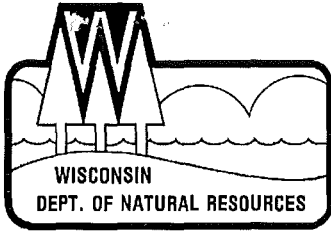


CR 94-99



George E. Meyer
Secretary

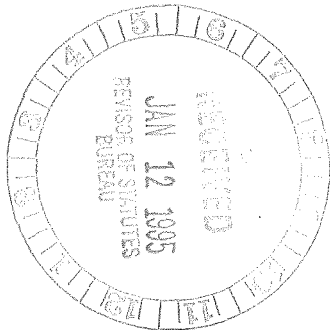
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-21-94 was duly approved and adopted by this Department on September 29, 1994. 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 the Natural Resources Building in the City of Madison, this 9th day of January, 1995.

George E Meyer
George E. Meyer, Secretary

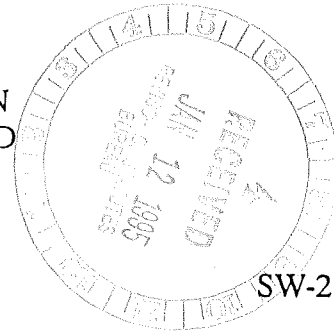
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2-1-95



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ORDER
OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
CREATING A RULE



IN THE MATTER of creating ch. NR 545
of the Wisconsin Administrative Code relating
to effective recycling program designation
for out-of-state units.

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 159.03 (1) (a), 159.11 (1) and 227.11 (2) (a), Stats.
Statutes interpreted: ss. 159.11 (1) and 159.11 (2e), Stats.

An out-of-state unit, which is a local governmental unit located in a state other than Wisconsin, is required to implement and maintain an effective recycling program by January 1, 1995, if municipal solid waste generated in the out-of-state unit is disposed of in a Wisconsin landfill or incinerator. In addition, the out-of-state unit must be located in a state with an effective siting program under s. 159.12, Stats. For an out-of-state unit's recycling program, the Department is required by statute to promulgate by rule its determination that the program is effective. Chapter NR 545 designates the out-of-state units that have recycling programs approved as effective by the Department.

SECTION 1. Chapter NR 545 is created to read:

Chapter NR 545

OUT-OF-STATE UNITS WITH EFFECTIVE RECYCLING PROGRAMS

- NR 545.01 Purpose
- NR 545.02 Applicability
- NR 545.03 Definitions
- NR 545.04 Designation of out-of-state units with effective recycling programs
- NR 545.05 Maintenance of effective recycling program approval

NR 545.01 Purpose. The purpose of this chapter is to designate by rule as required under s. 159.11 (1), Stats., the out-of-state units which have effective recycling programs under s. 159.11 (2e), Stats.

Note: The landfill and incineration prohibitions in s. 159.07 (3) and (4), Stats., do not apply to solid waste generated in out-of-state units which have effective recycling programs as determined under s. 159.11, Stats., and which are located in a state with an effective siting program as determined under s. 159.12, Stats.

NR 545.02 Applicability. This chapter applies to an out-of-state unit that has applied for effective recycling program approval in accordance with ss. NR 544.08 and 544.15 and has been determined by the department to have an effective recycling program under s. NR 544.09 (1).

NR 545.03 Definitions. In this chapter:

- (1) "Department" means the department of natural resources.
- (2) "Out-of-state unit" has the meaning specified in s. 159.01 (5), Stats.

NR 545.04 Designation of out-of-state units with effective recycling programs. (1) The following out-of-state units have submitted applications for effective recycling program approval to the department in accordance with ss. NR 544.08 and 544.15:

- (a) Fillmore county, Minnesota
- (b) Houston county, Minnesota
- (c) City of Lansing, Iowa
- (d) City of Harpers Ferry, Iowa
- (e) City of Waukon, Iowa
- (f) Wabasha county, Minnesota
- (g) Goodhue county, Minnesota
- (h) Carlton county, Minnesota
- (i) City of New Albin, Iowa
- (j) Western Lake Superior sanitary district, Minnesota

(k) Pope/Douglas solid waste management, Minnesota

(2) Upon review of the applications received under sub. (1), the following out-of-state units have been determined by the department to have solid waste management programs which are effective recycling programs in accordance with s. 159.11 (2e), Stats., and ss. NR 544.08 and 544.15:

(a) Fillmore county, Minnesota, conditional approval dated September 9, 1994.

(b) Houston county, Minnesota, conditional approval dated September 9, 1994.

(c) City of Lansing, Iowa, conditional approval dated September 9, 1994.

(d) City of Harpers Ferry, Iowa, conditional approval dated September 9, 1994.

(e) City of Waukon, Iowa, conditional approval dated September 9, 1994.

(f) Wabasha county, Minnesota, conditional approval dated September 9, 1994.

(g) Goodhue county, Minnesota, conditional approval dated September 9, 1994.

(h) Carlton county, Minnesota, conditional approval dated September 9, 1994.

(i) City of New Albin, Iowa, conditional approval dated September 9, 1994.

(j) Western Lake Superior sanitary district, Minnesota, conditional approval dated September 9, 1994.

(k) Pope/Douglas solid waste management, Minnesota, conditional approval dated September 9, 1994.

NR 545.05 Maintenance of effective recycling program approval. (1) An out-of-state unit with an effective recycling program designated under this chapter shall submit an annual program report to the department as required under s. NR 544.10. The department shall review the annual program report to determine compliance with the conditions of effective program approval and compliance with s. 159.11, Stats., and ch. NR 544.

(2) Notwithstanding the determination under s. NR 545.04 (2), if the department finds that an out-of-state unit is not in compliance with s. 159.11, Stats., ch. NR 544, or the conditions of its effective recycling program approval issued by the department, the department may take any of the actions specified in s. NR 544.11 (2).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 29, 1994.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin 1/9/95

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

