



CR 85-192

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

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-32-85 was duly approved and adopted by this Department on April 24, 1986. 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 14th day of July, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD AMENDING AND CREATING RULES

.....
IN THE MATTER of amending s. .
NR 181.12(4)(a) and creating ch. NR 187, .
Wisconsin Administrative Code, .
pertaining to the household hazardous . SW-32-85
waste collection and disposal grant .
program .
.....

Analysis Prepared by the Department of Natural Resources

Chapter NR 187, Wis. Adm. Code, is being created to implement s. 144.75, Stats. The rules contained in ch. NR 187 establish general conditions and eligibility requirements for grant applications, application procedures, approval criteria and a priority system for the issuance of household hazardous waste grants. Section NR 181.12(4)(a), Wis. Adm. Code, is being amended so that household hazardous waste collection sites will not require licensing as a hazardous waste storage facility if accumulated waste is removed within five days after it is collected.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.62(5), 144.75 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby amends and creates rules interpreting s. 144.75, Stats., as follows:

SECTION 1. NR 181.12(4)(a) is amended to read:

NR 181.12(4)(a) Household waste, including waste that has been collected, transported, stored, treated, disposed of, recovered or reused, except if the hazardous waste in this stream is separated and accumulated ~~by a person other than a member of the household where the waste is generated~~, for later treatment, storage or disposal. ~~Such accumulation is, subject to regulation under this chapter.~~

by a person other than:

1. A member of the household where the waste is generated; or

2. A municipality which accumulates household waste for 5 days or less in a clean sweep program as defined in s. NR 187.03(1).

Note: The accumulation, treatment, storage and disposal of household wastes which are not excluded under this paragraph are subject to regulation under this chapter.

SECTION 2. Chapter NR 187 is created to read:

CHAPTER NR 187
HOUSEHOLD HAZARDOUS WASTE
GRANT PROGRAM

NR 187.01 PURPOSE. The purpose of this chapter is to establish the criteria necessary to implement the household hazardous waste grant program under s. 144.75, Stats. Through this program, financial assistance will be made available to municipalities to create and operate local "clean sweep" programs for the collection and disposal of household hazardous waste. These programs are intended to divert such wastes away from municipal landfills, sewers and septic systems and to provide for the management of household hazardous waste in a licensed hazardous waste treatment, storage, or disposal facility.

NR 187.02 APPLICABILITY. This chapter governs the general conditions and eligibility requirements for grant applications, application procedures, approval criteria, and a priority system for the issuance of household hazardous waste grants.

NR 187.03 DEFINITIONS. (1) "Clean sweep program" means a program for the collection and disposal of household hazardous waste.

(2) "Department" means department of natural resources.

(3) "First grant cycle" means the processing of grant applications received by the department after July 1 and before August 2 of each year.

(4) "Hazardous waste" has the meaning specified under s. 144.61, Stats.

(5) "Household hazardous waste" means hazardous waste generated by residential households.

(6) "Municipality" has the meaning specified under s. 144.01(6), Stats.

(7) "Second grant cycle" means the processing of grant applications received by the department after December 1 of each year and before January 2 of the next year.

NR 187.04 GRANT ELIGIBILITY. Municipalities that receive grants for clean sweep programs under this chapter shall comply with the following requirements:

(1) EDUCATIONAL LITERATURE. The program shall provide educational literature, which generally describes the hazards that may be associated with household hazardous waste, to citizens who participate in the clean sweep program.

(2) TRANSPORTERS. The program shall hire a licensed hazardous waste transportation service to collect, handle, pack, transport, and dispose of household hazardous waste.

(3) STORAGE REQUIREMENTS. The program shall comply with the hazardous waste storage facility requirements in ch. NR 181 if collected household hazardous waste is not removed from collection sites within 5 days after the day collection takes place.

NR 187.05 GRANT APPLICATION. (1) GRANT CYCLES. First grant cycle applications may only be submitted to the department after July 1 of each year and before August 2 of the same year. Based on the availability of funds, the department may administer a second grant cycle, in which case applications may only be submitted to the department after December 1 and before January 2 of the next year.

(2) APPLICATIONS. (a) Applications shall be submitted on forms supplied by the department.

(b) Grant applicants shall submit the following in writing with the application form:

1. A statement that describes the municipality's proposed clean sweep program activities in detail and which, at a minimum, includes the following:

a. A statement describing the program's scope of activities and objectives. This statement shall identify the personnel responsible for program planning, coordination and implementation.

b. A description of proposed information and education activities designed to inform citizens of the opportunity to participate in clean sweep program activities.

2. A budget showing estimated clean sweep program costs for major planned activities, estimated in-kind costs (e.g., salaries, benefits and costs of materials) which may be counted toward the applicant's matching share, and documentation on how all estimates were made.

3. A formal resolution by the governing body of the municipality which:

- a. Authorizes the grant application;
- b. Expresses the municipality's intent to carry out all proposed activities described within the grant application;
- c. Grants department employees access to inspect proposed clean sweep program collection sites.
- d. Commits the municipality to maintain appropriate records to document all expenditures made during the clean sweep program, and to submit to the department a final report describing all clean sweep program activities, achievements and problems, comparing the actual program with the activities and objectives proposed in the municipality's grant application, including samples of all information-educational brochures prepared and distributed, and data on residents' rates of participation, waste quantities collected by category, documentation of all project costs, and a recommendation section.

4. A timetable for completion of the clean sweep program for which the application is submitted, showing anticipated dates of information and education activities, waste collection, and the submittal of a final report to the department.

NR 187.06 INELIGIBLE COSTS. The following costs are ineligible for cost-sharing under this chapter:

- (1) Costs incurred prior to the grant offer.
- (2) Costs incurred more than 12 months after the date of grant acceptance.
- (3) Any additional expenditures incurred by the grantee over the amount of the original estimated program cost.
- (4) Any cost increases related to changes in the project's scope. The scope of the project may be amended after acceptance of the grant award, but this amendment is subject to department approval, and may not result in an increase in the amount of the grant award.

NR 187.07 GRANT AWARDS. (1) GRANT DETERMINATION. The department shall determine the eligibility and the priority of each grant application received. Grant funds shall be awarded to eligible first grant cycle applicants in the order of their priority under s. NR 187.08, by September 1 of each year and available grant funds shall be awarded to eligible second grant cycle applicants, in the order of their priority under s. NR 187.08, by March 1 of each year.

(2) STATE SHARE. Grantees shall be paid the state share of up to 75% of eligible costs, but not exceeding \$15,000 per grant award. The grantee's share shall be at least 25% of the total eligible costs of the clean sweep program. The grantee's share may consist of salaries, benefits, the cost of construction or remodeling facilities to be used as collection sites, and the cost of materials utilized to provide clean sweep program related services including, but not limited to, grant administration, program planning and coordination, information-education promotional activities, and final report preparation. The state's share of the grant shall be used primarily for training clean sweep program collection site operators and for the professional services required for collecting, handling, packing, transporting, and disposal of household hazardous waste.

(3) GRANT PAYMENTS. After an applicant has accepted a grant offer, the department shall pay to the applicant 75% of the total amount of the grant. The remaining 25% shall be paid to the applicant after submittal of the final report and final expenditures have been audited and approved, in writing, by the department. Documentation of program expenditures shall be submitted to the department within 30 days after completion of the clean sweep program or within 12 months after the date of grant acceptance, whichever occurs first.

Any unexpended grant monies shall be returned to the department within 60 days after the department has completed its final audit of program expenditures and has notified the grantee, in writing, of the unexpended amount.

NR 187.08 GRANT REVOCATION. The department may terminate the grant and the grant recipient shall return the full grant amount, if the department determines that:

- (1) There has been no substantial performance of the clean sweep program by the grantee;
- (2) There is substantial evidence that the grant was obtained by fraud; or
- (3) There is substantial evidence of gross abuse or corrupt practices in the administration of the program.

NR 187.09 PRIORITY DETERMINATION. (1) CONTINUING COMMITMENT. Grant applications which contain documentation that the applicant is committed to an annual program to promote proper handling and disposal of household hazardous waste will be given priority in the grant approval process.

(a) The following documentation will be considered by the department in determining whether or not an applicant has made a satisfactory commitment to conduct such a program:

1. A formal resolution by the applicant that the municipality is committed to undertaking annual action to promote the proper handling and disposal of household hazardous waste;

Note: Such actions may include providing information to citizens annually on the hazards that may be associated with household hazardous wastes and how to safely handle, store, and dispose of these wastes. Other actions may

include sponsoring periodic clean sweep programs or informing citizens of other services available for the proper disposal of household hazardous wastes. These actions may be made part of the formal resolution required under NR 187.05(2)(b)3.

2. Documentation that shows commitment by the applicant to include funds for annual household hazardous waste program activities in the public works, solid waste, or other appropriate department's annual budget; and

3. Demonstrated commitment to annual household hazardous waste programs from civic organizations, or private foundations.

(2) PRIORITY BASED ON DATE RECEIVED. If the amount of funding requested in complete applications exceeds the amount available in the household hazardous waste grant account, complete applications will be given priority in the order received by the department. The date received will be determined by the U.S. postal service postmark. For hand delivered applications, the date received will be determined by the date stamped by the department.

(3) ADDITIONAL GRANTS. A previous household hazardous waste grant recipient is eligible to receive additional household hazardous waste grants, not exceeding \$15,000 per grant, if monies are available after funding all first-time applicants.

Note: Applicants who do not receive funding for their project may apply in future grant cycles.

NR 187.10 EXEMPTIONS. An applicant may request an exemption from any of the requirements of this chapter by submitting a written request and justification for an exemption. Exemption requests shall be reviewed by the department with particular regard to any potential nuisance, hazard to public

health or safety, or potential degradation of the environment. Any exemptions granted by the department shall be in writing, stating the reasons for the exemption.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 24, 1986.

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

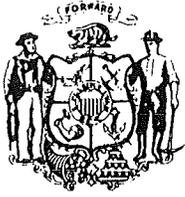
Dated at Madison, Wisconsin July 11, 1986

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

July 14, 1986

IN REPLY REFER TO: 1020

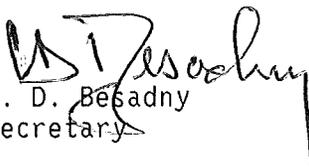
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. SW-32-85. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

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