Chapter NR 544

EFFECTIVE RECYCLING PROGRAMS

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Note: Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1997, No. 500.

NR 544.01 Purpose. The purpose of this chapter is to establish criteria under s. 287.11, Stats., for determining whether a responsible unit's program is an effective recycling program. In conjunction with s. 287.09 (2) (a), Stats., this chapter will guide the development of effective recycling programs.

Note: Under s. 287.23 (3), Stats., only responsible units that have been determined to have effective recycling programs shall be eligible to receive state financial assistance for recycling. In addition, under s. 287.07 (7), Stats., only responsible units having effective recycling programs under this chapter are exempt from the landfill and incinerator restrictions in s. 287.07 (3) and (4), Stats.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.02 Applicability. The provisions of this chapter apply to all the following:

(1) Responsible units seeking approval of an effective recycling program under s. 287.11, Stats.

(2) Responsible units that have been approved or are on probation.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (1) and (2), r. (3) Register June 2005 No. 594, eff. 7−1−05.

NR 544.03 Definitions. In this chapter:

(1) "Bi−metal container" means a container for beverages that is made primarily of a combination of steel and aluminum.

(2) "Co−collection system" means a system for collecting recyclable materials from residential properties, that does not physically separate and maintain separation of solid waste from recyclable materials during collection and transportation, for processing and marketing. It includes curbside collection and drop−off collection.

(3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(4) "Curbside collection" means a system for collecting recyclable materials from residential properties, including from the curb, alley, backyard or roadside, and for transporting the recyclable materials for processing and marketing.

(5) "Current service area" has the meaning specified in s. 287.07 (7) (b) 1. a., Stats.

(6) "Department" means the department of natural resources.

(6m) "Designated agent" means any person who, on behalf of or by agreement with the owner or operator of a multi−family dwelling, a non−residential facility or property, provides goods or services at that location.

(7) "Drop−off collection" means a system for collecting recyclable materials in which the recyclable materials are taken by individuals to designated collection sites and deposited into designated containers from which the recyclable materials are transported for processing and marketing.

(8am) "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood as defined in ch. NR 116, and includes the floodway and the flood fringe as defined in ch. NR 116.

(9) "HDPE" means high density polyethylene.

Note: Plastic containers made of HDPE and regulated under ch. ATCP 137 will have a triangular symbol with number "2".

(10) "LDPE" means low density polyethylene.

Note: Plastic containers made of LDPE and regulated under ch. ATCP 137 will have a triangular symbol with number "4".

(11) "Magazines" means magazines and other materials printed on similar paper.

(12) "Materials recovery facility" has the meaning specified in s. 287.27 (1), Stats.

Note: The definition of a materials recovery facility, as given in s. 287.27 (1), Stats., provides "In this section, 'materials recovery facility' means a facility where the materials specified in sub. (4) (b) or s. 287.07 (3) or (4), not mixed with other solid waste, are processed for reuse or recycling by conversion into a consumer product or a product which is used as a raw material in a commercial or industrial process. 'Materials recovery facility' does not include a facility operated by a pulp or paper mill which utilizes fiber or paper that has been separated from waste for use as a raw material in a commercial product."

(12m) "Mixed waste" means municipal solid waste from which recyclable materials have not been separated for recycling.

(13) "Multiple−family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(14) "Multiple−municipality responsible unit" means a responsible unit that is made up of more than one unit of government or solid waste management system.

(18) "Municipality" has the meaning specified in s. 287.01 (4), Stats.

(19) "Newspaper" means a newspaper and other materials printed on newsprint.

(21) "Non−residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. It includes any location at which goods or services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special events such as, but not limited to, fairs, festivals, sport venues, conferences and exhibits.

(21am) "Nuisance conditions" means conditions which result in an unreasonable threat or danger to public health, safety or welfare, or to the environment.

(22) "Office paper" means high grade printing and writing papers from offices in non−residential facilities and properties. Printed white ledger and computer printout are examples of office

paper generally accepted as high grade. This term does not include industrial process waste.

(23) "Operating solid waste treatment facility" has the meaning specified in s. 287.07 (7) (b) 1. b., Stats.

(26) "Person" has the meaning specified in s. 287.01 (5m), Stats.

(27) "PETE" means polyethylene terephthalate.

Note: Plastic containers made of PETE and regulated under ch. ATCP 137 will have a triangular symbol with number "1".

(27m) "Plastic container" means a rigid plastic container including those made of PETE (#1), HDPE (#2), PVC (#3) , LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

(28) "PP" means polypropylene.

Note: Plastic containers made of PP and regulated under ch. ATCP 137 will have a triangular symbol with number "5".

(28m) "PS" means polystyrene.

Note: Plastic containers made of PS and regulated under ch. ATCP 137 will have a triangular symbol with number "6".

(29) "PVC" means polyvinyl chloride.

Note: Plastic containers made of PVC and regulated under ch. ATCP 137 will have a triangular symbol with number "3".

(30) "Postconsumer waste" has the meaning specified in s. 287.01 (7), Stats.

(31g) "Processing" means baling, shredding, pulverizing, composting, separating or otherwise treating or altering by some means to facilitate the further transport, recycling or reuse of solid waste intended to be recycled or reused.

(31r) "Processing facility" has the meaning specified in s. NR 500.03 (181), but does not include facilities where combustion of solid waste occurs.

(32) "Public information and education program" means a program to inform citizens, businesses and institutions why and how to participate in community recycling, reduce overall waste and encourage personal actions that result in voluntary compliance.

(33) "Recyclable materials" means materials listed in s. 287.07 (1m) to (4), Stats.

(33m) "Recycling" means the series of activities by which solid waste is collected, sorted, processed and converted into raw materials and used in the production of new materials. It excludes the use of these materials as a fuel substitute or for energy production.

(34) "Region" has the meaning specified in s. 287.01 (8), Stats.

(35) "Residual material" means recyclable materials collected for recycling that are damaged or contaminated during collection or processing to the point that they are no longer marketable.

(36) "Responsible unit" has the meaning specified in s. 287.01 (9), Stats.

(37) "Reuse" means using a product more than once in its same form for the same or other productive purposes.

(38) "Rural municipality" means a municipality with a permanent population of 70 persons per square mile or fewer, as determined under s. 287.24 (1), Stats.

(39) "Single commodity materials recovery facility" means a facility where only one of the materials specified in s. 287.07 (3) and (4), Stats., not mixed with other solid waste, is processed for reuse or recycling by conversion into a consumer product or a product which is used as a raw material in a commercial or industrial process.

(39g) "Single−stream collection" means a system for co−mingled collection of recyclable fibers, containers or other recyclable materials in which these materials are separated from solid waste at the point of collection and are transported to a processing facility to be sorted into marketable commodities.

(39m) "Solid waste" has the meaning specified in s. 289.01 (33), Stats.

(41) "Waste reduction" means decreasing the quantity of waste materials or products generated.

(41am) "Wetland" has the meaning specified in s. 23.32 (1), Stats.

(42) "Yard waste" has the meaning specified in s. 287.01 (17), Stats.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; correction in (17) made under s. 13.93 (2m) (b) 7., Stats., Register January 2003 No. 565; CR 04−113: r. (1), (8), (16), (17), (20), (24), (25), (31) and (40), renum. (2) to be (1) and am., cr. (2), (6m), (12m), (27m), (28m), (31g), (31r), (33m), and (39g), am. (7), (12), (21), (37), (39) and (41) Register June 2005 No. 594, eff. 7−1−05; **correction in (38) made under s. 13.92 (4) (b) 7., Stats., Register June 2013 No. 690.**

NR 544.04 Required components of an effective recycling program. The effective recycling program of a responsible unit shall include all of the following components:

(1) A public information and education program to address recycling of materials specified in s. 287.07 (1m) to (4), Stats., and waste reduction and reuse efforts at single family and 2 to 4 unit residences, multiple−family dwellings and non−residential facilities and properties. It shall include program start up and regular distribution of current program information, and consumer and youth education.

Note: Major appliances must be managed in compliance with ss. 285.59 and 287.07 (1m), Stats., and ch. NR 488.

(2) An ordinance that contains the provisions specified in s. NR 544.06.

(3) A system which meets the provisions of s. NR 544.05 for collecting from single family and 2 to 4 unit residences the materials specified in s. 287.07 (3) and (4), Stats.

(4) A system for single family and 2 to 4 unit residences which meets the provisions of s. NR 544.05 for processing and marketing of the recyclable materials specified in s. 287.07 (3) and (4), Stats., which have been separated for recycling or recovered from solid waste in as pure a form as is technically feasible.

(5) Equipment and staff to implement the recycling program serving single family and 2 to 4 unit residences which may include contracting for services, staff, supplies and equipment from vendors.

(7) A requirement that owners of multiple family dwellings and non−residential facilities and properties or their designated agents provide for the recycling at their facilities and properties of materials specified in s. 287.07 (3) and (4), Stats.

(8) A prohibition against disposing of in a solid waste facility or burning in a solid waste treatment facility the materials specified in s. 287.07 (3) and (4), Stats., which have been separated for recycling.

(9) A means of adequately enforcing the requirements of the effective recycling program.

(9g) Beginning August 1, 2006, a compliance assurance plan describing the procedure the responsible unit will follow to address at a minimum one act of non−compliance with recycling requirements specified in its recycling ordinance which is commonly encountered by the responsible unit.

(9r) Submittal of an annual program report that meets the requirements specified in s. NR 544.10.

(10) Provisions for the management of the postconsumer waste that is generated within the responsible unit and that is not separated or recovered for recycling in a manner consistent with the highest feasible solid waste management priority under s. 287.05 (12), Stats.

(11) A reasonable effort to reduce to the maximum extent feasible, the amount, by weight, of each material specified in s. 287.07 (3) and (4), Stats., that is generated as solid waste within the region and disposed of in a solid waste disposal facility or converted into fuel or burned without energy recovery in a solid waste treatment facility.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (intro.), (1), (7) and (10), r. (6), cr. (9g) and (9r) Register June 2005 No. 594, eff. 7−1−05.

NR 544.05 Collection and processing systems. **(1)** COLLECTION SYSTEMS. (a) *General requirements.* Except as provided in sub. (3), systems for collecting the materials specified in s. 287.07 (3) and (4), Stats., from single family and 2 to 4 unit residences shall meet the following requirements:

1. Separate the materials from other solid waste prior to collection and maintain that separation during the collection process.

2. Prohibit the compaction of glass containers with newspaper or with municipal solid waste during collection.

3. Maintain the materials collected in marketable condition.

4. Meet the total collection standard in Table 1, except that a multiple−municipality responsible unit with a membership of rural and other municipalities may meet a prorated standard for each material by the entire responsible unit.

(b) *Collection systems in urban municipalities.* A municipality with a population of 5,000 or greater with an aggregate population density of at least 70 persons per square mile shall provide, contract for provision of, or otherwise provide for, a system for collection of the materials specified in s. 287.07 (3) and (4), Stats., from each single family residence and 2 to 4 unit residence. The collection system shall meet the requirements of either subd. 1. or 2.

1. a. Curbside collection at least monthly of newspaper, glass containers, aluminum containers, steel containers, PETE plastic containers, HDPE plastic containers, and either corrugated paper and other container board, or magazines.

b. Curbside or drop−off collection of bi−metal containers; PVC plastic containers, LDPE plastic containers, PP plastic containers, polystyrene plastic containers, foam polystyrene packaging, waste tires, and corrugated paper and other container board, or magazines not collected under subd. 1. a.

2. A drop−off collection system that is utilized by at least 80% of the single family and 2 to 4 unit residences in the municipality as documented by drop−off site monitoring records.

3. Each municipality that utilizes a drop−off collection system shall ensure that the size of the collection facility and hours of operation are adequate to meet the needs of the residents to recycle the materials specified. The site shall be open at least 2 days each month for a minimum of 5 hours each day, unless demonstrated by the municipality that fewer hours adequately meet the needs of the residents.

(c) *Collection systems in rural municipalities.* A municipality with a population under 5,000 or an aggregate population density of less than 70 persons per square mile, shall provide to each single family and 2 to 4 unit residence either curbside or drop−off collection service or a combination for the materials specified in s. 287.07 (3) and (4), Stats. A municipality which provides drop−off collection service shall ensure that the size of the facility and its hours of operation are adequate to meet the needs of single family and 2 to 4 unit residences to recycle the materials specified. The site shall be open at least 2 days each month for a minimum of 5 hours each day, unless demonstrated by the municipality that fewer hours adequately meet the needs of the residents.

(2) PROCESSING SYSTEMS. (a) Processing systems utilized as part of an effective recycling program shall produce materials or products of marketable quality.

(b) Except as provided in sub. (3), a responsible unit shall use as part of its effective recycling program one or more materials recovery facilities that are self−certified under s. NR 544.16.

(3) ALTERNATIVE COLLECTION AND PROCESSING SYSTEMS. (a) A responsible unit may apply to the department under s. NR 544.08 (3) for approval of an alternative collection system that does not comply with the requirements under sub. (1) (a) 1. and 2., and either par. (b) or (c).

(b) A responsible unit may apply to the department under ss. NR 502.08 and 544.08 (3) for approval of an alternative processing system that does not comply with the requirements under sub. (2) (b).

Note: Examples of alternative processing and collection systems which may be approved under this paragraph include, but are not limited to, mixed waste processing and co−collection systems.

(c) Single stream collection systems that use a materials recovery facility that is self−certified under s. NR 544.16 shall qualify as acceptable collection systems under this subsection and do not require approval for alternative collection systems.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (1) (a) 4., (b), (c), (2) and (3) Register June 2005 No. 594, eff. 7−1−05.

NR 544.06 Components of a recycling ordinance. **(1)** A responsible unit seeking approval under this chapter shall adopt and enforce a recycling ordinance meeting the requirements of this section, except that a multiple−municipality responsible unit is not required to adopt an ordinance for any of its members which have and enforce their own ordinances under this section. No unit of government in a multiple−municipality responsible unit other than the responsible unit may be required to adopt or enforce an ordinance under this section.

Note: A responsible unit is authorized by s. 287.09 (3) (b), Stats., to adopt an ordinance to enforce the recycling program established under s. 287.09 (2) (a), Stats., to comply with s. 287.07 (1m) to (4), Stats., and the priorities under s. 287.05 (12), Stats.

(2) At a minimum, a recycling ordinance required under s. NR 544.04 (2) shall include all of the following:

(a) A requirement that the occupants of single family and 2 to 4 unit residences, multiple−family dwellings and non−residential facilities and properties in the region either separate for recycling the materials specified in s. 287.07 (1m) to (4), Stats., from postconsumer waste generated in the region or send the material to a licensed processing facility that recovers for recycling those materials from solid waste in as pure a form as is technically feasible. This requirement does not apply to solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel in accordance with s. 287.07 (7) (bg), Stats.

(b) A requirement that owners or designated agents of multiple−family dwellings in the region do all of the following unless postconsumer waste generated in those properties is treated at a processing facility that recovers for recycling the materials specified in s. 287.07 (3) and (4), Stats., from that solid waste in as pure a form as is technically feasible:

1. Provide adequate, separate containers for the recycling program established in compliance with the ordinance.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi−annually thereafter of how to appropriately recycle the materials specified under s. 287.07 (1m) to (4), Stats., at this location. This notification shall include reasons to reduce and recycle waste, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, and collection methods or sites. The notification shall indicate locations and hours of operation of drop−off collection sites for recyclable materials not collected on−site, including a contact person or company, address and phone number.

3. Provide for the collection of recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

(c) A requirement that owners or designated agents of non−residential facilities and properties in the region do all of the following unless postconsumer waste generated in those facilities and properties is treated at a processing facility that recovers the materials specified in s. 287.07 (3) and (4), Stats., from solid waste in as pure a form as is technically feasible:

1. Provide adequate, separate containers for the program established under this section.

2. Notify in writing, at least semi−annually, all users, tenants and occupants of the properties of how to appropriately recycle the materials specified under s. 287.07 (1m) to (4), Stats., at this

location. This notification shall include reasons to reduce and recycle waste, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, and collection methods or sites. The notification shall indicate locations and hours of operation of drop−off collection sites for recyclable materials not collected on−site, including a contact person or company, address and phone number.

3. Provide for the collection of recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.

(d) A prohibition on disposing of in a solid waste disposal facility or burning in a solid waste treatment facility the materials specified in s. 287.07 (3) to (4), Stats., which have been separated for recycling.

(e) Provisions for enforcement, including the following:

1. Appropriate penalties for violations of the various provisions of the ordinance which are consistent with the forfeitures under ss. 287.95 and 287.97, Stats.

2. Authorization for the use of citations to be issued for violations of the ordinance.

Note: Section 66.0113, Stats., authorizes the use of citations to be issued for ordinance violations.

3. Adequate inspection authority to ascertain compliance with the ordinance.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (1), (2) (b) 2. and (c) 2., r. (2) (b) 4. and (c) 4. Register June 2005 No. 594, eff. 7−1−05.

NR 544.07 Record−keeping requirements. A responsible unit subject to this chapter shall maintain records supporting its application and documenting its compliance with this chapter. The records shall be kept at a single location and be available for department review. The responsible unit shall retain its records for at least 3 years following the submittal of that year's program report.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.08 Application for initial program or alternative collection or processing system approval. (1) APPLICATION. A responsible unit seeking an initial determination that its program is an effective recycling program or the approval of an alternative collection or processing system under this chapter shall apply to the department under this section. For all measurements, a responsible unit shall use sampling methods or measurements specified by the department. Applications shall be submitted on a form supplied by the department.

Note: This form, or specific data formats for electronic submittal of the form, may be obtained from the Department of Natural Resources, Bureau of Waste Management at 101 S. Webster St., P.O. Box 7921, Madison, WI 53707.

(2) CONTENTS OF APPLICATION FOR INITIAL PROGRAM APPROVAL. The application for initial program approval shall provide all of the following information:

(a) A description of the public information and education program under s. NR 544.04 (1).

(b) Certified copies of all ordinances containing the provisions specified in s. NR 544.06.

(c) A description of the collection system for single−family residences and 2 to 4 family residential dwellings units. A responsible unit shall also apply for approval of an alternative collection or processing system under sub. (3) if the collection system is not consistent with the requirements under s. NR 544.05 (1) (a) 1. and 2., and either par. (b) or (c).

(d) A description of the systems for processing and marketing recyclable materials collected from single family residences and 2 to 4 family residential dwelling units.

(e) An estimate of the total amount of recyclable materials collected in the calendar year prior to the year of application.

(f) A description of the equipment and staffing for its recycling program or contracts for services, staff, supplies and equipment from vendors.

(g) A description of its system of enforcement and, beginning August 1, 2006, a copy of its compliance assurance plan as required in s. NR 544.04 (9g).

(i) A description of provisions for recycling at multiple−family dwellings and non− residential facilities and properties.

(j) A description of opportunities for residents to reduce, reuse or recycle those items specified in s. 287.07 (1m) and (2), Stats., including opportunities provided by the private sector.

(k) A description of provisions for the management of solid waste that is generated in the responsible unit and that is not separated or recovered for recycling, and whether that waste is managed in a manner consistent with the highest feasible solid waste management priority under s. 287.05 (12), Stats.

(L) A description of means used to reduce to the maximum extent feasible, the amount, by weight, of each material specified in s. 287.07 (3) and (4), Stats., that is generated as solid waste within the region and disposed of in a solid waste facility or converted into fuel or burned without energy recovery in a solid waste treatment facility.

(m) The names of all materials recovery facilities that accept recyclable materials collected from the responsible unit, if these are included as a component of the effective recycling program.

(3) ALTERNATIVE COLLECTION OR PROCESSING SYSTEMS. A responsible unit that is seeking approval of an alternative to the systems specified in s. NR 544.05 (1) and (2) shall submit to the department the information required in sub. (2) and the following information for initial approval:

(a) A description of the proposed alternative, including the following:

1. The name of the operator or provider or both of the collection, processing and marketing services.

2. Cost estimates of the proposed program.

(b) A comparison of the advantages, disadvantages and costs of the proposed alternative to the systems described in s. NR 544.05 (1) and (2).

(c) A demonstration that the proposed alternative systems will meet the total collection standard specified in Table 1.

(d) A description of operating procedures that will be used to minimize contamination and loss of recyclable materials during collection and processing.

(e) A demonstration that the proposed systems will recover the materials specified in s. 287.07 (3) and (4), Stats., from solid waste in as pure a form as is technically feasible and that the materials are marketable.

(f) A demonstration of the amount of residual materials resulting from the proposed alternative systems.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (1), (2) (intro.), (c), (g), (k), (m), (3) (intro.) and (c), r. (2) (h) Register June 2005 No. 594, eff. 7−1−05.

NR 544.09 Initial program or alternative collection or processing system approval process. Upon receipt of a complete application, the department shall either approve or disapprove the application in writing within 90 days. The determination of the department shall be based upon compliance with this chapter. An approval may be conditioned upon any requirements necessary to comply with this chapter.

(1) APPROVAL OF APPLICATION. The department shall approve a responsible unit's application as effective if the following are met:

(a) For initial program approval, the program includes the components required under s. NR 544.04.

(b) The application includes the elements required under s. NR 544.08.

(c) The program is projected to meet the total collection standard in Table 1.

(2) DENIAL OF APPLICATION. The department may deny a responsible unit's application for approval for any of the following reasons:

(a) For initial program approval, absence of a program component under s. NR 544.04.

(b) Failure to submit a complete application under s. NR 544.08.

(c) Failure to demonstrate that the program is likely to achieve the total collection standard in Table 1.

(d) Failure to comply with any provision of this chapter.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.10 Annual program report. (1) REPORT. A responsible unit with an approved effective recycling program shall submit a report to the department under this section by April 30 of each year. For all measurements, a responsible unit shall use sampling methods or measurements specified by the department. The report shall demonstrate to the satisfaction of the department that the recycling program meets the requirements of this chapter and any conditions of the approved program. Reports shall be submitted on forms supplied by the department.

Note: This form, or specific data formats for electronic submittal of the form, may be obtained from the Department of Natural Resources, Bureau of Waste Management at 101 S. Webster St., P.O. Box 7921, Madison, WI 53707.

(2) CONTENTS OF REPORT. The report shall consist of the following:

(a) A statement indicating that the program as initially approved is operating or, if there have been changes, a description of those changes.

(b) A statement that the recycling ordinance is still in effect and a report on efforts to enforce that ordinance.

(c) A statement that the collection system for single family and 2 to 4 unit residences is operating, and, if there have been changes, a description of those changes.

(d) The tonnage collected of each material listed in Table 1, except that a multiple−municipality responsible unit, with a combination of rural and other municipalities, may meet a prorated standard for each material for the entire responsible unit. If the tonnage collected does not meet the total standard in Table 1, the report shall include an explanation for the failure to meet that standard and a proposal for improving collection in the following year.

(f) A statement identifying how recyclables collected from single family and 2 to 4 unit residences are processed and marketed. Weight slips for marketed material and copies of contracts shall be kept on file.

(g) A statement on the participation or compliance at multiple−family dwellings and non−residential facilities and properties including documentation of inspections and response to complaints regarding the recycling program.

(h) A statement on opportunities for residents to reduce, reuse or recycle those materials specified in s. 287.07 (1m) and (2), Stats., including opportunities at private facilities accessible to the public.

(i) A description of provisions for the management of solid waste that is generated in the responsible unit's region and that is not separated or recovered for recycling and whether that solid waste is managed in a manner consistent with the highest feasible solid waste management priority under s. 287.05 (12), Stats.

(j) A description of efforts to improve the effectiveness of the recycling program, including waste reduction and reuse initiatives and efforts to increase collection of recyclables.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. (1), (2) (d) and (i) Register June 2005 No. 594, eff. 7−1−05.

NR 544.11 Annual program report review process. (1) The department shall review the annual program report of the responsible unit for the following:

(a) Compliance with the conditions of effective recycling program approval.

(b) Compliance with the requirements of this chapter.

(2) If the department finds that the responsible unit does not meet the requirements of sub. (1) (a) or (b), the department may take any of the following actions:

(a) Modify or condition the approval if the responsible unit has had minor problems in maintaining its effective recycling program in compliance with its program approval and the requirements of this chapter.

(b) Place the program on probation for no more than one year if the department determines that the responsible unit has had significant problems in maintaining its effective recycling program in compliance with its program approval or the requirements of this chapter and if it appears that compliance may be achieved within one year. A responsible unit under probation shall comply with s. NR 544.12.

(c) Terminate the program approval if the department determines that the responsible unit has had significant problems in maintaining its effective recycling program in compliance with its program approval or the requirements of this chapter and if it does not appear that compliance may be achieved within one year or for failure to satisfy the terms of its probationary approval.

(d) Grant an exemption from the total collection standard in Table 1 if the responsible unit provides adequate justification for failure to meet the collection standard and demonstrates that a reasonable effort was made to meet the standard.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.12 Programs under probation. (1) A responsible unit that has been placed on probation under s. NR 544.11 (2) (b) has an effective recycling program for the purposes of ss. 287.07 (7) and 287.23, Stats. The probationary period may not exceed one year.

(2) A responsible unit that has been placed on probation under s. NR 544.11 (2) (b) shall submit a plan to the department describing the actions it intends to take to meet the requirements of this chapter. The department shall review this plan and may require conditions in its approval. A responsible unit's recycling program shall be monitored by the department to ensure compliance with the probationary plan.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.13 Responsible units located in current service areas of facilities exempt under s. 287.07 (7) (b), Stats. A responsible unit that is located in the current service area of an operating solid waste treatment facility which is exempt under s. 287.07 (7) (b), Stats., and that uses that solid waste treatment facility, may be approved as an effective recycling program under this chapter if it meets the following requirements:

(1) It establishes a recycling program for aluminum, glass, steel and bi−metal containers.

(2) It provides for curbside collection of the non−combustible materials listed in sub. (1) in municipalities that have a population of 5,000 or greater with an aggregate population density of at least 70 persons per square mile.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.14 Variances and exemptions. (1) GENERAL. A responsible unit with an effective recycling program may request in writing a variance or the department may on its own ini-

tiative grant a variance to the requirements of s. 287.11 (2) (b) and (er), Stats., for up to one year.

(2) VARIANCES REQUESTED BY THE RESPONSIBLE UNIT. A responsible unit with an effective recycling program may request a variance for up to one year to the requirements in s. 287.11 (2) (b) and (er), Stats., for a material identified in s. 287.07 (3) or (4), Stats., that is generated in the responsible unit's region. The department shall grant a variance if it determines that the cost of selling processed material as defined in s. 287.11 (2m) (a) 2., Stats., exceeds any of the following:

(a) Forty dollars per ton of processed material, as annually adjusted by the department to reflect changes in price levels due to inflation since 1989.

(b) The cost of disposing of processed material.

(3) VARIANCES INITIATED BY THE DEPARTMENT. (a) The department may, on its own initiative, grant to one or more responsible units with effective recycling programs a variance to the requirements in s. 287.11 (2) (b) and (er), Stats., for up to one year for a material identified in s. 287.07 (3) or (4), Stats., that is generated in the responsible unit's region if the department determines that the cost of selling processed material exceeds the amount under sub. (2) (a) or (b).

(b) The department may grant a responsible unit a variance to a requirement in s. 287.11 (2) (b) or (er), Stats., for up to one year for a material identified in s. 287.07 (3) or (4), Stats., in the event of an unexpected emergency.

(4) EXEMPTIONS. The department may grant exemptions from nonstatutory requirements of this chapter upon request of the responsible unit when the department determines that an exemption is needed to allow or encourage the management of solid waste in accordance with s. 287.05, Stats., and where the exemption will be consistent with the intent of this chapter. Before granting an exemption, the department shall take into account factors such as good cause, circumstances beyond the control of the responsible unit or out−of−state unit and financial hardship. When the circumstances for which the exemption was granted are no longer valid, the department shall rescind the exemption and revise the effective recycling program approval.

History: Cr. Register, September, 1993, No. 453, eff. 10−1−93; CR 04−113: am. Register June 2005 No. 594, eff. 7−1−05.

NR 544.16 Materials recovery facilities used as part of an effective recycling program. (1) GENERAL REQUIREMENTS. The owner or operator of a materials recovery facility that serves as a component of a responsible unit's effective recycling program shall do all of the following:

(a) Operate and maintain the facility in a nuisance−free and environmentally sound manner.

(b) Maintain records to verify that not less than 75% of the volume of recyclable materials accepted were recycled or transported from the facility within 12 months of receipt at the facility, unless otherwise approved by the department.

(c) Maintain recyclable materials in marketable condition.

(2) SELF−CERTIFICATION REQUIRED. (a) Unless exempt under par. (b), the owner or operator of a materials recovery facility that serves as a component of a responsible unit's effective recycling program shall certify to the department that it meets the requirements of subs. (3) to (8).

(b) Single commodity materials recovery facilities are exempted from the self−certification requirements unless the department determines that self−certification is necessary to ensure compliance with the requirements in sub. (1). A self−certification determination shall be effective for a period of one year.

(3) SELF−CERTIFICATION OF OPERATION. (a) The owner or operator of a materials recovery facility shall submit a self−certification for operation prior to first accepting recyclable materials from any responsible unit. The owner or operator shall submit all of the following information to the department on a form supplied by the department:

Note: This form, or specific data formats for electronic submittal of the form, may be obtained from the Department of Natural Resources, Bureau of Waste Management at 101 S. Webster St., P.O. Box 7921, Madison, WI 53707.

1. The name of the owner and operator, and corresponding mailing addresses and telephone numbers.

2. The legal name of the materials recovery facility and the street address and telephone number at that location.

3. A description of the materials recovery operations and the days and hours during which services are provided.

4. A list of all responsible units that use the materials recovery facility.

5. A list of all recyclable materials accepted at the materials recovery facility.

6. A statement describing whether incoming recyclable materials are received pre−sorted into individual commodities or commodity groups, or collected in a single−stream or other alternative collection system.

7. The covered storage capacity for recyclable materials.

8. The exposed storage capacity for recyclable materials, the types and maximum quantities of recyclable materials to be stored outdoors at any time, and the procedures used to prevent discharge of contaminants to the environment from these materials.

9. Certification that the storage capacity is adequate to maintain the quality and quantity of the recyclable materials for markets.

10. The processing capacity of the materials recovery facility for recyclable materials.

11. Certification that the processing capacity of the materials recovery facility is adequate to accommodate the anticipated quantities of recyclable materials that will be received.

12. A description of the procedures used to prevent nuisance conditions at the materials recovery facility.

13. Information on the total quantity of residual material generated at the materials recovery facility during the previous calendar year and the percentage of the total amount of incoming recyclable materials that was residual material during the previous calendar year.

14. The procedures used to minimize residual material.

15. Certification that the materials recovery facility produces recovered recyclable materials in accordance with market quality specifications.

16. Certification that the owner or operator of the materials recovery facility maintains accurate records to document the types and quantities of recyclable materials processed and marketed for all responsible units using the facility and that those records will be made available for inspection upon request by the department.

17. Certification that the owner or operator of the materials recovery facility will provide by February 1 of each year sufficient information so that a responsible unit can comply with the reporting requirements under s. NR 544.10 (2) (d) For all measurements, the owner or operator of the materials recovery facility shall use sampling methods or measurements acceptable to the department.

18. Certification that recyclable materials will not be stored in wetlands as defined in s. NR 500.03 (258).

19. Certification that recyclable materials will not be stored in a floodplain as defined in s. NR 500.03 (87). This paragraph does not apply to a materials recovery facility at which recyclable materials were stored in a floodplain on or before November 1, 1992, provided that the area in which the recyclable materials are stored is not increased.

20. Certification that the owner or operator of the materials recovery facility will comply with the disposal and incineration prohibitions under s. 287.07 (1m) to (4), Stats.

(b) Records shall be maintained at the site documenting the information required in this subsection for a period of at least 3 years.

(4) SELF-CERTIFICATION OF OPERATION RENEWAL AND REPORT. The owner or operator of a self-certified materials recovery facility shall submit a self-certification renewal and report by March 30 of each year, in a form supplied by the department, that shall contain all of the following:

(a) Certification that the facility has been and will continue to be maintained and operated in conformance with the information submitted upon initial self-certification or upon subsequent notification of change to the department.

(b) An inventory of recyclable materials, by category and expressed in tons, accepted from responsible units as of both January 1 and December 31 of the previous calendar year, and the total tonnage of this material processed off-site in the previous calendar year.

(c) Certification by the owner or operator of the materials recovery facility that not less than 75% of the volume of recyclable materials accepted were recycled or transported from the facility within 12 months of receipt at the facility, unless otherwise approved by the department. This requirement need not be met for the first year of operation of newly established materials recovery facilities.

(d) The total quantity expressed in tons, of residual material generated at the materials recovery facility during the previous calendar year and the percentage of the total amount of incoming recyclable materials that was residual material during the previous calendar year.

(5) INVALIDATION OF SELF-CERTIFICATION OF OPERATION. The department shall use the information provided under this section during routine inspection of materials recovery facilities and as needed in response to complaints. Should significant discrepancies between actual operations and information submitted under this section be found, the department may invalidate the materials recovery facility's self-certification and thereby disqualify the materials recovery facility as a component of a responsible unit's effective recycling program. The department may invalidate a materials recovery facility's self-certification if any of the following conditions exist:

(a) A failure to submit on a timely basis or knowingly falsifying the information required in sub. (3) or (4) for self-certification and self-certification renewal.

(b) Storage of recyclable materials in wetlands as defined in s. NR 500.03 (258).

(c) Storage of recyclable materials in a floodplain as defined in s. NR 500.03 (87), unless the recyclable materials were stored in the floodplain on or before November 1, 1992, and the area in which the storage occurs has not been increased.

(d) Storage of recyclable materials outdoors in a manner that renders them unmarketable.

(e) Failure to provide specific information to a responsible unit that has contracted directly with the materials recovery facility and whose recyclable materials were processed by that facility in the current year or in the previous calendar year. The information shall be requested by the responsible unit and provided to the responsible unit within 4 weeks of the documented date of request, and shall contain accurate information reflecting the weights of each recyclable material processed for the responsible unit.

(f) Failure to operate the materials recovery facility in a nuisance-free and environmentally sound manner.

(g) Failure to operate the materials recovery facility in accordance with the self-certification or other representations provided by the owner or operator under this section.

(6) RECERTIFICATION. The owner or operator of a materials recovery facility with an invalidated self-certification under sub. (5) may resubmit the self-certification information required under sub. (3) to the department and request a review after correcting all deficiencies. The department may re-certify a materials recovery facility if it determines that the materials recovery facility is in compliance and has put in place appropriate polices and procedures to remain in compliance with the requirements of this section.

(7) LIST OF SELF-CERTIFIED FACILITIES. The department shall maintain a list of materials recovery facilities that are self-certified under this section.

(8) NOTIFICATION OF CHANGE OF SERVICE. The owner or operator of a materials recovery facility which is self-certified under this section shall provide written notification to the department and responsible units that have contracted directly with the facility for services as follows:

(a) At least 60 days prior to closing the materials recovery facility, or an anticipated interruption of service to a responsible unit for a period of more than one week.

(b) At least 60 days prior to moving the materials recovery facility to a different location.

(c) At least 60 days prior to initiating processing of recyclable materials collected in a single-stream collection system.

(d) As soon as practicable after the occurrence of an unanticipated interruption of service to a responsible unit for a period of more than one week.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 04-113: r. and recr. Register June 2005, No. 594, eff. 7-1-05.

NR 544.17 Disposal and incineration of prohibited waste items; out-of-state solid waste. History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 04-113: r. Register June 2005 No. 594, eff. 7-1-05.

TABLE 1
Standards for Collection of Recyclables
- Pounds Per Person Per Year -

	Rural Municipalities	Other Municipalities
Newspaper	36	47
Corrugated Paper	6	7
Magazines	7	9
Aluminum Containers	1.4	1.8
Steel & Bi-Metal Containers	7	9
Plastic Containers	4	5
Glass Containers	22	29
Foam PS Packaging	0.3	0.4
TOTAL	83.7	108.2

Note: 1) Rural municipalities are those with a population of 5,000 or less or a permanent aggregate population density of less than 70 persons per square mile. For purposes of ch. NR 544, municipalities that do not meet that population criterion fall into the other category. 2) The department intends to periodically revise these collection standards as conditions warrant.

NR 544.20 Pilot program for alternative method of compliance. (1) PURPOSE. (a) The purpose of ss. NR 544.20 through 544.27 is to establish the criteria for a pilot program under s. 287.11 (4), Stats., for an alternative method of complying with s. 287.11 (2) (b), Stats., which requires separation of specified

recyclable materials from post−consumer waste. The flexibility allowed by the pilot program in defining materials to be recycled shall apply only to materials listed in s. 287.07 (3) and (4), Stats. Separation of materials listed in s. 287.07 (1m) and (2), Stats., are not affected by the provisions of the pilot program.

(b) The goal of the responsible unit's pilot program each year shall be that its annual recycling rate meets or exceeds its baseline recycling rate.

(c) A responsible unit participating in the pilot program shall be considered to comply with s. 287.11 (2) (b), Stats., as provided in s. 287.11 (4) (c), Stats.

(d) The pilot program ends on December 31, 2005, as provided in s. 287.11 (4) (e), Stats.

Note: The department intends to work with stakeholders to determine whether authorization to continue the pilot program past December 31, 2005 should be requested in the FY 03−05 budget.

(2) APPLICABILITY. The provisions of ss. NR 544.20 to 544.27 apply to a responsible unit selected pursuant to s. NR 544.24 (3) and (4).

Note: The department intends to conduct program audits of at least 10% of all responsible units' programs each year.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.21 Pilot program definitions. In ss. NR 544.20 to 544.27:

(1) "Annual recycling rate" means the percent of materials collected for recycling pursuant to the requirements of s. 287.11 (2) (b), Stats., and defined by the following formula:

$$\text{Annual recycling rate in percentage} = \frac{a}{a + b} \times 100$$

where:

a = tonnage of materials collected for recycling; and

b = tonnage of solid waste collected in the pilot program participant's geographic area.

(2) "Applicant" means a responsible unit that applies for pilot program eligibility pursuant to ss. NR 544.22 to 544.27.

(3) "Baseline recycling rate" means the percent of materials collected for recycling in a base period before implementation of the pilot program and defined by the following formula:

$$\text{Baseline recycling rate in percentage} = \frac{a}{a + b} \times 100$$

where:

a = average annual tonnage of recyclable materials collected over the 3 years preceding participation in the pilot program; and

b = average annual tonnage of solid waste collected in the pilot program participant's geographic area over the 3 years preceding participation in the pilot program.

(4) "Pilot program" means an effective recycling program that the department selects pursuant to s. 287.11 (4), Stats., and ss. NR 544.20 to 544.27.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.22 Pilot program eligibility of applicant. (1) ELIGIBLE APPLICANTS. Any responsible unit which maintains an effective recycling program as required under s. NR 544.04 may apply to participate in the pilot program.

(2) INELIGIBLE APPLICANTS. A responsible unit which has not maintained an effective recycling program as required under s. NR 544.04 is not be eligible to participate in the pilot program. Eligibility of a responsible unit on probation under s. NR 544.11 (2) (b) in the past year will be determined on a case−by−case basis.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.23 Pilot program application. (1) APPLICATION. An applicant shall submit a one−time application to participate in the pilot program to the department on a form provided by the department, postmarked no later than March 1, 2003. If there are an insufficient number of qualified applicants to fulfill requirements in s. 287.11 (4) (b), Stats., the department shall extend the application deadline for 90 days.

Note: This form may be obtained from the Department of Natural Resources, Bureau of Waste Management at 101 S. Webster St., P.O. Box 7921, Madison, WI 53707.

(2) CONTENTS OF APPLICATION. An applicant shall provide the following information in its application to participate in the pilot program:

(a) Identification of materials selected for recycling or reuse from the materials listed in Table 2.

1. The applicant shall select materials from at least 4 of the 7 categories listed in Table 2.

2. The applicant shall select at least 9 materials from the list of materials listed in Table 2.

(b) A description of the market plan for materials the responsible unit proposes to recycle under the pilot program that it does not currently require to be recycled.

(c) The baseline recycling rate.

(d) Identification of parties that may be affected through participation in the pilot program and documentation of agreement of cooperation from these parties. Specifically, the applicant shall provide:

1. The identities of the providers of services for collection, sorting, processing, marketing services and educational services.

2. The identity and location of the solid waste disposal facilities, the solid waste treatment facilities or the material recovery facilities where solid waste will be processed or disposed.

(e) A description of how parties identified in par. (d) will prevent the recycling of materials subject to pilot program exemptions from being disposed in solid waste generated in other responsible units serviced by these parties.

(f) If the pilot program requires changes to the local recycling ordinance, a demonstration of how that responsible unit will make any necessary changes to its ordinance after selection as a pilot program and the anticipated schedule of any changes.

TABLE 2

Materials Which Can Be Collected for Recycling for the Pilot Program

Category	Material
Paper	Corrugated paper[1]
	Newspaper[1]
	Magazines[1]
	Office paper[1]
	Residential mixed paper
Organics	Food waste
	Wood pallets
Metal	Aluminum containers[1]
	Steel and bi−metal containers[1]
	Scrap metals
Glass	Glass containers[1]
Plastic	Plastic containers (# 1 and 2 resins) [1]
	Plastic containers (# 3−7 resins)[2]
	Plastic film (LDPE)
	Polystyrene[2]
Special Wastes	Nickel−cadmium batteries[3]
	Mercury thermostats[3]
	Dental amalgam[4]
	Televisions[5]
	Computers[5]
	Other electronic appliances[5]

	Fluorescent/HID lamps[5]
	Mercury thermometers[5]
	Antifreeze (automobile and other liquids)[6]
Other	Waste tires[1]
	Latex paint
	Carpet
	Textiles
	Clean C&D waste

1 Material is subject to 1995 landfill and incineration bans, as specified in s. 287.07 (3) and (4), Stats.

2 Material is subject to 1995 landfill and incineration bans but the requirement to recycle was waived by the department on October 4, 1996 until it has been determined that their collection and processing is practical.

3 Management of these materials when recycled is addressed under the Wisconsin universal waste standards, ch. NR 690.

4 When recycled, these materials are conditionally exempt from hazardous waste regulations under s. NR 605.05 (2) (a) or (f).

5 Management of these materials or components of these materials when recycled is addressed through administrative discretion in a memorandum dated January 11, 2000, "Management of Wisconsin−Specific Universal Wastes". Additional guidance for the management of used computers by business is provided in DNR publication PUB WA−420 00.

6 Guidance for management of antifreeze that is recycled is provided in DNR Publication PUBL_WA_356_98.

(3) AUTHORIZING RESOLUTION. A responsible unit shall submit to the department an authorizing resolution by the governing body designating a representative to submit this application and handle all pilot program actions. Resolutions on file with the department for other recycling grant programs in prior years do not satisfy this requirement. The department may not review an application submitted without an authorizing resolution.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.24 Pilot program approval process. (1) PARTICIPANT SELECTION. The department shall evaluate all eligible applications for the pilot program. The department shall select participants for the pilot program based upon the factors listed in subs. (2) and (3).

(2) NUMBER TO BE SELECTED. The department shall select 3 responsible units with a population of less than 5,000, 3 responsible units with a population of at least 5,000 but less than 25,000, and 3 responsible units with a population of at least 25,000 to participate in the pilot program, as specified by s. 287.11 (4) (b), Stats.

(3) PILOT PROGRAM SELECTION CRITERIA. The department shall select proposals that best meet program selection criteria as follows:

(a) Ability to measure or report the amount of each material collected for reuse or recycling pursuant to the requirements in s. 287.11 (2) (b), Stats.

(b) Ability to market recycled materials as described in the market plan for materials not currently required to be recycled.

(c) Ability to measure or report the amount of solid waste collected in the responsible unit's geographic area for disposal in a solid waste disposal or a solid waste treatment facility.

(4) PILOT PROGRAM NOTIFICATION PROCEDURES. The department shall notify applicants selected as pilot program participants in writing, and provide a pilot program agreement under which the applicant can officially become a qualified pilot program participant. The agreement shall require that changes in local ordinances identified under s. NR 544.23 (2) (f) and any other requirements set out in ss. NR 544.20 to 544.27 be implemented. The applicant shall respond to the notification within 45 calendar days of receipt of the notification. To qualify as an approved pilot program participant, selected applicants shall return the signed pilot program agreement within 45 days and implement the pilot program according to the terms of the pilot program agreement.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.25 Pilot program annual reporting procedures. (1) REPORT REQUIREMENTS. A pilot program participant shall report annually, on forms provided by the department, the tonnage of materials collected for recycling or reuse pursuant to the requirements in s. 287.11 (2) (b), Stats., through the pilot program and the tonnage of solid waste collected in the geographic area of the responsible unit.

(2) CONTENTS OF REPORT. The annual report required under this section shall include all of the following:

(a) The tonnage of each material collected for recycling or reuse pursuant to the requirements of s. 287.11 (2) (b), Stats.

(b) The tonnage of solid waste collected in the responsible unit's geographic area.

(c) The annual recycling rate.

(d) A comparison of the annual recycling rate to the baseline rate. If the goal of meeting or exceeding the baseline rate has not been made, the responsible unit shall provide an explanation of efforts to improve upon the annual recycling rate and meet or exceed the baseline rate in the future.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.26 Pilot program agreement amendments. A pilot program participant may request to substantially amend the objective or scope of its pilot program by submitting a request in writing to the department. The department shall notify the pilot program participant of its decision within 30 days upon receipt of the amendment request.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.

NR 544.27 Pilot program termination. (1) A pilot program participant may request in writing to terminate its participation in the pilot program at any time. The department shall grant the request if the program can be operated as an effective recycling program under its original approval. In that case, the originally approved effective recycling program shall be reinstated by the responsible unit.

(2) The department may terminate the participation of a responsible unit in the pilot program if it determines that the pilot program participant does not meet the requirements of s. 287.11 (4), Stats.

Note: As a result of the repeal of s. 287.11 (4), 2009 Stats., by 2011 Wis. Act 32, this section is unenforceable and will be repealed by future rulemaking.

History: CR 02−062: cr. Register January 2003 No. 565, eff. 2−1−03.