & Interim Recycling Coordinator
Bureau of Waste and Materials Management
Wisconsin Department of Natural Resources
(☎) phone: (608) 264-6001
(☎) fax: (608) 267-2768
(✉) e-mail: sarah.murray@wisconsin.gov

Tradewell, Becky

From: Murray, Sarah C - DNR
Sent: Wednesday, December 03, 2008 4:42 PM
To: Anderson, John
Cc: Bangert, Suzanne A - DNR; Mitchell, Gene R - DNR; Heinen, Paul H - DNR; Moore, Cynthia G - DNR
Subject: RE: Final list of recommended changes to SB397

An update from Joanie on the RoHS item: she agrees that we could just have the comply/don't comply options. The published exemptions are official exemptions (created by the EU) to the RoHS directive, and many of them have been removed.

Let me know if you have any questions about this,
Sarah

From: Murray, Sarah C - DNR
Sent: Wednesday, December 03, 2008 3:25 PM
To: Anderson, John - LEGIS
Cc: Bangert, Suzanne A - DNR; Mitchell, Gene R - DNR; Heinen, Paul H - DNR; Moore, Cynthia G - DNR
Subject: Final list of recommended changes to SB397

Hi John,

We've updated our table based on last week's meeting, and attached is the final list of recommended changes to SB 397. Please let us know if you have any questions. One small note--we still have a question out to Joanie, who has been out of the office, on the wording of the RoHS disclosure requirement. We should have an update for you on that by tomorrow, but didn't want to hold up John and Becky's work.

<< File: proposed_changes_to_SB397_FINAL_120308.doc >>

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Thanks,
Sarah

Sarah Murray
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Proposed changes to SB397
Submitted by the Bureau of Waste and Materials Management
Department of Natural Resources

December 2, 2008

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
1	Throughout the bill	Revise starting dates by 1 year- The first date for recycler and collector reporting should be August 1, 2010. If passage of the bill does not appear to be imminent by March 2009, change dates to reflect an undetermined start date. Work with bill drafters on this at that time.	Date changes needed include landfill ban, sale requirements, registration, fee payment and reporting requirements. The dates were originally timed assuming bill passage in March, and implementation starting with the new fiscal year July 2008 (except for 2 months of FTEs in May and June 2008). Delaying starting dates by one year would work, even if the bill were passed before March 2009. On page 4, #10, and page 5 # 13 & 15, we recommend considering elimination of quarterly reporting and quarterly short fall fees. If those reports were eliminated, recyclers and collectors would not need to submit their first reports until August 1, 2010, along with their registration for Year 2.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
2	P. 2, line 21 – P. 3 line 5.	Change "video display device" to a reference to the list of banned materials (s. 287.07(5) Reword this provision so that "relief" from recycling only applies if 1) separating the device is impractical and would require measures… OR 2) the device has been damaged to the extent that recycling is not practical or feasible.	Landfill operators should be responsible for removing any of the banned items, not just VDDs.	DNR recommendation
3	P. 5, lines 3-8	Definition of a manufacturer—No change. DNR will develop and use guidance to clarify situations as they arise.	Distinguishing who is the owner is not clear in cases where a third party has purchased the brand name and/or logo but does not engage in selling the item. DNR would develop guidance to address determinations in cases where ownership is not clear. Given the multitude of ownership permutations, it's more practical to have bill language that allows some latitude and develop guidance on how to make determinations.	DNR discussion with MPCA (Garth Hickle) on MN experience
4	P.6, lines 14-23	Definition of a video display device: line 15: change "screen that is at least 9 inches" to "screen that is at least 4 inches" Change "video display device" to "household video display device"	The 4-inch definition is consistent with that used by other states with e-waste legislation. In addition, adjusting the minimum screen size will capture small portable DVD players, laptops and some video game players, which account for a growing proportion of used electronics. DNR will develop guidance on determining which devices are to be included.	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
5	P. 7, lines 17-21	Revise wording—retailer can only sell or offer for sale a VDD that the retailer has determined is listed on the DNR's Internet site under sub. (10)(a). Delete the requirement to check with the DNR website.	Don't need to include the requirement that the retailer refer to the Internet site. The retailer should be responsible for determination that the VDD is listed on the DNR site, and do not specify how they make that determination.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
6	P. 8, lines 10-15	Reword so that the manufacturer has to indicate whether a) its VDDs comply with RoHS Directive b) its VDDs comply with RoHS with published exemptions and list those *(Note: we are still checking to see fi this option is needed)* c) don't comply	MPCA recommends deleting this section. All registered manufacturers have stated they are in compliance, without published exemptions. In addition, this is a disclosure statement only—the state has no authority to enforce compliance with the RoHS directives.	DNR discussion with MPCA (Garth Hickle) on MN experience
7	P 9, lines 1-4	1. Revise this section to require the department to complete its review and notify the manufacturer within 30 days of registration submittal. Registration is accepted and approved when it's complete. 2. Delete the last sentence of this paragraph	1. Need to add a time period for DNR review. 2. Since the real penalty for a manufacturer for not submitting a complete registration or for not resubmitting a registration in a timely manner is not being able to sell VDDs in the state, the last sentence is meaningless and not necessary.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
8	P. 9, line 10-11 and lines 14-15	Registration fees for small-volume manufacturers: 2) Word so that manufacturers selling fewer than 25 units per year would not have to pay a fee.	Stolzenberg questioned whether the $1,250 annual registration fee was reasonable for all small manufacturers, especially those selling a very few VDDs in the state. For example, a manufacturer selling only 10 units in the state would in effect be adding $125 to the sale price of each unit, to cover their registration fee costs. Minnesota says this has not been an issue, but in view of the high cost for very small manufacturers, exempting the very small from a registration fee seems reasonable. We suggest applying the fee to manufacturers selling at least 25 units a year; the maximum "unit cost" of the fee would be $50.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
9	P. 9, line 12-14	Manufacturer Registration fees: Keep the annual fee at $5,000 per year for manufacturers selling more than 100 units/year, rather than reducing the fee to $2,500 after the first year registration.	Minnesota MPCA experience is that fewer manufacturers than expected have registered in the state, and that some that registered in Year 1 will not re-register due to mergers. For instance, MPCA expected about 70 manufacturers to register for the full fee amount each year. Our latest report from MPCA is that 50 manufacturers have registered for the current year, with the possibility of another 5-10 registrations. MN anticipates that the revenue from the $2,500 manufacturer registration for year 2 and thereafter will not raise sufficient revenue for program administration. MPCA does not think manufacturers would complain if the fee were held at $5,000. Illinois fee is $5,000/manufacturer/year and does not distinguish by volume sold (e.g., no reduced/eliminated fee for small manufacturers).	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
10	P. 14, lines 21- p. 15 line 11 P 11, line 23 – p 13 line 6	Manufacturer quarterly reporting requirement. Delete the quarterly reporting requirement Also delete the quarterly shortfall fee.	Quarterly reporting and assessment of a quarterly shortfall fee were included as an incentive to manufacturers to collect CED throughout the year rather than wait until the end of the year to contract with recyclers for collection. Discussions with MPCA indicate that uneven manufacturer collection may have been an issue in the first year of the program as recyclers and manufacturers worked out contract negotiations but that this may not be a problem in the future. The quarterly reporting and fee assessment adds complication to the program and elimination will streamline the program and its administration.	DNR discussion with MPCA (Garth Hickle) on MN experience
11	P. 15, lines 22 to page 16, line 2	Delete the requirement for the manufacturer to "assess the performance of registered recyclers."	Registered recyclers and collectors must certify compliance with program management and operational standards. Manufacturers should not be required to audit that recycler/collector is in compliance— but should be required to use only recyclers and collectors that have registered with the state under this program.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
12	P. 16, line 8	Collector registration: This address should be a street address of the locations where the business operates as a collector	Asking for the address is not specific enough-for example, PO Box addresses are not useful in case one needs to visit the site for an inspection or other need	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
13	P. 16. lines 15-19	Collector reporting. Eliminate quarterly reporting requirement and replace with a requirement for an annual report to be submitted on August 1, beginning in 2010. Keep the report year as currently structured (Sept - August). Add a requirement to keep records on file for 3 years documenting what recyclers the devices are sent to- only add if this is not adequately addressed on P 19 lines 20-23.	MPCA experience is that annual reports from collectors are sufficient. This will streamline recycler requirements and DNR administration.	DNR discussion with MPCA (Garth Hickle) on MN experience
14	P 17, line 1	Recycler registration: This address should be a street address of the locations where the recycling takes place	Asking for the address is not specific enough-for example, PO Box addresses are not useful in case one needs to visit the site for an inspection or other need	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
15	P. 17 lines 7-12	Recycler reporting. Eliminate quarterly reporting requirement and replace with an annual reporting requirement to be submitted on Nov 1. Keep the report year as currently structured (Sept - August). Add a requirement to keep records on file for 3 years documenting where devices are collected or received from.	MPCA experience is that annual reports from recyclers are sufficient. This will streamline recycler requirements and DNR administration.	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
16	P 17, after line 17	Insert a requirement to demonstrate financial assurance for closure. A registered recycler shall provide ~~adequate~~ financial assurance in the form of a financial instrument specified under s. 289.41(3)(a) Stats., and the implementing rules, sufficient to cover the expected costs of closing the facility, including properly managing remaining covered electronic devices, and materials derived from them, and cleaning up any hazardous substance spills and properly managing any spill cleanup material. All costs shall be based on a third party performing the work and itemized on a per unit basis. The source of estimates shall be documented.	The recycler should be required to demonstrate its ability to pay for closure and any cleanup of any facilities and properties should the recycling business fail. The way to define acceptable forms of financial instruments is to develop a list using the standard methods of establishing proof of financial responsibility listed in s. NR 520.06 Wis. Adm. Code. Methods of providing proof of financial responsibility. Do not include the net worth test. Both the cost estimates and the financial instruments must be maintained by the facility and made available upon DNR request but no formal review and approval step is intended to be done by DNR.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
17	P 17, line 18-25	Delete all of (c) 3, which requires the manufacturer to have an environmental management system in place and replace this requirement with the additional items (Additions 1 – 5) listed below.	The intent is to ensure that recyclers are being "responsible recyclers" and to set minimum levels of recycler standards. The "minimum" includes: 1. Compliance with applicable state, federal and local rules and regulation for the handling, recycling and export of materials collected under the program. 2. Being able to demonstrate that materials are being recycled to the extent possible (technically as well as economically) through recordkeeping. DNR believes it is preferable to list out the specific operational requirements rather than require the manufacturer to have an environmental management system, which may not adequately address the specifics we believe should be covered under minimum recycler standards	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
18	Page 19, lines 5-10	Remove the requirement for retailers to report to manufacturers on sale of VDD.	Minnesota has found it very difficult to identify and locate the many smaller retailers to enforce the retailer reporting requirement, and they question whether this is worth the department resources when national sales data are available. National data is less reliable for smaller manufacturers, and must be extrapolated from aggregated data, but the smaller firms account for about 10% of all sales. The bill language allows the use of national sales data or other data, at the discretion of the manufacturer. On page 14, lines 16-18, a manufacturer is required to include in their report how they calculated the weight of VDD sold.	DNR discussion with MPCA (Garth Hickle) on MN experience

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
19	Addition 1.	The recycler should comply with existing federal, state and local waste management laws and rules that apply to the storage, transportation, exporting, disassembly and processing of covered electronic devices or the materials derived from the processing. Compliance with these laws and rules would be enforceable under existing code, or through EPA. Relevant statutes and federal codes are listed in the column to the right and can be cited depending on your preference for statutes or rules. Note to drafters: this section may be redundant with #23, which addresses export issues ONLY. Please use your judgment to determine whether both provisions (#18 and 22) should be kept or merged into one.	Recyclers should comply with existing laws and rules on the handling and recycling of CED[1]. Federal rules relating to these matters are found in 40CFR 261.39(a)(5) {for recycling of CRTs} and 40CFR 261.41 {for reuse of CRTs}. 40CFR 273.20 contains export requirements for Universal Waste. The enabling Federal Legislation for these regulations is the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA). State regulation addresses universal waste in s. NR 673.20 Wis Adm Code. The State enabling legislation for the rules is s. 291.05?	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

[1] Covered electronic devices as defined on page 4, lines 8-19.

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
20	Addition 2.	The recycler should implement measures to safeguard occupational and environmental health and safety. This should include 1) training of personnel with regard to material and equipment handling, worker exposure, control of releases and safety and emergency procedures 2) keeping a current written plan on responses to spills 3) keeping a current written plan for identification and management of hazardous materials.	We want to cite the federal OSHA requirements for Environmental Health & Safety training (see #1 in the left column). This requirement is found in 29 CFR 1910. The federal legislation that authorized the rules is "The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590)" We want to cite equivalent state requirements for contingency plans (see paragraph #2 in left column). This requirement is found in ch. NR 665, subch. D – Contingency Plan and Emergency Procedures. The authorizing statute for these rules is s. 291.05, Wis Stats. We want to cite the federal requirements for a hazardous materials identification and management plan (see paragraph #3 in left column). The authorizing federal statute is the Superfund Amendment and Reauthorization Act, (SARA) Title III, also known as the Emergency Planning and Community Right-To-Know Act (EPCRA). Note that #2 and #3 are additional requirements not in current law.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
21	Addition 3.	Recycler should have records on file, covering the past three years, documenting for at least two levels downstream from the recycling facility, where materials derived from covered electronic devices (CED) are sent for further processing, export or for use as feedstock in the manufacturing process. These records should be available for review by the state and potential and actual clients. The recycler should have records on file to demonstrate, upon request by the state or a client, the percentage of CED weight collected for recycling that is actually recycled or sent for further recycling, and the percentage of CED weight that is landfilled or incinerated (Called a "mass balance" assessment by recyclers).	Intent is to have recyclers disclose what they are doing with CEDs collected for recycling as a means of encouraging responsible recycling. It's not practical for the state to mandate a minimum "recycling" rate for materials, given that the amount of recyclable material in a CED depends on existing technology, markets and economics and varies widely among the different materials. However, it has been demonstrated in other instances that "transparency in transactions" can provide a strong incentive for a higher level of responsible recycling. A "mass balance" is a method commonly used by recyclers to document how much of the material they accept for recycling is actually recycled.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
22	Addition 4.	The recycler should document what actions it took to ensure that "downstream" markets for disassembly or further processing of CED-derived material (at least two levels down from receipt by the recycler) were in fact handling the material for eventual use as a manufacturing feedstock and not landfilling or incinerating it.	Intent is to use "transparency in transactions" as an incentive to recyclers to audit downstream markets and end users to ensure these are responsibly processing CED-derived material for eventual use as a manufacturing feedstock.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
23	Addition 5. Drafter: see note to #19.	The recycler should comply with applicable federal and state laws regulating the export of hazardous and universal wastes. This would cover applicable Wisconsin hazardous and universal waste laws as well as the federal RCRA rules.	State is unable to restrict exports or "export dumping" but at a minimum can enforce compliance with existing regulations. The federal RCRA rules include EPA notification requirements for the export of CRTs for recycling. DNR would provide guidance on applicable federal and state laws. Applicable federal and state laws and rules regarding the export of CED, hazardous wastes and universal wastes are found in 40 CFR 261.39(a)(5) {for recycling of CRTs} and 40 CFR 261.41 {for reuse of CRTs}. 40 CFR 273.20 contains export requirements for Universal Waste. The enabling Federal Legislation for these regulations is the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA). State regulation addresses universal waste in s. NR 673.20 Wis Adm Code. The State enabling legislation for the rules is s. 291.05?	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
24	P 18, lines 1-5	Delete in entirety	The requirement for an audited EMS would be eliminated and replaced with the operations requirements listed in Additions 1-5 above.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

DNR Comments on SB 397 and recommendations for consideration of change				
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25	P 18, lines 8-20 Drafters: please determine which of the "operations" should only be listed as a certification.	Delete lines 14-16 Require certification of compliance with requirements in Additions 1-5 as part of the certification statements.		Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
26	P. 18, line 10	Line should read: registered recycler, and persons two levels downstream who conduct… To be consistent with # 21	This should be consistent with the requirement to document and confirm recycling practices of persons two levels downstream- NOT all persons.	Meeting with Miller et al on 11/25/08
27	P 19, line 13	Retailers should provide information describing how all materials listed as a covered electronic device can be collected and recycled, not just video display devices.	Stolzenberg questions whether retailers should provide information about recycling for all CED rather than just VDDs since the former are banned from landfilling.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg
28	P. 23, line 7	Change "shall" to "may"	Brought up in meeting 11/26—would give the DNR flexibility.	

DNR Comments on SB 397 and recommendations for consideration of change				
	Location	Recommended Change	Explanation/ Intent	Origin of Comment
29	Page 23, lines 11-15	Modify wording to allow DNR to either promulgate rules or seek statutory changes to either add or remove items from the CED or landfill ban requirements of the legislation.	P 22 lines 12-13 may also allow this. The intent is to provide future flexibility for DNR, through either public rule making or statutory change, to add or delete items from either the CED or landfill ban requirements of the bill. The electronics industry is fast evolving and flexibility to add new products that are not in the market today will allow the DNR to keep pace with technology. Conversely, we may find with experience that the legislation is unnecessary or even counterproductive for some products in a fast changing technology.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

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29	Senate Amendment 1 to Substitute Amendment	DNR does not believe these changes are necessary	This amendment addresses 1) definition of a manufacturer in the case of licensing a brand for manufacture and sale 2) changes to the definition of a VDD in response to concerns expressed by WMC. We do not think these changes are necessary: 1) we addressed the need for guidance for determining ownership in cases where this is not clear (#3) 2) the definition of a VDD applies only to devices that are marketed for household use. The determination will need to be made on a case by case basis rather than through exclusions to definition, given the complexity of products and changing technologies.	Meeting with Stakeholders 9/29/08 including comments from John Stolzenberg

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MPCA has had to address several cases where 1) the manufacturer stopped selling in state in the middle of the year and requested a refund from the registration fee and 2) a manufacturer had registered and paid their fee but later realized they did not have to pay a fee. MPCA recommends developing guidance for this type of situation, but not necessarily including this detail in the bill language.

Guidance on how to determine who should report to DNR in the case of joint collection program:
There are some cases where it's not clear whether the collector or the recycler should report tonnages collected. Examples include a collection event sponsored by a local government with recycling contracted to a private hauler; local government providing collection service for a private hauler such as providing location.

Reseller registration as a manufacturer:
A reseller should register as a manufacturer if they are selling new equipment- the guidance should clarify what is meant by new equipment

Tradewell, Becky

From: Anderson, John
Sent: Tuesday, December 09, 2008 11:08 AM
To: Stolzenberg, John
Cc: Mitchell, Gene R - DNR; Murray, Sarah C - DNR; Tradewell, Becky; Moore, Cynthia G - DNR
Subject: RE: : Final list of recommended changes to SB397

Yes, that is our understanding. DNR would be able to change the registration fee by rule.

From: Stolzenberg, John
Sent: Tuesday, December 09, 2008 11:03 AM
To: Anderson, John
Cc: Mitchell, Gene R - DNR; Murray, Sarah C - DNR; Tradewell, Becky; Moore, Cynthia G - DNR
Subject: RE: : Final list of recommended changes to SB397

John,

My notes from the November 25, 2008 meeting on the electronics recycling legislation under item #9 in DNR's table indicate that, in addition to setting the annual registration fee at $5,000 per year for a manufacturer selling more than 25 units per year, DNR should have the authority to increase or decrease the amount of this fee by rule. This latter point is not reflected in the December 2, 2008 version of DNR's table.

Please confirm that rulemaking intent with us.

Thanks.

John

John Stolzenberg,
Legislative Council
266-2988

From: Moore, Cynthia G - DNR [mailto:Cynthia.Moore@Wisconsin.gov]
Sent: Saturday, December 06, 2008 10:51 AM
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JOhn and Becky
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<< Message: electronics recycling >> << Message: RE: Final list of recommended changes to SB397 >>

Cynthia G Moore
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Sent: Wednesday, December 03, 2008 3:25 PM
To: Anderson, John - LEGIS
Cc: Bangert, Suzanne A - DNR; Mitchell, Gene R - DNR; Heinen, Paul H - DNR; Moore, Cynthia G - DNR
Subject: Final list of recommended changes to SB397

Hi John,

We've updated our table based on last week's meeting, and attached is the final list of recommended changes to SB 397. Please let us know if you have any questions. One small note--we still have a question out to Joanie, who has been out of the office, on the wording of the RoHS disclosure requirement. We should have an update for you on that by tomorrow, but didn't want to hold up John and Becky's work.

<< File: proposed_changes_to_SB397_FINAL_120308.doc >>

As discussed, we will plan to also send this out to the stakeholder group as an update and will copy you.

Thanks,
Sarah

Sarah Murray
Senior Communications Specialist & Interim Recycling Coordinator
Bureau of Waste and Materials Management
Wisconsin Department of Natural Resources
(☎) phone: (608) 264-6001
(☎) fax: (608) 267-2768
(✉) e-mail: sarah.murray@wisconsin.gov

Tradewell, Becky

From: Moore, Cynthia G - DNR [Cynthia.Moore@Wisconsin.gov]
Sent: Thursday, December 11, 2008 12:18 PM
To: Tradewell, Becky
Cc: Stolzenberg, John; Anderson, John; Mitchell, Gene R - DNR; Murray, Sarah C - DNR
Subject: RE: : Final list of recommended changes to SB397

Becky
We'd like to keep that authority, but expand it to certification requirements as well as operational - it was our understanding that some of what we considered "operational requirements" might only be listed as a certification requirement if already required under existing laws.

Cynthia G Moore
Great Lakes Program Coordinator
Office of the Great Lakes
Division of Water
Wisconsin Department of Natural Resources
(☎) phone: (608) 261-4385
(☎) fax: (608) 267-2800
e-mail: cynthia.moore@wisconsin.gov

From: Tradewell, Becky [mailto:Becky.Tradewell@legis.wisconsin.gov]
Sent: Tuesday, December 09, 2008 12:26 PM
To: Moore, Cynthia G - DNR
Cc: Stolzenberg, John - LEGIS; Anderson, John - LEGIS
Subject: RE: : Final list of recommended changes to SB397

Cynthia,

Does the Department's want the provision authorizing the department to modify or add, by rule, operational requirements for recyclers (page 18, line 21 to page 19, line 4) to be retained?

Thanks,
Becky Tradewell
6-7290

From: Moore, Cynthia G - DNR [mailto:Cynthia.Moore@Wisconsin.gov]
Sent: Saturday, December 06, 2008 10:51 AM
To: Stolzenberg, John; Tradewell, Becky
Cc: Anderson, John; Mitchell, Gene R - DNR; Murray, Sarah C - DNR
Subject: : Final list of recommended changes to SB397

JOhn and Becky
Per my message to John Anderson (below), I realized we hadn't sent you a copy of the final revisions- so here they are- there was one further communication from SArah Murray on the RoHS directive (who to handle it) which I've also attached (second attachment). Please let us know if you need further work from us on these. and thanks for your patience!

Cynthia G Moore
Great Lakes Program Coordinator
Office of the Great Lakes
Division of Water
Wisconsin Department of Natural Resources
(☎) phone: (608) 261-4385
(☎) fax: (608) 267-2800
e-mail: cynthia.moore@wisconsin.gov

From: Murray, Sarah C - DNR
Sent: Wednesday, December 03, 2008 3:25 PM
To: Anderson, John - LEGIS
Cc: Bangert, Suzanne A - DNR; Mitchell, Gene R - DNR; Heinen, Paul H - DNR; Moore, Cynthia G - DNR
Subject: Final list of recommended changes to SB397

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