



CR 85-86

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. SW-20-85 was duly approved and adopted by this Department on August 21, 1985. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 9th day of December, 1985.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

3-1-86

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING,
REPEALING AND RECREATING, AND CREATING RULES

.....
IN THE MATTER OF repealing ss. NR 186.04 and .
186.07(4)(h)2; renumbering ss. NR 186.03(5) .
to (21), 186.07(4)(h)3 & (5), 186.08 to 186.11 .
and 186.11(4) and (5); amending ss. NR 150.03 .
(3)(c)12, 186.01, 186.03(1)(12), (25) and (28), .
186.05, 186.06(1), 186.07(1)(b), 186.09(1), . SW-20-85
186.10(1)(Intro.), (b) to (d), (h), (k) (1), .
(2)(a) and (4), 186.11(1), (2)(Intro.), and .
(3)(Intro.), (5)(c) and (6) of the Wisconsin .
Administrative Code pertaining to the Wisconsin .
Fund - Solid Waste Management Grant Program .
.....

Analysis Prepared by Department of Natural Resources

Statutes Interpreted: ss. 144.781 to 144.784 and 144.799, Stats.

The Wisconsin Fund - Solid Waste Management Grant Program was established in 1978 by ss. 144.781-144.784, Stats. Specific provisions for administering the program are set forth in ch. NR 186, Wis. Adm. Code.

The grant program was initially established to provide financial assistance to counties and regional planning commissions for preparing areawide solid waste management plans and to cities, towns, villages and counties to conduct specific solid waste disposal site feasibility studies. Chapter 374, Laws of 1981 has expanded the Wisconsin Fund grant program to provide financial assistance to cities, towns, villages and counties for resource recovery and sludge management project feasibility studies. 1983 Wisconsin Act 426 also expanded the Wisconsin Fund grant program, by establishing a new grant category for waste reduction and recycling plans. Wisconsin Act 426 also establishes a fund, separate from the Wisconsin Fund, to provide financial assistance to cities, towns, villages, counties, private business, or nonprofit organizations for waste reduction and recycling demonstration projects. As a result of Act 426, NR 186 is revised to establish the necessary criteria for administering the two new grant categories.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.782(3) to (6), 144.783(5), 144.784(10), 144.799(3)(a) and (4) and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, renumbers and amends, amends, repeals and recreates, and creates rules interpreting ss. 144.781 to 144.784 and 144.799, Stats., as follows:

SECTION 1. NR 150.03(3)(c)12. is amended to read.

NR 150.03(3)(c)12. Solid waste management grants. Grants under ss. 144.781 to 144.784, and 144.799, Stats., to develop areawide solid waste management plans, and to conduct waste reduction and recycling plans, feasibility studies, and demonstration projects.

SECTION 2. NR 186.01 is amended to read:

NR 186.01 PURPOSE. The purpose of these rules is to implement the solid waste management grant program under ss. 144.781 to 144.784 and 144.797 and 144.799, Stats., ~~(as affected by chapter 374, laws of 1981)~~ consistent with the resource conservation and recovery act. Through this program, financial assistance will be available to counties and regional planning commissions for preparing waste reduction and recycling plans and areawide solid waste management plans and to cities, towns, villages, and counties for conducting specific solid waste disposal site feasibility studies and special study projects consistent with previously adopted and approved areawide solid waste management plans. Financial assistance for waste reduction and recycling demonstration projects will be available to cities, towns, villages, counties, public entities, private businesses, or nonprofit organizations that meet the eligibility requirements under this administrative rule.

SECTION 3. NR 186.03 (1) is amended to read:

(1) "Applicant" means "site feasibility study applicant" or, "planning applicant" or, "special study applicant or, "waste reduction and recycling planning applicant" or "waste reduction and recycling demonstration project applicant".

SECTION 4. NR 186.03 (5) to (21) are renumbered NR 186.03 (7), (11) to (16), (18) to (26) and (28), respectively.

SECTION 5. NR 186.03 (5), (6), (8), (9) and (10) are created to read:

(5) "Applicant for a waste reduction and recycling demonstration grant project" means a town, village, city, county, public entity, private business, or nonprofit organization, or more than one of these entities acting jointly, that present an application for funding a waste reduction and recycling demonstration project.

(6) "Applicant for a waste reduction and recycling planning project" means a regional planning commission or a county, or more than one regional planning commission or county acting jointly, that presents an application for funding a proposal to develop a waste reduction and recycling plan.

(8) "Co-composting" means the composting of sewage sludge, animal manures, commercial fertilizers, or other materials approved by the department, together with solid waste.

(9) "Composting" means the controlled biological decomposition process by which bacteria, fungi, and other microorganisms convert organic solid waste materials into a stable humus-like product.

(10) "Demonstration project" means a waste reduction and recycling demonstration project.

SECTION 6. NR 186.03 (12) as renumbered is amended to read:

(12) "Full state share" means the maximum state grant amounts authorized by statute. For planning applicants this is an amount equal to 50% of the total eligible cost of the plan, but may not exceed ~~\$50,000~~ \$100,000. For site feasibility study applicants ~~and special study applicants~~ this is an amount equal to 25% of the total eligible cost of the study, but may not exceed \$50,000. For special study and waste reduction and recycling planning applicants this is an amount equal to 50% of the total eligible cost of the study, but may not exceed \$50,000. Applicants for a waste reduction and recycling demonstration project may receive an amount equal to 50% of the actual development cost, but may not exceed \$75,000. The state share cannot reduce the applicant's share of the total project costs to less than 25% for either a plan, site feasibility study, waste reduction and recycling plan or demonstration project or special study project.

SECTION 7. NR 186.03 (17) is created to read:

(17) "Resource recovery" means the process or processes of obtaining useful material or energy resources from solid waste and includes:

(a) "Energy recovery" refers to the technique or process designed to capture the energy value of solid waste, either by direct combustion or by first converting it into an intermediate fuel product.

(b) "Material recovery" refers to the removal and utilization or processing of those materials from solid waste that still have useful physical or chemical properties. Through processing, these materials can be reused or recycled for the same or for other purposes.

(c) "Recycling" means the technique or process to collect, sort, modify, convert, or otherwise prepare solid waste for the purpose of recovering a raw material or a combination of materials.

(d) "Reuse" means the reintroduction of a product for use in the same kind of application as before without change in its identity or purpose.

SECTION 8. NR 186.03 (25) as renumbered is amended to read:

(25) "Special study project" means a sludge management or resource recovery project feasibility study developed to provide detailed project feasibility information for implementation of an approved and adopted areawide solid waste management plan or an approved and adopted update. Resource recovery project studies under this definition may include, but are not limited to incineration with energy recovery, methane gas recovery, source separation and composting studies and waste processing for the purpose of energy or materials recovery. Sludge management project studies may include, but are not limited to land spreading, incineration with energy recovery, ~~land disposal~~, and composting studies. Special study projects may include, but are not limited to ~~demonstration-scale-pilot-projects-and~~ system management studies relating to cost analysis and financing arrangements, market research and commitments, risk assessments, final design ~~procurement~~ and other work required prior to undertaking full scale project development.

SECTION 9. NR 186.03 (28) as renumbered is amended to read:

(28) "Total eligible ~~cost~~ costs for plans, studies, special study projects and waste reduction and recycling plans" means the sum of all direct and department-approved indirect costs for the applicant as anticipated and specified at the time of application, but excludes costs for acquisition of or interest in land, site preparation, operation, abandonment, or preparation of a plan of operation, or department review fees and any subsidies for the price of recovered resources. Direct costs include, but are not limited to salaries including fringe benefits, mileage, costs related to site investigations for site feasibility study work including surveying, soils investigations, monitoring well installation, sample collection, and lab analysis fees, equipment usage, consultant's fees, printing and copying but may not include costs for purchase of capital items. ~~Costs incurred during the grant period for participation in any hearing under S-~~ 227.064 ~~or 44.44 Stats., are eligible costs.~~ Test equipment and installation costs that may be required to perform special study project investigations and indirect costs may be allowable but ~~must~~ shall be separately agreed to in the grant agreement. Total eligible costs for waste reduction and recycling demonstration projects means the sum of all direct costs, including the cost of site preparation, operation, equipment purchases, and other costs consistent with the project and approved by the department prior to awarding a waste reduction and recycling demonstration project grant.

SECTION 10. NR 186.03 (27) and (29) to (33) are created to read:

(27) "Source separation" means the separation of useful materials from solid waste, by the generator, before collection or delivery to a storage, transfer, or processing facility for reuse, recycling, or recovery.

(29) "Waste reduction" means the methods used to reduce the quantity or the weight of wastes generated. These methods may include, but are not limited to, consumer product redesign to increase product longevity, repair or serviceability; changes in the manufacturing process to produce less manufacturing waste, the utilization of less packaging in consumer products and the conscious effort to change consumer consumption habits which result in the generation of less waste.

(30) "Waste reduction and recycling demonstration project" means a pilot project designed to determine the technical, economic, and environmental feasibility of an innovative or improved technique, process, or system of waste reduction, recycling or resource recovery.

(31) "Waste reduction and recycling demonstration project applicant" means an applicant for a specific waste reduction and recycling demonstration project.

(32) "Waste reduction and recycling plan" means a plan prepared to analyze alternatives to the land disposal of solid waste, including plans to reduce or provide incentives for the reduction of the amount of solid waste generated and plans which provide or encourage reuse, recycling, composting or the recovery of energy from solid waste.

(33) "Waste reduction and recycling planning applicant" means an applicant for a specific waste reduction and recycling plan.

SECTION 11. NR 186.04 is repealed.

SECTION 12. NR 186.05 is amended to read:

NR 186.05 IMPACT OF OTHER PROGRAMS. Funds available under the resource conservation and recovery act shall be awarded according to the intent of ss. 144.781 to 144.784, and 144.797 and 144.799 Stats., and guidelines and regulations promulgated by the U.S. environmental protection agency. All available federal funding for areawide plans, site feasibility studies, waste reduction and recycling plans or demonstration projects, and special study projects shall be utilized to supplement and increase the levels of funding available under this program. Nothing in this chapter shall influence, affect or modify department programs, priorities or procedures relating to compliance with applicable solid waste management regulations.

SECTION 13. NR 186.06 (1) is amended to read:

NR 186.06 (1) GENERAL. No grants may be distributed for areawide solid waste management plans, waste reduction and recycling plans, specific solid waste disposal site feasibility studies or specific special study projects which have, as their primary goal, disposition of hazardous substances as defined under s. 144.01(4m), Stats., hazardous waste as defined under s. 144.61(5), Stats., or source material as defined under s. 140.52(10), Stats., or by-product material or special nuclear material as defined under s. 140.52(3) and (11), Stats.

SECTION 14. NR 186.06 (5) and (6) are created to read:

NR 186.06 (5) WASTE REDUCTION AND RECYCLING PLANS. To apply for a waste reduction and recycling planning grant, the applicant shall satisfy the following minimum eligibility criteria:

(a) The applicant shall be either a regional planning commission or a county, or more than one regional planning commission or county acting jointly.

(b) The waste reduction and recycling planning activities shall be consistent with any approved areawide solid waste management plan or update.

(c) The applicant may not have previously received a waste reduction and recycling planning grant under this program.

(6) WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECTS. To apply for a waste reduction and recycling demonstration project grant, the applicant shall satisfy the following minimum eligibility criteria:

(a) The applicant shall be either a city, town, village, county, public entity, private business, or nonprofit organization, or more than one of these entities acting jointly.

(b) A county, city, village, or town may not apply for a waste reduction and recycling demonstration grant after June 30, 1986 unless it has a department approved areawide solid waste management plan. After June 30, 1988, a county, city, village, or town may not apply for a waste reduction and recycling demonstration grant unless it has a waste reduction and recycling plan approved by the department.

SECTION 15. NR 186.07 (1)(b) is amended to read:

NR 186.07(1)(b) The department shall decide eligibility and the priority of plan, waste reduction and recycling plan or demonstration project, site feasibility study or special study project grant applications and notify first grant cycle applicants in writing by April 1 and second grant cycle applicants in writing by September 1 of each year.

SECTION 16. NR 186.07 (4)(h)2. is repealed.

SECTION 17. NR 186.07 (4)(h)3. is renumbered NR 186.07 (4)(h)2.

SECTION 18. NR 186.07 (4)(h)3. is created to read:

NR 186.07(4)(h)3. Each applicant who receives a special study grant shall submit to the department, within 6 months after accepting the grant, an interim report which contains the details of study achievements, findings, problems and any other information appropriate to the special study project. Within 60 days prior to the study's termination date, the department shall either schedule a meeting or provide written comments on the report to the grantee. The final report shall include all changes or additional information required by the department and shall be submitted to the department within 60 days after the grant expiration date.

SECTION 19. NR 186.07 (5) is renumbered NR 186.07 (7) and NR 186.07 (5) and (6) are created to read:

NR 186.07 (5) WASTE REDUCTION AND RECYCLING PLANNING APPLICANTS. Waste reduction and recycling planning applicants shall submit the following in writing:

(a) A statement describing the status of the areawide solid waste management plan or update which includes the date or anticipated date of department approval, progress made towards the implementation of the plan recommendations or any changes concerning the final plan or update recommendations that may have resulted and the reasons for those changes.

(b) A statement that describes the waste reduction and recycling planning project in detail and which at a minimum, includes the following:

1. A statement of project scope and study objectives which defines the course of action to be pursued to achieve the stated goals. The project scope shall define work activities and the personnel responsible for these activities.

2. A description of proposed information and education activities designed to provide citizens an opportunity to be informed and to participate throughout the waste reduction and recycling planning period. Information and education activities shall give special consideration to involve solid waste collectors, land disposal facility owners and operators, and existing recycling and resource recovery facilities operating within the the waste reduction and recycling planning area.

(c) A statement of the estimated costs for preparing the waste reduction and recycling plan. Estimates shall be provided for the major planned activities, perceived in-kind costs which may be considered a portion of the applicant's matching share and adequate documentation on how all estimates were determined.

(d) A timetable for completion of the waste reduction and recycling plan. The timetable shall be detailed to show anticipated completion dates for major planned activities, including the submittal of interim reports to the department as may be required.

(e) A formal resolution by the county or counties for which the waste reduction and recycling plan is being prepared. The resolution shall show the county or counties support for the plan and a commitment to implement all final recommendations resulting from the waste reduction and recycling planning efforts.

(f) A commitment that no grant monies may be used for any acquisition of land or interest in land, or any site preparation, operation, or abandonment, or for any subsidies for the price of recovered resources.

(g) An agreement signed by officials authorized to represent each entity shall be required if the waste reduction and recycling planning grant application is submitted by more than one cooperating county or regional planning commission. At a minimum, this letter shall describe the extent of each entities' involvement, responsibilities, and financial commitment. This agreement shall also state the entities' intentions to cooperate in the implementation of the final plan.

(6) WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECT APPLICANT. Waste reduction and recycling demonstration project applicants shall submit the following in writing:

(a) A signed resolution or statement which demonstrates the applicant's commitment to implement the project as outlined in the demonstration project's scope of activities.

(b) A detailed statement that describes the project scope and objectives, including the course of action to achieve the stated goals. In writing the project scope, the applicant shall include the following:

1. The type or types of solid waste to be affected and the waste reduction and recycling activities to be implemented. All work activities shall be defined and the personnel responsible for those activities identified.

2. Preliminary design, engineering plans, or specifications for the facility and equipment, as may be appropriate to the proposed waste reduction and recycling demonstration project.

3. A statement of the proposed demonstration project's potential for statewide application or significance, including calculations on the amount of solid waste which may be reduced, reused, recycled, composted, or energy recovered from the successful and wider implementation on the demonstration project. The calculations may not include solid waste diverted from waste reduction or recycling facilities or activities in existence or for which a special study report is submitted on or before the date of application for the waste reduction and recycling demonstration project grant.

4. A statement describing the anticipated ease with which communities or other recycling or resource recovery entities can adopt and incorporate the proposed demonstration project into existing programs.

5. A complete description of the proposed testing and evaluation procedures to be used throughout the demonstration project.

6. If the applicant seeks to qualify a project as demonstrating a technology or institutional arrangement in a geographical area of the state, rather than the entire state, a statement is required describing how the area is different or unique from the area where a facility or a given concept is now operating.

7. The applicant may designate any information submitted under par. (b) as a trade secret. The department may require the applicant to substantiate that the information is in fact a trade secret. Any information that both the department and the applicant determines to be a trade secret shall be kept confidential by the department.

(c) Verification that all applicable federal and state permits, approvals, licenses or waivers necessary to implement the demonstration project have been obtained or applied for and will be obtained within 60 days. Receipt of a demonstration project grant will not relieve the applicant of its obligations to comply with all state and federal laws, regulations, and standards for environmental quality as may be applicable to the demonstration project.

(d) A description of proposed information and education activities designed to provide citizens an opportunity to be informed, and where appropriate, the ability to participate in the demonstration project.

(e) A statement of the estimated costs for conducting the demonstration project. Estimates shall be provided for all major planned activities or purchases and supported by documentation on how all estimates were determined.

(f) A review of all literature that may be pertinent to the proposed demonstration project.

(g) A timetable for completion of the demonstration project. The timetable shall show anticipated dates for major planned activities, including, as may be required, the submittal of interim and final reports to the department.

SECTION 20. NR 186.08 to NR 186.11 are renumbered NR 186.09 to NR 186.12.

SECTION 21. NR 186.08 is created to read:

NR 186.08 FINAL REPORTS. (1) FINAL REPORT REQUIREMENTS. All applicants who receive a grant for a waste reduction and recycling plan or for a waste reduction and recycling demonstration project shall, at a minimum, provide the following information in the final report.

(2) WASTE REDUCTION AND RECYCLING PLANS. Waste reduction and recycling plans shall include the following:

(a) An introduction which summarizes past and present solid waste management planning and systems operating within the planning area, including local, county, and private contractors' responsibilities. This section shall identify major waste reduction, reuse, recycling, composting, and energy recovery activities within the planning area and describe known limitations or problems occurring with those systems.

(b) A discussion of the existing land disposal facilities, including information on remaining landfill capacities, expansion potential, locational and operational problems, annual tonnage received, service area, and any proposed plans to close or modify existing sites or to construct new land disposal facilities.

(c) A waste characterization and waste quantity study that spans the length of the grant period. This study shall include all waste types generated within the planning area and shall include calculations that determine the quantities of materials available for recycling, composting, and the energy content of the solid waste remaining after the recyclable materials are removed.

(d) A survey of recycling markets available within the planning area or within an accessible and economical distance outside the immediate planning area. This section shall also describe in detail, existing recycling or resource recovery facilities currently operating or proposed for the planning area. Consideration shall be given to the potential for cooperative or networking efforts by local recycling or resource recovery programs to move larger quantities of recycled materials more economically to distant markets. The creation or the expansion of local markets shall also be explored.

(e) The current efforts within the planning area to comply with ss. 144.48 and 144.796, Stats., for waste oil and recycling collection facilities' requirements and if applicable, a timetable in which full compliance will be accomplished.

(f) A section detailing the alternatives available to the planning area to reduce its dependency on land disposal. The concepts or technologies of waste reduction, reuse, recycle, compost, and energy recovery shall be researched. Proposals for each concept, which are implementable within the planning area

shall be developed. The discussion of alternatives shall include mitigation measures that would minimize any adverse environmental impacts that are identified. At a minimum, alternatives that shall be considered include:

1. The establishment of, or participation in, regional programs to recover resources from solid waste.
 2. The comparison and determination of the effectiveness of drop-off, curbside, and redemption center recycling programs for the planning area. This section shall include examples of these different programs currently operating within the state.
 3. The feasibility of instituting mandatory recycling, flow control as described in s. 144.794, Stats., and other local enforcement or incentives to encourage maximum participation in recycling and resource recovery programs within the planning area. A municipality is not required to establish beverage container deposit regulations as a condition of receiving a grant under this chapter. This section shall investigate any impacts that these techniques might have on private landfill or solid waste collection services.
 4. A survey conducted to identify the potential energy markets capable of using at least 25% of the energy available in the waste stream generated within or available to the planning area.
 5. A section that promotes and describes how citizens can compost organic household residues in backyards. This section shall also examine larger community yard waste and mixed waste co-compost programs. This discussion shall include the identification of potential sites and equipment needs and the proposed methods to collect, transport, and process the waste material. Local markets that may utilize the compost shall also be identified.
 6. A section that addresses the proper disposal of residual wastes which remain after solid waste reduction, reuse, recycling, composting, or energy recovery activities.
 7. A discussion of other alternatives, determined by the grantee as necessary to reduce the planning area's dependency on land disposal facilities.
- (g) Cost evaluations and projections for collecting, storing, processing, transporting, and marketing recovered materials for each of the implementable alternatives developed in par. (f). All cost estimates shall take into consideration the avoided cost of land disposal resulting from each alternative.

(h) Financial mechanisms to finance the implementable alternatives developed in par. (f) shall be explored.

(i) Recommendations and conclusions based on the findings in pars. (f) to (h), including a timetable for implementation.

(j) Develop and implement an ongoing public information and education program designed to keep citizens informed and provide them the opportunity to participate. Information and education efforts shall focus on waste collectors, land disposal site owners and operators, recycling and resource recovery facilities, commercial, industrial, and educational institutions, as well as the general public. This program shall disseminate information on:

1. Specific waste reduction, reuse, recycling, composting, and energy recovery opportunities available within the planning area and outside the planning area if appropriate.

2. The benefits and the success of waste reduction, reuse, recycling, composting, and energy recovery programs operating within the state.

3. The progress, strategies, and final recommendations resulting from the waste reduction and recycling planning efforts. The final report shall document all informational and educational activities that have been conducted throughout the planning period.

(k) An appendix that includes all references and supporting documents appropriate to the final report. A summary of all applicable state and federal laws and regulations shall also be made part of the appendix.

(3) WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECT REPORTS shall include the following:

(a) Documentation of all project activities conducted during the grant period, including the achievements, limitations, and shortcomings with respect to the originally stated project goals and objectives. This discussion of project activities shall include mitigation measures that would minimize any adverse environmental impacts identified that full implementation of the project might have.

(b) Documentation of all project modifications that may have occurred, including the explanation of why modifications were necessary.

(c) Documentation of all project expenditures for the entire demonstration project period.

(d) A discussion of the requirements necessary to expand the application of the demonstration project statewide. This section shall include economic, environmental, technical, social, and political limitations, and any other considerations that may hinder the implementation of the demonstration project on a wider scale.

(e) All technical aspects of the demonstration project, both positive and negative, in complete detail, including but not limited to plan sheets, engineering drawings, and equipment specifications.

(f) Documentation of all public information and educational activities which were conducted throughout the demonstration project.

(g) The conclusions and final recommendations, including an evaluation of the technical effectiveness, environmental effects, and economic feasibility of the methods and techniques demonstrated.

(h) An appendix that includes all references and supporting documents appropriate to the final report. A summary of all applicable state and federal laws and regulations shall also be made part of the appendix.

(4) PRELIMINARY AND FINAL REPORTS. Each applicant who receives a waste reduction and recycling planning grant shall submit to the department, within 12 months after accepting the grant, a preliminary report which contains details of planning achievements, findings, problems, and other information appropriate to the plan. Within 60 days prior to the termination of the grant period, the department shall either schedule a meeting or provide written comments to the grantee on the preliminary report. The final report shall include all changes or additional information required by the department and shall be submitted to the department within 60 days after the grant expiration date. Each applicant who receives a waste reduction and recycling demonstration grant shall submit interim reports according to the schedule provided in the grant agreement. The department may provide the grantee written comments on the interim reports and if applicable, may require additional information in which case would be required in the final report. The final report for waste reduction and recycling demonstration projects shall be submitted to the department within 60 days after the grant expiration date.

SECTION 22. NR 186.09 (1) as renumbered is amended to read:

NR 186.09 (1) SUBMITTAL REQUIREMENTS. All applicants shall submit the completed areawide solid waste management plan, site feasibility study, waste reduction and recycling plan, demonstration project or special study project to the department for review and approval consistent with ch. 144, Stats., and rules adopted under that chapter. A copy of each plan shall also be sent to the appropriate regional planning commission or other planning agency for their comment as to whether the plan is in conflict with any plans adopted by the agency. ~~For special studies pertaining to resource recovery, applicants shall also submit a copy of the special study project report to the Wisconsin solid waste recycling authority for comment.~~

SECTION 23. NR 186.09(4)(e) is created to read:

NR 186.09(4)(e) Satisfactory completion of the final special study report.

SECTION 24. NR 186.09 (5) and (6) are created to read:

NR 186.09 (5) APPROVAL CRITERIA FOR WASTE REDUCTION AND RECYCLING PLANS. In evaluating the completed waste reduction and recycling plan, the department shall consider the following factors:

(a) Satisfactory completion of the detailed scope of work identified in the grant application.

(b) A signed formal resolution showing adoption of the waste reduction and recycling plan and the grantee's commitment to implement all final recommendations.

(c) Satisfactory completion of the requirements in s. NR 186.08(2).

(d) The waste reduction and recycling plan's consistency with the department-approved areawide solid waste management plan or department-approved update.

(e) Satisfactory compliance with s. 144.782(4), Stats., approval criteria.

(6) APPROVAL CRITERIA FOR WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECTS. In evaluating the completed waste reduction and recycling demonstration project, the department shall consider the following factors:

- (a) Satisfactory completion of the detailed scope of work identified in the grant application.
- (b) Satisfactory completion of the requirements in s. NR 186.08(3).
- (c) Satisfactory compliance with s. 144.799, Stats., approval criteria.

SECTION 25. NR 186.10 (1) (Intro.), (b) to (d), (h), (k), and (l)l., as renumbered are amended to read:

NR 186.10 (1) GENERAL CONSIDERATIONS. The following conditions apply to planning grants, site feasibility study grants, waste reduction and recycling planning grants, demonstration project grants and to special study project grants:

(b) The grant recipient's share of preparing the plan, site feasibility study, or waste reduction and recycling plan or demonstration project, or special study project may not be less than 25% of the total eligible costs of the project.

(c) All available federal funding under the resource conservation and recovery act for areawide solid waste management planning, disposal site feasibility studies, waste reduction and recycling plans, and special study projects shall be utilized by the department to supplement and increase the levels of funding available for grants awarded under this chapter to the maximum extent possible.

(d) ~~The areawide-planning-grant-period-and-the-site-feasibility-grant-period~~ grant periods for areawide planning, site feasibility, and waste reduction and recycling planning shall be 18 months after the date of acceptance. Each special study project grant is valid for one year after the date of acceptance. The grant period for demonstration projects shall be determined on a case-by-case basis and stated in writing in the grant agreement. The department may determine, on a case-by-case basis, that a time extension is warranted. The length of such an extension shall be determined by the department.

(h) After an applicant has accepted a grant offer, the department shall make available to the applicant 75% of the total amount of the grant. The remaining 25% of the total amount of the grant shall be paid to the applicant only if the final plan, site feasibility study report, waste reduction and recycling plan, demonstration project or special study project report and final accounting of project expenditures have been approved, in writing, by the department.

(k) The grant applicant shall maintain appropriate records to document expenditures made during development of the plan, site feasibility study, waste reduction recycling plan, demonstration project or special study project report. These records shall be made available to the department upon request.

(l). There has been no substantial performance on the plan, site feasibility study, waste reduction and recycling plan, demonstration project, or special study project work by the grantee, without good cause;

SECTION 26. NR 186.10(1)(m) is created to read:

NR 186.10(1)(m) The department may not consider the establishment of beverage container deposit regulations as a factor in issuing any grant under this chapter.

SECTION 27. NR 186.10(2)(a) and (4) as renumbered are amended to read:

NR 186.10 (m)(2) AREAWIDE SOLID WASTE MANAGEMENT PLANNING GRANTS. (a) Grant payments. The department may make grant payments to planning applicants which provide up to 50% of the estimated total eligible cost of the applicant's areawide solid waste management plan. The grant may not exceed ~~\$50,000~~ \$100,000. The department may make grant payments to waste reduction and recycling planning applicants which provide up to 50% of the estimate total eligible cost of the applicant's waste reduction and recycling plan. The grant may not exceed \$50,000. A grant recipient is not eligible to receive more than one solid waste management planning grant or more than one waste reduction and recycling planning grant recipient-is-eligible-to receive-additional-planning-grants under this chapter. ~~However, both a~~ A county and a regional planning commission may, however, each receive one solid waste management planning grant or one waste reduction and recycling planning grant for the same area under this section, ~~provided that~~ if the plan objectives are substantially different.

(4) SPECIAL STUDY PROJECT GRANTS. The department may award a grant to a special study applicant which provides up to ~~25%~~ 50% of the total estimated cost of the special study project. The grant may not exceed \$50,000. An applicant may receive more than one special project grant under this chapter, provided that no more than one application is submitted for any one year. All previously awarded special study projects

shall be satisfactorily closed out, including the financial audit, by the department before an applicant is awarded another grant.

SECTION 28. NR 186.10 (4) as renumbered is amended to read:

NR 186.10 (4) SPECIAL STUDY PROJECT GRANTS. The department may award a grant to a special study applicant which provides up to ~~25%~~ 50% of the total estimated cost of the special study project. The grant may not exceed \$50,000. An applicant may receive more than one special project grant under this chapter, provided that no more than one application is submitted for any one year.

SECTION 29. NR 186.10 (5) is created to read:

NR 186.10 (5) WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECT GRANTS. The department may award a grant to a demonstration project applicant which may not exceed 50% of the actual development cost or \$75,000, whichever is less. An applicant may only receive one demonstration project grant for any one specific project, or projects that are closely related.

SECTION 30. NR 186.11 (1), (2) (Intro.) and (3) (Intro.) as renumbered are amended to read:

NR 186.11 (1) To the greatest extent possible, applications for ~~areawide-solid-waste-management~~ waste reduction and recycling planning grants shall receive first consideration in each grant cycle for approval and funding by the department. To the greatest extent possible, applications for ~~specific-solid-waste disposal-site-feasibility~~ special studies shall receive second consideration in each grant cycle for funding by the department. Applications for ~~spectat-study-project~~ specific solid waste disposal site feasibility studies grants shall receive third consideration in each grant cycle for funding by the department. Applications for areawide solid waste management planning grants shall receive fourth consideration in each grant cycle for funding by the department.

(2) Factors and scoring methods used by the department in developing funding priorities for individual plans and site feasibility studies are:

(3) Factors and scoring methods used by the department in developing funding priorities for special ~~study-projects~~ waste reduction and recycling plans are:

SECTION 31. NR 186.11 (3)(d) is created to read:

NR 186.11(3)(d) Existing waste reduction, reuse, recycling, composting, and energy recovery activities. The score shall be a number equal to 100 minus the percentage of the applicant's solid waste already served by waste reduction, reuse, recycling, composting, and energy recovery activities.

SECTION 32. NR 186.11 (4) and (5) are renumbered NR 186.11 (6) and (7).

SECTION 33. NR 186.11 (4) and (5) are created to read:

NR 186.11 (4) Factors considered by the department in developing funding priorities for special studies are:

(a) The applicant's performance on previous study projects for which the department awarded a special study grant and the progress made in implementing the study's final recommendations. Previous special study projects shall be closed out including the department's financial audit.

(b) The degree to which the proposed study will contribute to the state's solid waste recycling and resource recovery order of priorities as defined by ss. 144.782 and 144.792, Stats.

(c) The quality of the proposed study's plans for organization and implementation of the study.

(d) The demonstrated level of support for the study by the local government, businesses, and citizens as may be evident by cash, in-kind, and volunteer commitment from the community.

(e) The cost effectiveness and reasonableness of the goals stated in the special study application.

(5) Factors considered by the department in developing funding priorities for waste reduction and recycling demonstration projects are:

(a) The proportion of the total waste stream that will potentially be recovered from the waste stream and the extent that the demonstration project may extend the life of existing land disposal facilities in the area.

(b) The degree to which the technology or institutional arrangements demonstrated by the demonstration project are applicable to other Wisconsin cities, villages, townships, counties, nonprofit organizations, or private businesses.

(c) The evidence of cash, in-kind, and other forms of tangible support from the applicant, including, but not limited to the private sector, civic organizations, and other governmental agencies or departments.

(d) The applicant's demonstrated ability to carry out the demonstration project as determined by credentials, experience, and the quality and significance of the measurements to be used in evaluating the demonstration project's achievements, and the level of detail provided in the application.

(e) The degree to which the demonstration project will contribute to the order of state priorities as defined in s. 144.792, Stats.

(f) Other priorities for distributing demonstration project grants as defined by s. 144.799, Stats.

SECTION 34. NR 186.11 (5) (c) as renumbered is amended to read:

NR 186.11(5)(c) Weighing values for priority list factors for ~~spectat-project-studies~~ waste reduction and recycling plans.

Factor	Weighing Value
Current disposal	4
<u>Waste reduction - recovery</u>	<u>3</u>
Waste generation	3
Size of area	1

SECTION 35. NR 186.11 (6), as renumbered, is amended to read:

NR 186.11 (6) The department shall attempt to award all available monies during each year of the program. Should the amount of funds available be less than the total demand of all applications, the department shall first make full share awards to planning waste reduction and recycling planning applicants by descending priority list rank, secondly to ~~site-feasibility~~ special study applicants by descending priority list rank, and thirdly to ~~spectat~~ site feasibility study project applicants by descending priority

list rank, and fourth to planning applicants by descending priority list rank. Applicants who do not receive funding for their project may apply in future program years.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on 8-21-85.

The rules contained herein shall take effect as provided in s. 227.026(1)(Intro.), Stats.

Dated at Madison, Wisconsin December 9, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By CD Besadny
Carroll D. Besadny, Secretary

(SEAL)

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