

Chapter NR 186

SOLID WASTE MANAGEMENT GRANT PROGRAM

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NR 186.01 Purpose. The purpose of these rules is to implement the solid waste management grant program under s. 287.25, Stats., 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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. Register, January, 1983, No. 325, eff. 2-1-83; am. Register, February, 1986, No. 362, eff. 3-1-86; correction made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.

NR 186.02 Applicability. This chapter governs the general conditions, eligibility for application, application procedure, approval criteria, and priority system to implement the Wisconsin solid waste management grant program.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

NR 186.03 Definitions. For purposes of these regulations:

(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".

(2) "Applicant for a specific solid waste disposal site feasibility grant" means a town, village, city, or county, or more than one town, village, city, or county acting jointly, which presents an application for funding a proposal to conduct a specific solid waste disposal site feasibility study which is consistent with a previously adopted, department-approved areawide solid waste management plan or an approved and adopted update.

(3) "Applicant for a specific solid waste special study project grant" means a town, village, city, or county, or more than one town, village, city, or county acting jointly, which presents an application for funding a proposal to conduct a specific solid waste special study project which is consistent with a previously adopted, department-approved areawide solid waste management plan or an approved and adopted update.

(4) "Applicant for an areawide solid waste management planning grant" means a regional planning commission or a county, or more than one regional planning commission or county acting jointly, which presents an application for funding a proposal to develop an areawide solid waste management plan.

(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.

(7) "Areawide solid waste management plan" means a solid waste management plan developed by a regional planning commission or a county or more than one regional planning commission or county acting jointly.

(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.

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

(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 \$100,000. For site feasibility 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 a plan, site feasibility study, waste reduction and recycling plan or demonstration project or special study project.

(13) "Plan" means "areawide solid waste management plan".

(14) "Planning applicant" means "applicant for an areawide solid waste management planning grant".

(15) "Planning area" means the geographical area for which the plan is prepared. For this chapter, the planning area shall be, at a minimum, the area within a county.

(16) "Resource conservation and recovery act" means the federal resource conservation and recovery act, 42 USC 6901 to 6987, as amended on the effective date of this paragraph (February 1, 1983).

(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.

(18) "Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other such waste having similar characteristics and effects.

(19) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source, special nuclear or by-product material as defined under s. 254.31, Stats.

(20) "Solid waste management" means the systematic administration of activities which provide for the source reduction, source separation, storage, collection, transportation, transfer, processing, treatment, resource recovery and disposal of solid waste.

(21) "Solid waste management plan" means a plan prepared pursuant to s. NR 185.07 to provide for solid waste management.

(22) "Specific solid waste disposal site feasibility study" means the study which describes the physical conditions of the proposed site including a description of the site's topography, soils, geology, ground and surface waters, and other features of the site and surrounding area. The study shall also include preliminary engineering design concepts including the proposed design capacity of the site and an indication of the quantities and characteristics of the wastes to be disposed of. Leachate treatment studies and public involvement programs related to the project may also be completed as part of the study.

(23) "Study" means "specific solid waste disposal site feasibility study".

(24) "Site feasibility study applicant" means "applicant for a specific solid waste disposal site feasibility grant".

(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, and composting studies. Special study projects may include, but are not limited to system management studies relating to cost analysis and financing arrangements, market research and commitments, risk assessments, final design and other work required prior to undertaking full scale project development.

(26) "Special study applicant" means an applicant for a specific sludge management or resource recovery feasibility study grant.

(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.

(28) "Total eligible cost 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. Test equipment and installation costs that may be required to perform special study project investigations and indirect costs may be allowable but 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.

(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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) and (2), renum. (3) to (5) to be (4) to (6) and cr. (3), renum. (6) to (9) to be (7) to (10) and am. (7), renum. (10) to (16) to be (12) to (18) and am. (16) and (18), renum. (17) to be (21) and am., cr. (11), (19) and (20), Register, January, 1983, No. 325, eff. 2-1-83; am. (1), renum. (5) to (21) to be (7), (11) to (16), (18) to (26) and (28) and am. (12), (25) and (28), cr. (5), (6), (8) to (10), (17), (27) and (29) to (33), Register, February, 1986, No. 362, eff. 3-1-86; **corrections in (19) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.**

NR 186.05 Impact of other programs. Funds available under the resource conservation and recovery act shall be awarded according to the intent of s. 287.25, 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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. Register, January, 1983, No. 325, eff. 2-1-83; am. Register, February, 1986, No. 362, eff. 3-1-86; correction made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.

NR 186.06 Eligibility for application. (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. 289.01 (11), Stats., hazardous waste as defined under s. 291.01 (7), Stats., or source material as defined under s. 254.31 (10), Stats., or by-product material or special nuclear material as defined under s. 254.31 (1) and (11), Stats.

(2) AREAWIDE SOLID WASTE MANAGEMENT PLANS. To apply for an areawide solid waste management 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 and be designated by the governor to act as an areawide solid waste planning agency.

(b) The applicant must not previously have been a planning grant recipient under this program.

(3) DISPOSAL SITE FEASIBILITY STUDIES. To apply for a site feasibility study grant, the applicant shall satisfy the following minimum eligibility criteria:

(a) The applicant shall be a town, village, city or county, or more than one town, village, city or county acting jointly.

(b) An areawide solid waste management plan for the study area shall have been approved by the department under ch. NR 185, and a resolution stating the entity's intent to implement the plan shall be passed by the county or regional planning commission or a group of counties or regional planning commissions for which the plan was prepared.

(c) The applicant must intend to complete detailed investigations of potentially acceptable disposal sites on at least one site consistent with a department-approved areawide solid waste management plan.

(4) To apply for a special study grant, the applicant shall satisfy the following minimum eligibility criteria:

(a) The applicant shall be a town, village, city or county or more than one town, village, city or county acting jointly.

(b) An areawide solid waste management plan or update for the study area shall have been approved by the department under ch. NR 185 and a resolution stating the entity's intent to implement the plan or update shall be passed by the county or regional planning commission or a group of counties or regional planning commissions for which the plan or update was prepared.

(c) The proposed special study project is recommended in a department-approved areawide solid waste management plan or an approved and adopted update, and the applicant must intend to implement the portion of the plan or update requiring the study if feasible.

(5) 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) 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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (3) (intro.) and (c), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83; am. (1) and cr. (5) and (6), Register, February, 1986, No. 362, eff. 3-1-86; corrections in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.

NR 186.07 Application process and content.

(1) The general application procedures to be followed by all applicants and the department are:

(a) First grant cycle applications shall be submitted to the department after December 1 and on or before January 2 of the next year. Based on the availability of funds, the department may administer a second grant cycle in which case applications shall be submitted to the department after June 1 and on or before July 2 of the same year. In either case, applications shall be made on forms supplied by the department. One copy of the application shall be sent to the appropriate regional planning commission for advisory comment consistent with their clearinghouse functions.

(b) The department shall decide the 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.

(c) Successful applicants shall notify the department in writing of award acceptance by April 21 or September 21 of the same year. Applicants who fail to do this shall be ineligible for the award and these grant funds shall be made available to other eligible applicants.

(2) Areawide solid waste management plan applicants. Planning applicants shall submit the following in writing:

(a) A statement of the overall plan objectives.

(b) The methods proposed to develop the areawide solid waste management plan pursuant to ch. NR 185.

(c) A statement of the estimated total costs of developing the plan with adequate documentation of how the costs were arrived at.

(d) The timetable for plan development.

(e) A commitment that no grant monies shall 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.

(f) For regional planning commissions, signed agreements shall be obtained from the counties located in the planning area which identify the specific solid waste planning responsibilities of each county and the regional planning commission. Regional planning commissions acting jointly shall include a signed agreement which specifically identifies the responsibilities of each in the joint planning effort.

(g) Counties, acting jointly, shall include a signed agreement which specifically identifies the solid waste planning responsibilities of each in the joint planning effort.

(3) Specific solid waste disposal site feasibility study applicants. Study applicants shall submit the following in writing:

(a) Documentation that an areawide solid waste management plan has been approved under ch. NR 185, for the area by the department and adopted by the county or regional planning commission or a group of counties or regional planning commissions for which the plan is intended.

(b) A resolution indicating the applicant's intent to implement the solid waste management plan approved under ch. NR 185.

(c) A statement of the overall study objectives.

(d) The methods proposed to conduct the specific disposal site feasibility study shall be in accordance with ch. NR 512.

(e) A statement of the estimated total costs of conducting the study with adequate documentation on how the costs were arrived at.

(f) The timetable for study completion.

(g) That the site(s) to be investigated meet the following criteria:

1. Prior to making a grant award, the site shall be owned by the grant applicant or an option or other legally enforceable agreement affecting the property shall be obtained that allows the grant applicant to complete the feasibility study and develop and operate a land disposal facility for the anticipated life of the site and the period of responsibility for long-term care if the facility is approved by the department.

1m. If the site feasibility study grant application is filed for county forest land property, a statement must be provided by the county that:

a. The county would be willing to amend the 10 year county forest plan to accommodate a landfill or

b. The county would be willing to amend the county forest plan based on a withdrawal from county forest if a conditional use for interim management was not compatible with the 10-year forest plan.

2. a. The proposed site shall be located in an area identified as a "probable land disposal location" in a department-approved areawide solid waste management plan and based on a site inspection by the department, the site shall have the potential to meet all state solid waste management locational requirements and other environmental requirements at the department.

b. For all sites projecting a design capacity larger than 50,000 cubic yards, the applicant shall submit an "initial site report" as described in ch. NR 510 and shall receive written department confirmation that the potential sites merit feasibility work. For smaller sites, a favorable written report based on an initial site inspection by the department may be considered adequate. Initial site report information may be submitted as a proposed update to the "probable land disposal location" section of the areawide solid waste management plan to change previously designated low potential or prohibitive areas to potentially acceptable sites.

c. A letter from the state historical preservation officer concerning the possibility of the site being an archeological or historical landmark or area.

(h) The feasibility study applicant shall submit one copy of the grant application to the appropriate areawide solid waste management planning agency for comment on the proposed study's applicability to the solid waste management plan. The areawide planning agency shall submit written comments to the department within 30 days of receipt of the application. If the applicant for a feasibility study grant is the same agency that is responsible for the solid waste management plan, the department shall determine whether the study is consistent with the areawide solid waste plan.

(i) A commitment that no grant monies shall 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.

(j) Site feasibility study applicants shall provide a detailed written description of the process used in the selection of the proposed sites.

(4) Special study applicants shall submit the following in writing:

(a) Documentation that a department-approved areawide solid waste management plan has been adopted by the county or regional planning commission or a group of counties or regional planning commissions for which the plan is intended.

(b) A letter of commitment from an official authorized to represent each entity shall be required if the special study grant application is submitted by more than one cooperating town, village, city, or county. At a minimum, this letter shall describe the extent of project involvement, responsibilities, and the financial commitment of each entity. This letter shall also state the entity's intent to cooperate in project implementation if the project requiring the study is feasible.

(c) Documentation that the proposed special study project is recommended in a department-approved areawide solid waste management plan or an approved and adopted update, and that the applicant intends to implement the portion of the plan requiring the study.

(d) A project description that includes the following:

1. A detailed 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 the project in terms of work effort, personnel, time and money commitments required to complete the special study project.

2. A description of the public information, education, and involvement program to be utilized throughout the proposed special study project.

(e) A statement of the estimated total costs of conducting the special study with adequate documentation on how the costs were estimated.

(f) A timetable for special study project completion.

(g) Documentation that the special study project to be investigated meets the following criteria:

1. The proposed special study project site location has the potential to meet all state solid waste management locational requirements and other environmental requirements of the department.

2. A letter from the state historical preservation officer concerning the possibility of the site being an archeological or historical landmark or area.

(h) 1. All special study applicants shall submit one copy of the grant application to the areawide solid waste planning agency with jurisdiction over the applicant's area for comment on the relationship of the proposed project to the department-approved areawide solid waste management plan. The areawide planning agency may comment to the department within 30 days on the application. If the applicant for a special study project grant is the same agency that is responsible for the areawide solid waste management plan, the department shall determine whether the project is consistent with the areawide solid waste management plan.

2. An applicant for a grant for a special study project concerning sludge management shall submit one copy of the grant application to the appropriate water quality planning agency. Within 30 after submittal this agency may transmit its findings and recommendations to the department regarding the consistency of proposed study objectives with existing water quality plans, studies, or projects.

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.

(i) A commitment that no grant monies shall 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.

(5) 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 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 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.

(7) The application and award time schedule prescribed by this section may be modified by the department if it determines that such modification would be beneficial for the applicant. Prior to such modification the department shall consider such factors as the acquisition of funding for the project from sources other than the state and coordination with local budgetary planning processes.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (a), (b) and (c), (2) (intro.), (3) (intro.) and (d), r. (1) (d) and (2) (a), r. and recr. (3) (g) 1. and 2. a. and b., renum. (2) (b) to (h) to be (2) (a) to (g), (4) to be (5), cr. (3) (j) and (4), Register, January, 1983, No. 325, eff. 2-1-83; am. (1) (b), r. (4) (h) 2., renum. (4) (h) 3. and (5) to be (4) (h) 2. and (7), cr. (4) (h) 3., (5) and (6), Register, February, 1986, No. 362,

eff. 3-1-86; corrections in (3) made under s. 13.93 (2m) (b) 1. and 7., Stats., Register, September, 1995, No. 477.

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 s. 287.15, 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. 287.13, 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. 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.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86; **corrections in (2) (e) and (f) 3. made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.**

NR 186.09 Approval criteria. (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 chs. 287 and 289, Stats., and rules adopted under those chapters. 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.

(2) APPROVAL CRITERIA FOR AREAWIDE SOLID WASTE MANAGEMENT PLANS. In evaluating the completed plan, the department shall consider the following factors:

(a) The plan's consideration of the existing and anticipated solid waste management practices and needs of all units of government which are in the planning area.

(b) Promotion, wherever possible, of resource conservation and recovery practices.

(c) Indication of probable disposal site locations to satisfy existing and anticipated solid waste disposal needs.

(d) Information contained in s. NR 185.07.

(3) APPROVAL CRITERIA FOR FEASIBILITY STUDIES. In evaluating the completed feasibility study, the department shall consider the following factors:

(a) Identification of one or more sites that are feasible for development as a sanitary landfill and satisfactory completion of the detailed scope of work identified in the grant application.

(b) Submittal of a completed site feasibility study report in accordance with chs. NR 504 to 518. Department approval of feasibility reports is necessary for project implementation.

(4) APPROVAL CRITERIA FOR SPECIAL STUDY PROJECTS. In evaluating the completed special study project, the department shall consider the following factors:

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

(b) Documentation of a public information and education program indicating that citizens involvement has been taken into account in preparing the special project feasibility study.

(c) Description of potential impacts and identification of persons who may be adversely affected by project implementation.

(d) The special study's consistency with the department-approved solid waste management plan or department-approved update and the requirements of chs. 287 and 289, Stats.

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

(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.

Note: 1985 Wis. Act 120 repealed s. 144.782.

(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. 287.25, Stats., approval criteria.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (3) (a) and (b), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83; renum. from NR 186.08 and am. (1), cr. (4) (e), (5) and (6), Register, February, 1986, No. 362, eff. 3-1-86; correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1995, No. 477; **corrections in (1), (4) (d), and (6) (c) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.**

NR 186.10 Financial assistance. (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:

(a) No awards made under this chapter shall restrict or prevent agreements between grant recipients and private enterprise for construction, operation, or abandonment of solid wastes facilities, resource recovery, or sludge management facilities.

(b) The grant recipient's share of preparing the plan, site feasibility study, 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 avail-

able for grants awarded under this chapter to the maximum extent possible.

(d) The 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.

(e) Any additional expenditures by the grant recipient over the amount of the original estimated project costs shall not be considered for matching payment by the department. The original award amount specified in the approved grant contract is a sum certain amount. The scope of the project may be amended after acceptance of the grant award, but this amendment is subject to department approval. However, any cost increases related to changes in the project's scope are ineligible for matching state monies.

(f) The grant award monies are matching funds, and final project accounting shall show grant expenditures at the same percentage as other funds for the project.

(g) Only costs incurred during the grant period shall be eligible for cost sharing under this program.

(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 report and final accounting of project expenditures have been approved, in writing, by the department.

(i) Within 60 days after project completion or the end of the grant period, a final accounting of project expenditures shall be submitted to the department.

(j) Any unexpended grant monies shall be returned to the department within 60 days after expiration of the grant period.

(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 report. These records shall be made available to the department upon request.

(L) 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 on the plan, site feasibility study, waste reduction and recycling plan, demonstration project, or special study work by the grantee, without good cause;

2. There is substantial evidence the grant was obtained by fraud; or

3. There is substantial evidence of gross abuse or corrupt practices in the administration of the project.

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

(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 \$100,000. The department may make grant payments to waste reduction and recycling planning applicants which provide up to 50% of the estimated 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 under this chapter. A county and a regional planning com-

mission 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, if the plan objectives are substantially different.

(b) *Reimbursement.* 1. 'General.' To promote continuation of solid waste management planning under this program, a system of reimbursement is provided according to the following procedures.

2. 'Eligibility'. The reimbursement process shall be implemented only when the fiscal demand of eligible applications exceeds the amounts of funds available under this program. To be eligible for reimbursement, an applicant must meet the same requirements as are established in this chapter for regular grant projects.

3. 'Reimbursement process'. a. For those projects which are eligible for reimbursement funding, the department may enter into a reimbursement agreement. All reimbursement agreements shall be made on forms prepared by the department. The reimbursement agreement shall be signed by the authorized administrator of the department and will set forth the terms and conditions of the agreement. The terms and conditions shall specify that reimbursement will be made only upon the appropriation of sufficient funds by the legislature in a subsequent year of the program.

b. The state grant administration procedures for reimbursement shall follow the same processes as established in this chapter for regular grants.

4. 'Reimbursable costs'. Only estimated costs anticipated at the time of application and incurred after the reimbursement agreement is entered into shall be eligible for cost sharing under this program.

(3) SPECIFIC SOLID WASTE DISPOSAL SITE FEASIBILITY STUDY GRANTS. The department may award a grant to feasibility study applicant which provides up to 25% of the estimated total eligible cost of the applicant's feasibility study. The grant shall not exceed \$50,000. An applicant may receive more than one feasibility study grant provided that no more than one application is submitted for each year of this program.

(4) SPECIAL STUDY PROJECT GRANTS. The department may award a grant to a special study applicant which provides up to 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.

(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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (intro.) to (d), (h), (k), (l) 1. and (2) (a), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83; renum. from NR 186.09 and am. (1) (intro.), (b) to (d), (h), (k), (l) 1., (2) (a) and (4), cr. (1) (m) and (5), Register, February, 1986, No. 362, eff. 3-1-86; reprinted to correct error in (1) (l) (intro.), Register, April, 1989, No. 400.

NR 186.11 Priority list. (1) To the greatest extent possible, applications for 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 special studies shall receive second consideration in each grant cycle for funding by the department. Applications for 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:

(a) *Current disposal practices and their suitability for environmentally sound disposal.* The score shall be a number equal to 100 minus the percentage of applicant's population served by disposal sites within the county which are approved for coverage under the waste management fund, which are not classified as an open dump and which can provide disposal for 2 years from the grant application date.

(b) *Waste generation volumes.* The score shall be a number equal to 100 times the logarithm of the applicant's population divided by the logarithm of the population of the applicant with the largest population. The latest population projections provided by the department of administration will be used for this calculation.

(c) *Existing areawide planning activities and extent of existing or previously developed plans.* The score shall be a number equal to 50 points for an approved ch. NR 185 plan or 100 points for no approved ch. NR 185 plan.

(d) *Extent and availability of alternative funding sources.* The score shall be a number equal to 100 minus the percentage of the total project costs paid by alternate funding sources.

(e) *Size of the area to be served.* The score shall be a number equal to 100 times the applicant's area divided by the area of the applicant with the largest area.

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

(a) *Current disposal practices and their suitability for environmentally sound disposal.* The score shall be a number equal to the percentage of the applicant's population served by disposal sites within the county which are approved for coverage under the waste management fund, which are not classified as an open dump and which can provide disposal for 2 years from the grant application date.

(b) *Waste generation volumes.* The score shall be a number equal to 100 times the logarithm of the applicant's population divided by the logarithm of the population of the applicant with the largest population. The latest population projections provided by the department of administration will be used for this calculation.

(c) *Size of the area to be served.* The score shall be a number equal to 100 times the applicant's area divided by the area of the applicant with the largest area.

(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.

(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 s. 287.05, 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. 287.05, Stats.

(f) Other priorities for distributing demonstration project grants as defined by s. 287.25, Stats.

(6) (a) Each year, after applications are received, the department shall rank applicants. For each applicant, a point value from 0 to 100 will be calculated for each factor in subs. (2) and (3) and will be multiplied by the weighing values contained in pars. (b) and (c). Scores for each factor will be summed for the applicant and all applicants will then be ranked in descending order. This priority list will be used for grant awards. The department shall make the funding priority list available to all applicants.

(b) Weighing values for priority list factors for plans and site feasibility studies:

FACTOR	WEIGHING VALUE	
	PLANS	SITE FEASIBILITY STUDIES
Current disposal	4	4
Waste generation	2	3
Existing planning	3	0
Alternate funding	1	1
Size of area	1	1

(c) Weighing values for priority list factors for waste reduction and recycling plans.

FACTOR	WEIGHING VALUE
Current disposal	4
Waste reduction - recovery	3
Waste generation	3
Size of area	1

(7) 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 waste reduction and recycling planning applicants by descending priority list rank, secondly to special study applicants by descending priority list rank, thirdly to site feasibility study 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.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (2) (intro.) (a) and (b), renum. (3) and (4) to be (4) and (5) and am., cr. (3) and (4) (c), Register, January, 1983, No. 325, eff. 2-1-83; renum. from NR 186.10 and renum. (4) and (5) to be (6) and (7) and am. (6) (c) and (7), cr. (3) (d), (4) and (5), am. (1), (2) (intro.) and (3) (intro.), Register, February, 1986, No. 362, eff. 3-1-86; **corrections in (4) (b), (5) (e) and (f) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.**

NR 186.12 Exemptions. An entity may request exemptions from any of the requirements of this chapter by submitting an adequate written request and justification. In reviewing exemption requests, the department shall take into account such factors as population, size of the area being served, types, amounts, and sources of waste, and other significant factors presented and documented by the entity. Exemption requests shall be reviewed with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment. Any exemptions granted shall be in writing by the department, stating reasons therefor.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; renum. from NR 186.11, Register, February, 1986, No. 362, eff. 3-1-86.