

Recycling Financial Assistance Programs



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Prepared by

Kendra Bonderud

Wisconsin Legislative Fiscal Bureau
One East Main, Suite 301
Madison, WI 53703
<http://legis.wisconsin.gov/lfb>

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Recycling Financial Assistance Programs

Introduction

The Legislature enacted 1989 Wisconsin Act 335, a statewide regulatory and financial assistance program aimed at encouraging, and in some instances requiring, solid waste recycling and reduction. The act also banned certain recyclable materials from landfills. Subsequent legislation modified the funding sources and appropriations for state recycling programs.

The purpose of this paper is to describe major, statewide solid waste recycling regulations, and Department of Natural Resources (DNR) administration of recycling requirements, financial assistance programs, and electronics recycling programs. It also describes the Department of Agriculture, Trade, and Consumer Protection (DATCP) clean sweep grants for the collection of household hazardous waste, pesticides, and farm chemicals, and the University of Wisconsin System solid waste research and recycling education and technical assistance programs.

DNR administers the municipal and county recycling grant program that provides financial assistance to responsible units of local government for a portion of eligible recycling expenses. The grant program is appropriated \$19 million for grants to responsible units in each of calendar year 2014 (2013-14) and 2015 (2014-15). A recycling consolidation grant program is funded with \$1 million annually effective in 2011-12.

Recycling programs are funded from the segregated environmental management account of the environmental fund. Prior to 2011-12, recycling programs were funded from the segregated recycling and renewable energy fund, which received revenue from a recycling tipping fee on solid waste disposed of in the state, and a recycling

surcharge on business income. In 2011 Wisconsin Act 32, the recycling fund was repealed. Recycling tipping fees and electronics recycling fee revenues, and recycling program appropriations were transferred to the environmental management account. The recycling grants to local governments are the largest expenditures from the environmental management account. For more information about revenues and expenditures to the account, see the Legislative Fiscal Bureau informational paper entitled "Environmental Management Account."

Solid Waste and Recycling Program Requirements

Solid Waste Management Policy

The state's solid waste management policy, established in 1989 Act 335 in s. 287.05 of the statutes, declares that maximum solid waste reduction, reuse, recycling, composting and resource recovery is in the best interest of the state in order to protect public health, to protect the quality of the natural environment and to conserve resources and energy.

The policy states that implementation of solid waste reduction, reuse, recycling, composting and resource recovery systems and operations should involve and encourage the cooperation of individuals, state and local governments, tribes, schools, private organizations and businesses. The statutes specify that state government should achieve this by relying to the maximum extent feasible on technical and financial assistance, educational and managerial practices, and that necessary regulations should be developed with

maximum flexibility.

The state policy establishes a hierarchy of solid waste management options, ranked in the following order of preference: (1) reduction of the amount of solid waste generated; (2) reuse of solid waste; (3) recycling of solid waste; (4) composting of solid waste; (5) recovery of energy from solid waste; (6) land disposal of solid waste; and (7) the burning of solid waste without energy recovery.

Bans on Landfilling and Incineration

State law prohibits the landfilling and incineration of specified materials after certain dates as a means of encouraging their recycling or reducing their generation.

In the recycling law, the term "solid waste disposal facility" includes several types of facilities, but is most commonly synonymous with the more familiar "landfill." A "solid waste treatment facility" which burns solid waste is generally synonymous with "incinerator." For the purposes of this paper, "landfill" and "incinerator" will be used unless a more extensive definition is necessary for clarity.

Bans of specific materials went into effect in 1991, 1993, 1995, 2010, 2011, and 2012. Table 1 lists materials banned from landfills and the year in which the materials were banned.

DNR is authorized to add or subtract electronic devices from the list of electronic devices banned from landfills by promulgating administrative rule changes. DNR has not done so as of the fall of 2014.

Exceptions to the Bans

Exceptions to the 1995 bans are made for: (a) incidental amounts of the banned materials generated in a region that has an effective recycling

program; (b) certain materials incinerated in a grandfathered incinerator; (c) incinerators that burn solid waste as a supplemental fuel; (d) certain medical waste; (e) unexpected emergency conditions; (f) certain woody materials burned in approved wood burning facilities; (g) beneficial reuse of a material within a landfill; (h) contaminated materials; and (i) certain plastics if recycling is not feasible. "Incidental amounts" refers to banned materials that are not separated for recycling within an effective program, including items the consumer fails to separate, and nonrecyclable items, such as newspapers used for cleaning windows and cardboard pizza take-out boxes with food residue.

The Department of Natural Resources is authorized to grant a waiver to the yard waste landfilling prohibition to allow the burning of brush or other clean, woody vegetative material that is no greater than six inches in diameter at wood burning facilities that are licensed or permitted by DNR.

The ban on landfilling yard waste does not apply to the disposal of plants classified by DNR as invasive species or their seeds. Persons are allowed to dispose of invasive plants in a landfill if the plants or seeds are not commingled with other yard waste.

Landfill operators are required to make a reasonable effort to manually separate, and arrange to have recycled, a television, a laptop computer, or computer monitor that is readily observable in the solid waste that is delivered to the landfill. This does not apply if: (a) separating the device is not practical; (b) separating the device would require the operator to implement measures to protect human health or safety in addition to any measures taken in the ordinary course of business; or (c) the device has been damaged in such a way that recycling is not feasible or practical.

Table 1: Materials Banned from Landfills

Date	Material
January 1, 1991	No person may dispose of the following in a landfill or solid waste disposal facility: <ul style="list-style-type: none">• Lead acid batteries• Major appliances = residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, furnaces, boilers, dehumidifiers and water heaters.• Waste oil
January 3, 1993	No person may dispose of yard waste in a landfill or solid waste disposal facility, except in an approved land spreading facility (a facility in which solid waste is placed in thin layers onto the surface of the land or incorporated into the surface layers of the soil). No person may burn yard waste without energy recovery. Yard waste = leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. Yard waste does not include stumps, roots or shrubs with intact root balls.
January 1, 1995	No person may dispose of the following in a landfill or solid waste disposal facility: <ul style="list-style-type: none">• Aluminum containers• Corrugated paper or other container board• Foam polystyrene packaging• Glass containers• Magazines• Newspapers• Office paper• Plastic containers (plastics #1 through #7)• Steel containers• Bi-metal cans (combination of steel and aluminum)• Waste tires (can be burned with energy recovery, but cannot be burned without energy recovery).
September 1, 2010	No person may landfill, burn with or without energy recovery, or place in a container the contents of which will be landfilled or burned, electronic devices or covered electronic devices. Electronic devices = Peripheral (such as computer keyboard, mouse or speaker), facsimile machine, digital video disc player, digital video player, video cassette recorder, video recorder, or cell phone. Covered electronic device = television, computer monitor, computer, or printer for use by households or schools.
January 1, 2011	No person may dispose of used oil filters for automotive engine oil in a landfill or solid waste facility.
July 1, 2011	<ul style="list-style-type: none">• No person may place in a container the contents of which will be disposed of in a solid waste facility, converted into fuel, or burned at a solid waste treatment facility, any of the materials subject to the 1995 bans.• No person may place a waste tire in a container the contents of which will be disposed of in a solid waste facility, or burned without waste recovery at a solid waste treatment facility.
April 7, 2012	No person may dispose of oil absorbent materials containing waste oil in a landfill or solid waste facility unless waste oil has been drained so no visible signs of free-flowing oil remain in or on the oil absorbent materials, and the oil absorbent materials are not hazardous waste.

Enforcement of Bans

DNR is authorized to issue a citation to any person who violates any of the bans. The forfeitures that may be collected through a citation for violation of these requirements are \$50 for the first violation, \$200 for the second and \$2,000 for the third or subsequent violation. The Attorney General is authorized to enforce the 1995 and 2010 bans by seeking injunctive relief against any person who violates them.

DNR's implementation of the recycling law emphasizes achieving voluntary compliance through technical and financial assistance rather than enforced compliance through the imposition of penalties or injunctions. However, the Department works with responsible units to identify violations of local recycling ordinances by waste haulers or landfills.

DNR also is authorized to: (a) hold hearings and compel the attendance of witnesses in the production of evidence related to the administration of the statewide recycling laws; and (b) enter and inspect property at which a solid waste facility is located, or is being constructed or installed, or inspect any record relating to solid waste management at any reasonable time for the purpose of ascertaining the status of compliance with recycling law.

DNR activities related to enforcement are described under the sections on effective recycling programs and solid waste haulers. DNR has referred a small number of cases related to the landfill bans to the Department of Justice for enforcement action, as part of enforcement of other solid waste violations, but none in 2010 through the fall of 2014. Examples of other violations include landfill license violations, open burning, improper storage of solid or hazardous waste or recyclable materials at nonlicensed sites, and improper hauling or processing.

Local Government Responsible Units

Responsibilities of Local Governments

The statutes establish several responsibilities for local government related to recycling. In general, the local units of government responsible for implementing state-mandated recycling programs are termed "responsible units." Under the recycling law definition, the responsible unit for a geographic area is the municipality (city, village or town) unless a county takes specific action to create a responsible unit. Currently, every municipality in the state is included within one of 1,061 responsible units. For 2014, almost all responsible units (1,024 of 1,061), representing over 99% of the state's population, received state-funded grants for a portion of the costs of operating local recycling programs.

A county may become a responsible unit upon its board adopting a resolution accepting this designation. There are 34 counties that are responsible units for all or some of the communities within their boundaries.

The governing body of any responsible unit may designate, by contract, another unit of government to be the responsible unit, if it has that unit of government's consent. These multiple-municipality responsible units consist of counties, solid waste management commissions or two or more neighboring municipalities. Indian tribes may also become responsible units.

Each responsible unit must develop and implement a program to manage the solid waste generated within its jurisdiction in compliance with the 1991, 1993 and 1995 bans and the state's solid waste management priorities. The allowable ways this may be done are: (a) manage materials subject to the 1995 bans in an "effective recycling program" and comply with the 1991 and 1993 bans; or (b) burn combustible materials

subject to the 1995 bans in a "grandfathered" incinerator (described in the section on exceptions to the bans), manage the non-combustibles in an effective recycling program and comply with the 1991 and 1993 bans.

Each responsible unit is required to provide information to people in its region about the electronic device landfilling ban, why it is important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices.

Responsible units are authorized to designate one or more persons to implement specific components of the solid waste management program and are authorized to adopt an ordinance to enforce this program.

Responsible units may charge recycling fees, defined as any special assessment or charge levied for services provided by responsible units, or other parties, including private parties, that relate to the responsible unit's duties to operate a solid waste management program. Unpaid recycling fees are a lien on the property against which the fees are levied and are to be collected in the same manner as delinquent property taxes.

No officer, official, agent or employee of a responsible unit may be held liable for civil damages as a result of good faith actions taken by that person within the scope of that person's duties relating to the responsible unit's recycling program or recycling site or facility.

Any responsible unit that accepts funding from the municipal and county recycling grant program (or a county or municipality within such a responsible unit) is prohibited from regulating the sale or distribution of packaging for a purpose relating to its disposal unless that restriction is consistent with current law relating to marketing and trade practices or solid waste regulation. For example, a municipality that accepts grant funding may not ban retail sales of products packaged

in a certain type of plastic in order to reduce the disposal problems associated with that plastic. The unit of government also may not impose a tax or fee on the sale or distribution of the packaging for a purpose related to its disposal. (DNR interprets the prohibition of local regulation of packaging or a fee on packaging to not apply to plastic bags that are used to carry packaged items.)

Effective Recycling Programs

A responsible unit's compliance with its recycling responsibilities relating to the 1995 landfill and incineration bans is determined by whether it is judged to have an "effective recycling program." The designation of an effective recycling program is significant because, beginning in 1995, a responsible unit must have an approved effective recycling program in order to: (a) landfill or incinerate certain materials in the state; and (b) to apply for state recycling grant funds.

Materials subject to the 1995 ban may generally only be landfilled or incinerated in the state if they are the "residuals" (in this context, materials remaining after other like materials have been separated for recycling) from an effective recycling program, or qualify under one of the other exceptions.

All 1,061 responsible units have received approval from DNR as having effective recycling programs. The approval is valid as long as the local program is operated in a manner that maintains the required components of an effective recycling program.

Local programs are required to submit an annual report to DNR by April 30, for the preceding calendar year, that describes their effective recycling program. DNR rules require that the report contain specific information regarding how the responsible unit is complying with effective program requirements. DNR field staff review the reports and perform program evaluations to de-

termine the compliance of the responsible unit with the effective program requirements.

Required Components of an Effective Program. Under requirements in Chapter 287 of the statutes and administrative rule NR 544, a responsible unit is required to administer an effective recycling program that has all of the following components:

1. A local ordinance to require recycling of the banned materials in all residences and non-residential facilities and properties. The ordinance must: (a) prohibit the landfilling or burning of materials subject to the 1995 bans that are separated for recycling; (b) require residents of single-family, two- to four-unit residences, multiple-family dwellings, and non-residential properties to separate the banned materials from solid waste or send the materials to a materials recovery facility for recycling; (c) require owners of multi-family dwellings and non-residential properties to provide recycling containers; (d) require owners of nonresidential properties to notify users of how to recycle materials; and (e) provide for enforcement and penalties.

2. A public education and information program about how to recycle materials, reduce waste and reuse materials.

3. A method for collecting, processing and marketing of recyclables from single-family and two- to four-unit residences.

4. Curbside collection in municipalities with populations of 5,000 or greater and a population density greater than 70 persons per square mile. These municipalities must provide, at least monthly, curbside collection from single-family and two- to four-unit residences for at least newspaper, glass, aluminum and steel containers, plastic containers made of PETE (polyethylene terephthalate or #1 plastic) or HDPE (high density polyethylene or #2 plastic), and either corrugated paper or magazines, and must provide drop

off collection for materials that are not collected curbside.

5. Drop-off collection in municipalities with populations of less than 5,000 or a population density of 70 persons per square mile or less. These municipalities must provide services for single-family and two- to four-unit residences;

6. Collection of eight recyclable materials that equals or exceeds 83.7 pounds per person per year in rural municipalities (population of 5,000 or less, or a permanent population density of less than 70 persons per square mile) or 108.2 pounds per person per year in other (urban) municipalities.

7. Equipment and staff necessary to operate and enforce the program.

8. Provisions for the management of post-consumer waste that is generated within the responsible unit.

9. A reasonable effort to reduce the amount of recyclable materials subject to the 1995 landfill bans, that are generated as solid waste and disposed of in a landfill.

10. A compliance assurance plan describing the procedure the responsible unit will follow to address, at a minimum, one commonly encountered type of non-compliance with recycling requirements specified in its recycling ordinance.

11. Submittal of an annual program report to DNR that contains specified information and describes how the local program meets state requirements.

Implementation of Effective Recycling Programs. The structure of individual local recycling programs varies. Responsible units generally collect recyclable materials through one of two methods. Curbside collection is the collection of materials that are set out at the curb

of the residence where they were generated. Drop-off collection is the collection of materials at centralized locations where people who generate the recyclables deliver or "dropoff" the materials.

In 2013, 27% of the state's population lived in responsible units that only had curbside collection programs, 67% lived in responsible units with combination of curbside and drop-off collection and 6% lived in responsible units where only drop-off collection was reported as the primary collection system. The percentage of responsible units with a combination of curbside and drop-off collection is high because: (a) approximately 25% of the population of the state is served by county responsible units, in which some member communities may have curbside collection and others have drop-off, so the county is reported as having both; and (b) in some responsible units with both curbside and drop-off programs, the drop-off collection is mainly used for items that are not picked up at curbside.

DNR estimates that in 2013, over 98% of responsible units with populations over 2,000 had access to curbside collection or a combination of curbside and drop-off collection. Approximately two-thirds of the responsible units with populations less than 2,000, and the majority of the population in those responsible units, had access to curbside collection or a combination of curbside and drop-off collection.

Responsible units may choose to own or operate a materials recovery facility (MRF) as part of their effective recycling program, or contract with a separately-owned MRF, or neither. A materials recovery facility is a facility where materials banned from landfills, and not mixed with other solid waste, are processed for reuse or recycling. A MRF is required to submit a self-certification form to DNR that the facility complies with state requirements, before the MRF begins to serve a responsible unit. The self-certification includes information about the oper-

ations of the facility, types and amounts of materials processed, storage capacity, procedures in place to prevent nuisance conditions or discharges of contaminants to the environment from the materials, and certification that the facility produces recovered recyclable materials in accordance with market quality specifications. The MRF must also annually submit a certification renewal and report to DNR.

Responsible units reported to DNR that they collected a total of 693,779 tons of recyclable materials from residences in 2013. The amount of recyclable materials collected by responsible units in 1994 through 2013, as reported to DNR, is shown in Table 2. Approximately 60% of recyclable materials collected in 2013 were materials subject to the 1995 bans and 37% was yard waste subject to the 1993 bans. Residential recycling programs collected an average of 145 pounds per capita of the 1995 banned materials in 2013. In addition, based on optional reports of collection of other recyclable materials, responsible units collected an average of 243 pounds of recyclable materials per capita in 2013 at a minimum.

DNR contracted with private entities to conduct waste characterization studies of recyclable materials for DNR in 1990, 1995, 2000, and 2009. DNR used the studies to make estimates of collected recyclable materials as a percentage of municipal solid waste generated statewide (residential and commercial solid waste) with the most recent results shown in Table 3. The actual recycling rates vary among municipalities.

In 2002 and 2009, DNR contracted with private entities to study the quantity of municipal solid waste that is landfilled in the state. DNR used the study data to analyze how successful local recycling programs have been both in diverting banned materials from landfills and in determining the average amounts and ranges of recyclable materials found in the waste stream, and diverted from landfills. A report for the 2009

Table 2: Recyclable Materials Collected by Responsible Units and Reported to DNR (Tons)

Year	Materials Banned from Landfills as of 1995*	Yard Waste	Other Banned Materials**	Non-Banned Materials***	Total
1994	226,701	213,635	18,018	3,195	461,549
1995	360,669	210,288	22,598	47,316	640,871
1996	361,001	241,492	20,848	76,344	699,685
1997	389,161	280,213	25,950	71,682	767,006
1998	379,772	288,606	26,703	99,240	794,321
1999	389,381	278,275	26,668	70,994	765,318
2000	405,179	252,479	24,956	47,969	730,583
2001	403,915	260,047	23,498	39,596	727,056
2002	397,384	248,165	25,927	43,017	714,493
2003	397,596	260,396	22,097	55,521	735,610
2004	410,548	281,506	19,315	18,254	729,623
2005	410,492	283,489	15,867	18,384	728,232
2006	419,116	267,338	13,558	18,538	718,550
2007	411,047	241,149	14,001	23,521	689,718
2008	423,661	275,869	16,952	19,705	736,187
2009	410,443	270,946	12,972	16,000	710,361
2010	420,047	260,747	16,511	23,269	720,574
2011	398,524	242,731	16,247	NA	657,502
2012	392,576	250,021	15,755	NA	658,352
2013	414,453	259,291	20,035	NA	693,779

* Includes old newspapers, old magazines, old corrugated cardboard, office paper, aluminum cans, steel cans, glass containers, plastic containers, co-mingled containers and polystyrene foam.

** Includes appliances, tires, lead acid batteries, and used oil. Includes electronics as of 2010.

*** Includes scrap metal, used clothing or textiles, miscellaneous recyclables, and residential mixed paper. Includes electronics through 2009. DNR does not collect this information beginning in 2011.

NA= Not available.

study included estimates of the quantity and composition of municipal solid waste disposed of in landfills by Wisconsin households, businesses, and institutions. In general, the study found that less waste was landfilled in 2009 than in 2002, likely due to the economic slowdown in 2009, and the composition of waste was similar to that of 2002.

DNR used data from annual reports submitted by responsible units in 2005 and 2006 to estimate that collected recyclable materials represented a statewide average of 24% of municipal solid waste generated. DNR also estimated that the total diversion rate, including composting or yard waste managed at home (10%), and incineration with energy recovery (3%), represented approximately 36% of municipal solid waste generated

in 2005 to 2006.

DNR officials indicate the 2009 study data was not sufficient to update the 2006 estimate of the overall average landfill diversion rate. However, DNR used the data to update estimates of the recycling rate for various recyclable materials. Table 3 shows the most recent DNR estimates of the overall landfill diversion rate in 2005 to 2006 and the recycling rate for several recyclable materials in 2009. DNR has not updated estimates of either measurement since then.

Review and Enforcement of Effective Program Requirements. DNR is required to administer compliance of responsible units with effective recycling program criteria. The Department is also required to annually review the programs

Table 3: DNR's Most Recent Estimates of the Recycling Rate for Various Materials and Landfill Diversion Rate

Material	Estimated Recycling Rate *
2005 to 2006 Overall average landfill diversion rate **	36%
2009 Recycling rate for various materials ***	
Glass containers	75%
Aluminum containers	42%
Steel cans	42%
Uncoated cardboard	59%
Other recyclable paper	56%
PET bottles and non-bottles	19-35%
HDPE bottles	45%
#3-7 plastic bottles	17%
Other plastic packaging	8%

* Does not include recycling that takes place through direct redemption, such as aluminum cans, or direct sales of recovered materials by generators, such as grocery stores recycling cardboard boxes.

**The DNR estimate includes recycling, plus combustion with energy recovery, plus yard waste managed at home. DNR indicates it does not have sufficient data to estimate the overall landfill diversion rate in a year more recent than 2006.

*** DNR indicates it does not have sufficient data to estimate the recycling rate for various recyclable materials in a year more recent than 2009.

of at least 5% of the responsible unit grant recipients to ensure that programs and activities funded by responsible units meet the requirements of the statutes.

In 2011 through 2014, DNR reviewed compliance of effective programs by having regional staff conduct at least 100 evaluations of responsible units per year (20 in each DNR region), either with individual responsible units, or in workshop sessions with groups of responsible units. The Department also held online webinar sessions to assist responsible units in complying with effective program and annual reporting requirements, discuss recycling topics of interest, and provide opportunities for responsible units to learn from each other about ways to improve their recycling programs. Finally, in 2013, the Department created an awards program in two

regions to recognize responsible units that have outstanding performance during the prior year. DNR expanded the program statewide in 2014.

In 2013, DNR began to require submittal of a corrective plan of action from responsible units that have continued compliance issues. As of the fall of 2014, DNR did not have information about results of this practice.

In each of 2009 through 2014, DNR notified a few responsible units of minor noncompliance issues through letters, discussions or meetings, but the issues were not serious enough to issue a notice of noncompliance. Examples of noncompliance concerns included responsible units not doing a sufficient job of: (a) providing adequate collection of recyclables; (b) requiring businesses to recycle; (c) inspecting businesses or apartments for compliance; (d) completing a compliance assurance plan; and (e) submitting an annual report in a timely manner. DNR negotiated corrective action with the responsible units, and all required corrective action was completed.

In 2011 through 2013, DNR sent out notices of noncompliance to several responsible units for failure to submit an annual report by June 30, including 13 in 2011, 44 in 2012, and four in 2013. Notices of violation were subsequently issued to two responsible units in 2011, one in 2012, and two in 2013. The responsible units subsequently submitted their annual report.

In 2013, DNR also issued notices of noncompliance to six responsible units for issues that included: (a) not having a required compliance assurance plan; (b) improper handling of waste, compost, and wood burning; (c) failure to collect the required minimum amounts of recyclables; (d) lack of adequate provisions for enforcement; and (e) inadequate education of residents and businesses. The cases were subsequently resolved or are in the process of being resolved through a DNR stepped enforcement process.

In the spring of 2014, DNR notified responsible units that if they did not submit the required 2013 annual recycling report by April 30, 2014, they would be placed on a one-year probation starting July 1, 2014. The probation will be in effect until the responsible unit submits its 2014 annual recycling report. If a responsible unit that is on probation does not submit the 2014 annual recycling report by the April 30, 2015, deadline, the probation will last until June 30, 2015, which will make the responsible unit ineligible to receive a recycling grant for calendar year 2015.

In 2014, DNR placed 24 responsible units on probation for nonsubmittal of the 2013 annual report, with receipt of the 2015 grant being conditional upon submittal of the 2014 annual report by the April 30, 2015, deadline. All except two submitted the 2013 report by mid-May, 2014. The remaining two submitted their report after receiving a letter from DNR informing them they would be invoiced to repay the full 2013 recycling grant.

DNR has worked with responsible units on a few cases where the responsible unit took enforcement action against a waste hauler that was collecting separated recyclables with solid waste and landfilling all of the materials. In 2013, DNR also issued notices of noncompliance to a materials processing facility and a solid waste transfer facility for issues related to handling of hazardous waste, and noncompliance with operational and closure requirements.

For 2013, responsible units reported to DNR that they took the following actions related to enforcing landfill bans: (a) received 7,573 complaints; (b) issued 2,218 verbal warnings; (c) issued 32,770 tags or written warnings for trash with recyclables in it; (d) issued 1,700 citations; and (e) made 1,822 inspections. Almost all the actions under (a) through (d) related to recycling in one to four-unit dwellings. All of the inspections were related to multi-family dwellings and businesses. DNR does not have information

about the reasons for the complaints, or the types of citations. DNR indicates most of the warnings were tags placed on trash cans that had recyclables in them.

Variations and Waivers to the Effective Program Criteria. DNR may grant a variance to a specific responsible unit from certain effective program criteria for one or more of the materials subject to the 1995 landfill and incinerations bans. DNR may grant the variance to a specific responsible unit if a cost of selling processed material exceeds certain criteria.

In October, 1996, DNR issued a waiver to the collection and disposal requirements for #3 through #7 plastic containers and polystyrene foam packaging, based on a departmental study that indicated that it is not feasible or practical to continue collecting these materials under current market conditions. The waiver has been in effect for over 18 years and will continue until one year after DNR determines that markets are available for these materials.

Issuance of a variance or waiver eliminates for effective recycling programs the requirement to separate those recyclable materials, or the prohibition on disposal or incineration of those materials, or both.

Out-of-State Waste

The recycling statutes in effect before 1997 required governmental units located outside Wisconsin to receive approval as effective recycling programs in order to dispose of solid waste in Wisconsin. This was found to be unconstitutional in *National Solid Waste Management Assoc. v. George Meyer*, 63 F. 3d 653 (1995), by the U.S. Seventh Circuit Court of Appeals. 1997 Act 27 made several changes related to the disposal of out-of-state waste in Wisconsin. Those changes were struck down in 1998 by the U.S. District Court for the Western District of Wisconsin, and in 1999 by the U.S. Seventh Circuit Court of Appeals. Consequently, DNR does not enforce ef-

fective recycling program criteria on waste disposed of in Wisconsin landfills, if the waste is generated out-of-state.

Solid Waste Haulers

Haulers who collect and transport solid waste are required to be licensed by DNR under solid waste management statutes and are required to comply with the solid waste landfill bans. Haulers who collect and transport municipal solid waste are required to notify their clients (the contracting entity or the entity that arranges for collection and transportation service) of the need to comply with state and local recycling requirements. Haulers are also required to provide information to responsible units about the amount of recyclable materials collected under contract with the responsible unit, within four weeks of a written request from the responsible unit.

DNR sends annual letters to licensed haulers of solid waste and recyclable materials as part of the annual license renewal process to review the recycling and landfill ban requirements. This includes reminding haulers of the requirements that haulers must: (a) annually notify their customers about state and local recycling requirements and landfill bans; (b) keep collected recyclable materials separate from solid waste; (c) maintain separated recyclables in clean condition; and (d) report the weight of collected recyclables to responsible units. In addition, DNR notifies haulers that equipment containing certain types of light bulbs might have lead or mercury levels high enough to meet the definition of hazardous waste. Hazardous wastes from businesses or institutions cannot be disposed of in Wisconsin landfills. Household hazardous wastes are not subject to this prohibition.

In 2010 through 2014, DNR notified solid waste haulers of the bans on the disposal of materials banned from landfills. DNR also developed

guidance on implementing the bans for haulers, landfill operators, auto scrap processors, and other affected businesses and facilities, and related to the requirements to separate recyclables from solid waste. DNR also reminded waste haulers about administrative rules regarding composting and allowing landfilling of certain invasive species.

DNR issued one notice of noncompliance to a hauler in 2009 in response to a complaint that a driver had mixed sorted recyclables with solid waste. The hauler returned to compliance within the 30-day required timeframe. DNR has not issued any notices of noncompliance since then. In 2012 through 2014, DNR staff responded to a small number of citizen complaints about possible cases of landfilling of mixed recyclables and trash by haulers, or the lack of recycling at special events. DNR resolved the complaints through letters to the hauler rather than issuing a notice of noncompliance.

Municipal and County Recycling Grant Program

The municipal and county recycling grant program was created in 1989 Act 335 to provide financial assistance to responsible units for eligible recycling expenses.

Appropriations

The municipal and county recycling grant program has been appropriated \$19,000,000 annually in 2011-12 through 2014-15. Table 4 shows annual appropriations for the program from 1990-91 through 2014-15.

Beginning in 2011-12, for calendar year 2012, through 2014-15, for calendar year 2015, \$1,000,000 annually was appropriated for recycling consolidation grants. The voluntary pro-

Table 4: Municipal and County Recycling Grant, Efficiency Incentive Grant, and Consolidation Grant Programs: Appropriation Levels 1990-91 Through 2014-15

Calendar Year	Fiscal Year	Municipal and County Recycling Grant Appropriation	Efficiency Incentive or Recycling Consolidation Grant Appropriation	Total Appropriation Amount
July 1, 1990 to Dec 31, 1991	1990-91	\$18,500,000	\$0	\$18,500,000
1992	1991-92	18,500,000	0	18,500,000
1993	1992-93	23,800,000	0	23,800,000
1994	1993-94	29,849,200	0	29,849,200
1995	1994-95	29,200,000	0	29,200,000
1996	1995-96	29,200,000	0	29,200,000
1997	1996-97	29,200,000	0	29,200,000
1998	1997-98	24,000,000	0	24,000,000
1999	1998-99	24,000,000	0	24,000,000
2000	1999-00	24,500,000	0	24,500,000
2001	2000-01	24,500,000	0	24,500,000
2002	2001-02	24,500,000	0	24,500,000
2003	2002-03	24,500,000	1,900,000	26,400,000
2004	2003-04	24,500,000	1,900,000	26,400,000
2005	2004-05	24,500,000	1,900,000	26,400,000
2006	2005-06	24,500,000	1,900,000	26,400,000
2007	2006-07	24,500,000	1,900,000	26,400,000
2008	2007-08	31,000,000	1,900,000	32,900,000
2009	2008-09	31,000,000*	1,900,000*	32,900,000
2010	2009-10	31,098,100*	0	31,098,100
2011	2010-11	32,098,100*	0	32,098,100
2012	2011-12	19,000,000	1,000,000	20,000,000
2013	2012-13	19,000,000	1,000,000	20,000,000
2014	2013-14	19,000,000	1,000,000	20,000,000
2015	2014-15	<u>19,000,000</u>	<u>1,000,000</u>	<u>20,000,000</u>
Total		\$623,445,400	\$17,300,000	\$640,745,400

*DNR awarded less than the appropriated amount to meet part of the Department's obligation to transfer funds to the state's general funds under deficit reduction requirements of 2007-09 and 2009-11 legislation. DNR awarded \$29.3 million in 2008-09 (\$27.8 million for basic grants and \$1.5 million for recycling efficiency grants), \$29.3 million in 2009-10, and \$19.0 million in 2010-11.

gram provides a per capita grant to responsible units that are counties, Indian Tribes, single or consolidated municipalities with a population of 25,000 or more, or municipalities that have taken certain actions to consolidate recycling programs. Funding for the recycling consolidation grant program is included in Table 4. The program is described in a later section.

Beginning in 2002-03, for calendar year 2003,

through 2008-09, for calendar year 2009, \$1,900,000 annually was appropriated for recycling efficiency incentive grants. This is included in Table 4. The voluntary program provided additional recycling program grants for responsible units that consolidate, enter into cooperative agreements with other responsible units, or enact other efficiencies. No funds were appropriated for the program in 2009-10 and 2010-11, and the program was repealed in the 2011-13 biennial

budget act.

Ten percent of funds available for 1994 through 1999 basic grants were allocated for supplemental grants for responsible units that imposed volume-based fees for residential solid waste collection. The supplemental grant was calculated by dividing the available funds by the population subject to volume-based fees in the responsible units that imposed volume-based fees for residential solid waste collection.

Eligibility for Grant Awards

Responsible units with DNR-approved effective recycling programs are eligible for grants under the municipal and county recycling grant program. Eligible uses of grant funds include expenses for planning, constructing or operating one or more of the components of an effective recycling program, or to comply with the 1993 yard waste ban. Eligible capital expenses include annual depreciation, or equipment on an hourly use basis.

Responsible units are required to submit an application, with estimated net eligible recycling costs, by October 1 for a grant for the following calendar year. DNR pays the grant award by June 1 of the calendar grant year.

Past Grant Formula Provisions. In 1990 (fiscal year 1990-91), the first year grants were awarded under the municipal and county grant program, grants for the period from July 1, 1990, through December 31, 1991, were allocated through a special expedited process.

Grants for 1991 through 1999 were allocated based on a complex formula based on eligible expenses, "avoided disposal costs," and other factors. Avoided disposal costs are those costs that are not incurred by the responsible unit because material is recycled rather than disposed of by landfilling or incineration (such as landfill tipping fees).

The basic grant award in 1999, the last year the formula was used, was determined by first calculating 66% of the difference between eligible expenses and avoided disposal costs or \$8 per capita, whichever was less. The second step was to compare this amount with 33% of eligible expenses. The responsible unit received the greater of these two amounts. Third, counties that are responsible units for at least 75% of the county's population were guaranteed a minimum annual grant of \$100,000 if they had eligible expenses equal to or greater than that amount. The final step was to prorate all grant awards by an equal percentage (after providing the minimum \$100,000 grants to certain counties) to meet available funding.

1999 Act 9 changed the grant formula for 2000 and subsequent grant years. The Legislature enacted a change to a per capita based grant formula. However, as a result of the Governor's partial veto, the formula was changed to a proportional distribution based on 1999 awards.

In order to be eligible for a grant in 2000, a responsible unit had to have received financial assistance in 1999 and DNR had to have determined that the responsible unit has an effective recycling program. In 2000, 11 responsible units applied for and did not receive grants because they did not receive a grant in 1999.

Current Grant Formula. Beginning in the 2001 grant year through the 2015 grant year, responsible units receive a grant equal to the same percentage of the total grant funding as the responsible unit received, or would have received, in 1999. For example, if a responsible unit received 1% of the total grant funds in 1999, the responsible unit receives 1% of the total grant funds in 2014.

Late applications receive a reduced grant as follows: (a) 95% of the awarded amount if submitted between October 2 and October 10 (submittal included the date the application is submitted).

ted online or the postmark date if mailed); (b) 90% if submitted between October 11 and October 20; (c) 75% if submitted between October 21 and October 30; and (d) no grant if submitted after October 30.

Grant Awards. For the 24 grant periods through 2014 (2013-14 grants), Table 5 shows the number of responsible units of government eligible for awards, the total award amount, and the average per capita award. Table 5 includes information about both the basic grants, supplemental grants in 1994 through 1999, recycling efficiency incentive grants between 2003 and 2011, and recycling consolidation grants in 2012 through 2014.

Awards as a Percent of Recycling Costs.

Table 6 shows the total state grant award as a percent of the net eligible recycling costs. In 1992, the first year of the grant formula, grant awards averaged 52% of net eligible recycling costs. The award as a percent of costs decreased in subsequent years to an estimated 17.5% in 2014.

2014 Award Characteristics

In 2013-14, for calendar year 2014, DNR issued awards in May of 2014 totaling \$19,000,000 for basic municipal and county recycling grants and \$1,000,000 for recycling consolidation grants. While the 2014 combined basic plus consolidation grant awards averaged 17.5% of the estimated \$114.2 million in net eligible recycling costs, the award as a percent of net eligible recycling costs varied considerably for individual responsible units.

The 2014 basic grant amount was calculated as the same percentage of the 2014 award amount of \$19.0 million as the responsible unit received or would have received of the 1999 appropriation of \$24,000,000. The actual grant amount for each responsible unit was capped by the projected net

eligible recycling costs for the responsible unit, and was reduced by any late application penalty. The recycling consolidation grant amount was calculated by adding the population of all eligible responsible units, and dividing the \$1,000,000 recycling consolidation grant appropriation by that population total, to reach a per capita consolidation grant amount of \$0.26.

For the 2014 grant year, Tables 7 through 14 show the distribution of grant awards in several different ways and include the population represented by the responsible units receiving those awards, the net eligible recycling costs, the total grant award, the average per capita grant award and the grant award as a percent of net eligible recycling costs.

Table 7 shows the distribution of 2014 basic plus consolidated grant awards by type of local government unit. While 58% of the responsible units were towns, towns represented 16.1% of the population of responsible units that received grant awards and 11.3% of the total grant award dollars. Responsible units that are cities represented 45.5% of the population and 48.2% of the total grant award dollars. While the statewide average award as a percent of the net eligible recycling costs was 17.5% and the average award per capita was \$3.51, these measurements varied by responsible unit.

Most of the responsible unit grant recipients had populations under 2,500. As shown in the Table 8 distribution by population size, the 734 responsible units with populations under 2,500 represented 71.7% of the responsible units that received grants, 13.1% of the population served through the grants and 11.3% of the total grant award dollars in 2014. In comparison, six responsible units with populations of 100,000 or greater represented 0.6% of the responsible units, but included 26.6% of the population that received grants and 27.8% of the total grant award dollars in 2014.

Table 5: Summary of Municipal and County Recycling Grant Amounts

Calendar Year	Number of Grantees (1)	Net Eligible Recycling Costs (2)	Actual Award Amount	Average Per Capita Award Amount
1990/1991 final	1,860 (3)	NA	\$18,500,000	\$3.77
1992 final	870	\$35,588,600	18,452,200	4.07
1993 final	941	48,520,200	23,741,300	4.98
1994 final Basic	1,001	56,520,200	26,860,700	5.44
Supplemental	<u>211</u>	<u>NA</u>	<u>2,943,900</u>	<u>10.50</u>
Total	1,001	56,520,200	29,804,500	6.04
1995 final Basic	1,010	61,023,800	26,182,500	5.21
Supplemental	<u>283</u>	<u>NA</u>	<u>2,914,100</u>	<u>6.92</u>
Total	1,010	61,023,800	29,096,600	5.80
1996 final Basic	1,018	66,340,000	26,278,600	5.18
Supplemental	<u>299</u>	<u>NA</u>	<u>2,915,900</u>	<u>5.89</u>
Total	1,018	66,340,000	29,194,500	5.75
1997 final Basic	1,016	68,842,900	26,268,900	5.13
Supplemental	<u>290</u>	<u>NA</u>	<u>2,917,900</u>	<u>5.84</u>
Total	1,016	68,842,900	29,186,800	5.71
1998 final Basic	1,018	71,442,200	21,440,200	4.15
Supplemental	<u>292</u>	<u>NA</u>	<u>2,417,900</u>	<u>4.38</u>
Total	1,018	71,442,200	23,858,100	4.61
1999 final Basic	1,011	73,262,600	21,731,500	4.18
Supplemental	<u>296</u>	<u>NA</u>	<u>2,397,900</u>	<u>4.13</u>
Total	1,011	73,262,600	24,129,400	4.64
2000 final Total	999	76,581,100	24,312,500	4.66
2001 final Total	1,011	84,124,200	24,276,700	4.59
2002 final Total	1,016	82,624,400	24,387,500	4.53
2003 final Basic	1,016	84,426,600	24,404,900	4.50
Efficiency Incentive	<u>110</u>	<u>NA</u>	<u>1,900,000</u>	<u>0.71</u>
Total	1,016	84,426,600	26,304,900	4.84
2004 final Basic	1,013	85,661,000	24,383,300	4.48
Efficiency Incentive	<u>77</u>	<u>NA</u>	<u>1,900,000</u>	<u>0.74</u>
Total	1,013	85,661,000	26,283,300	4.83
2005 final Basic	1,010	90,136,100	24,409,700	4.43
Efficiency Incentive	<u>148</u>	<u>NA</u>	<u>1,898,200</u>	<u>0.66</u>
Total	1,010	90,136,100	26,307,900	4.78
2006 final Basic	1,012	93,952,900	24,435,000	4.40
Efficiency Incentive	<u>120</u>	<u>NA</u>	<u>1,900,000</u>	<u>0.71</u>
Total	1,012	93,952,900	26,335,000	4.74

Table 5: Summary of Municipal and County Recycling Grant Amounts (continued)

Calendar Year	Number of Grantees (1)	Net Eligible Recycling Costs (2)	Actual Award Amount	Average Per Capita Award Amount
2007 final Basic	1,008	\$98,387,100	\$24,414,600	\$4.37
Efficiency Incentive	<u>124</u>	<u>NA</u>	<u>1,900,000</u>	<u>0.70</u>
Total	1,018	98,387,100	26,314,600	4.71
2008 final Basic	1,018	99,118,900	30,787,900	5.47
Efficiency Incentive	<u>227</u>	<u>NA</u>	<u>1,900,000</u>	<u>0.65</u>
Total	1,018	99,118,900	32,687,900	5.81
2009 final Basic	1,022	107,997,300	27,829,100 (4)	4.92
Efficiency Incentive	<u>161</u>	<u>NA</u>	<u>1,500,000 (4)</u>	<u>0.56</u>
Total	1,022	107,997,300	29,329,100	5.18
2010 final Basic	1,025	104,028,700	29,294,200 (4)	5.16
Efficiency Incentive	<u>0</u>	<u>NA</u>	<u>0</u>	<u>0.00</u>
Total	1,025	104,028,700	29,294,200	5.16
2011 final Basic	1,020	103,514,700	18,954,000 (4)	3.34
Efficiency Incentive	<u>0</u>	<u>NA</u>	<u>0</u>	<u>0.00</u>
Total	1,020	103,514,700	18,954,000	3.34
2012 final Basic	1,026	105,885,200	19,000,000	3.34
Consolidation	<u>186</u>	<u>NA</u>	<u>1,000,000</u>	<u>0.27</u>
Total	1,026	105,885,200	20,000,000	3.52
2013 final Basic	1,020	109,311,000	18,996,900	3.34
Consolidation	<u>193</u>	<u>NA</u>	<u>1,000,000</u>	<u>0.26</u>
Total	1,020	109,310,000	19,996,900	3.52
2014 award Basic	1,024	114,228,100	19,000,000	3.33
Consolidation	<u>203</u>	<u>NA</u>	<u>1,000,000</u>	<u>0.26</u>
Total	1,024	114,228,100	20,000,000	3.51

NA: Not applicable

(1) All grantees that received a supplemental grant in 1994 through 1999, an efficiency incentive grant in 2003 through 2009, or a consolidation grant in 2012 through 2014, first received a basic grant.

(2) For final grants, this equals the lesser of the actual net eligible recycling costs and the net eligible recycling costs that were estimated at the time of the initial grant award.

(3) This equals the 1990 total of 1,849 municipalities plus 11 Indian tribes. Since the first expedited grant installment was made to all municipalities and Indian tribes, and subsequent installments only to responsible units, this is the maximum number of units that received any of the expedited grant installments.

(4) DNR awarded less than the appropriated amount to meet part of the Department's obligation to transfer funds to the state's general funds under deficit reduction requirements of 2007-09 and 2009-11 legislation.

Table 6: Municipal and County Recycling Grants: Eligible Cost, Grant Award and Award as Percent of Costs (\$ in Millions)

Calendar Year	Net Eligible Recycling Costs	Award Amount**	Grant Award as % of Net Eligible Costs
1992	\$35.6	\$18.5	52.0%
1993	48.5	23.7	48.9
1994	56.5	29.8	52.7
1995	61.0	29.1	47.7
1996	66.3	29.2	44.0
1997	68.8	29.2	42.4
1998	71.4	23.9	33.5
1999	73.3	24.1	32.9
2000	76.6	24.3	31.7
2001	84.1	24.3	28.9
2002	82.6	24.3	29.4
2003	84.4	26.3	31.2
2004	85.7	26.4	30.8
2005	90.1	26.3	29.2
2006	94.0	26.3	28.0
2007	98.4	26.3	26.7
2008	99.1	32.7	33.0
2009	108.0	29.3	27.2
2010	104.0	29.3	28.2
2011	103.5	19.0	18.3
2012	105.9	20.0	18.9
2013	109.3	20.0	18.3
2014*	114.2	20.0	17.5

*Shows estimated net eligible recycling costs in 2014, and final net eligible recycling costs in prior years.

**In the 2003 through 2011 grant years, includes basic grant plus efficiency incentive grant. As of 2012, includes basic grant plus consolidated grant.

Table 7: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) by Governmental Unit Type

Type	Number of RUs	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Average Per Capita Grant Award	Average Award as a % of Net Eligible Recycling Costs
Town	594	916,924	\$16,145,994	\$2,255,219	\$2.46	14.0%
Village	245	704,658	18,086,534	2,144,200	3.04	11.9
City	130	2,592,492	58,628,144	9,639,477	3.72	16.4
County	34	1,421,483	19,683,771	5,666,221	3.99	28.8
Indian Tribe	10	21,148	1,037,238	159,525	7.54	15.4
Other	<u>11</u>	<u>43,445</u>	<u>646,369</u>	<u>135,349</u>	3.12	20.9
Total	1,024	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%

Table 8: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) by Population Size

Population	Number of RUs	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidation Grant Award	Average Per Capita Grant Award	Average Award as a % of Net Eligible Recycling Costs
Less than 2,500	734	746,784	\$16,248,888	\$ 2,266,655	\$ 3.04	13.9%
2,500 - 4,999	118	415,054	8,474,692	1,278,722	3.08	15.1
5,000 - 9,999	71	513,800	11,185,584	1,696,599	3.30	15.2
10,000 - 24,999	59	922,150	20,935,720	3,380,051	3.67	16.1
25,000 - 49,999	27	970,224	16,767,143	3,571,739	3.68	21.3
50,000 - 99,999	9	616,103	9,120,747	2,240,634	3.64	24.6
100,000 and over	<u>6</u>	<u>1,516,035</u>	<u>31,495,276</u>	<u>5,565,591</u>	3.67	17.7
Total	1,024	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%

Table 9: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) by Amount of Award

Award Amount	Number of RUs	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Average Per Capita Grant Award	Average Award as a % of Net Eligible Recycling Costs
\$1 - \$4,999	627	602,244	\$9,327,473	\$1,253,705	\$2.08	13.4%
5,000 - 9,999	165	401,401	8,746,428	1,200,822	2.99	13.7
10,000 - 24,999	113	627,308	15,801,211	1,788,254	2.85	11.3
25,000 - 49,999	37	385,600	9,671,457	1,275,489	3.31	13.2
50,000 - 99,999	46	788,165	15,454,510	3,450,381	4.38	22.3
100,000 - 499,999	32	1,585,411	29,038,590	6,387,242	4.03	22.0
500,000 and over	<u>4</u>	<u>1,310,021</u>	<u>26,188,381</u>	<u>4,644,098</u>	3.55	17.7
Total	1,024	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%

Table 9 lists the number and total dollar amount of 2014 recycling grant awards received by the size of the award and includes the population represented within each category. Table 9 shows that 627 grant awards, totaling \$1,253,705, were less than \$5,000 each, and were made to responsible units representing a total population of 602,244. These grants represent approximately 10.6% of the population of grantees and 6.3% of the awarded grant dollars. Four grant awards were each \$500,000 or larger, totaling \$4,644,098, and were made to approximately 26.6% of the population served, with approximately 23.2% of the grant dollars awarded in 2014.

Table 10 shows that the distribution of grants by per capita category varied among responsible units. Approximately 31.4% of the grantees, with

12.9% of the total grantee population, received awards that averaged less than \$2 per capita, with awards averaging 9.8% of total net eligible recycling costs. In comparison, 20 responsible units, with 1.1% of the total grantee population, received awards that averaged \$8 and over per capita, with these awards averaging 26.3% of the net eligible recycling costs of the 20 responsible units.

Table 11 shows the grant award as a percent of the net eligible recycling costs. The award as a percent of net eligible recycling costs varied widely, ranging from 1% to 100% of net eligible recycling costs. In the group of 31 responsible units that had awards that averaged 60% or more of net eligible costs, the per capita award ranged from \$0.32 to \$18. Twelve of the 31 responsible units received awards equaling 100% of net eli-

Table 10: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) by Award Per Capita

Award Per Capita	Number of RUs	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Average Per Capita Grant Award	Average Award as a % of Net Eligible Recycling Costs
\$0.01 - \$0.99	94	158,434	\$1,268,827	\$106,547	\$0.67	8.4%
1.00 - 1.99	228	577,492	8,902,887	886,298	1.53	10.0
2.00 - 2.99	232	1,029,689	18,025,281	2,675,780	2.60	14.8
3.00 - 3.99	246	2,695,856	55,748,705	9,701,347	3.60	17.4
4.00 - 5.99	146	980,253	21,925,228	4,529,751	4.62	20.7
6.00 - 7.99	58	196,255	5,527,873	1,354,933	6.90	24.5
8.00 - 9.99	7	38,518	1,296,499	340,388	8.84	26.3
10.00 and over	<u>13</u>	<u>23,653</u>	<u>1,532,750</u>	<u>404,947</u>	17.12	26.4
Total	1,024	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%

Table 11: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) by Award as a Percent of Net Eligible Recycling Costs

Award as % of Net Eligible Recycling Costs	Number of RUs	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Average Per Capita Grant Award	Average Award as a % of Net Eligible Recycling Costs
0.1% - 9.99%	235	609,822	\$20,845,049	\$1,429,242	\$2.34	6.9%
10 - 19.99	428	3,025,692	68,186,555	10,379,134	3.43	15.2
20 - 29.99	193	925,689	13,919,404	3,290,565	3.55	23.6
30 - 39.99	69	580,968	6,140,219	2,171,282	3.74	35.4
40 - 49.99	45	331,757	3,216,320	1,405,251	4.24	43.7
50 - 59.99	23	91,700	1,127,099	586,975	6.40	52.1
60 - 100	<u>31</u>	<u>134,522</u>	<u>793,405</u>	<u>737,540</u>	5.48	93.0
Total	1,024	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%

gible recycling costs. The variation in the award as a percent of net eligible cost is due to factors such as what activities responsible units choose to include in their recycling program, what activities responsible units included in 1999 when the current formula was created (since 1999, responsible units have received the same percentage of the total grant as they received in 1999), the costs of various curbside collection or drop-off collection program components, and the costs of transportation of collection activities in densely or sparsely populated responsible units.

Table 12 lists the 65 responsible units with grant awards of \$70,000 or greater for the 2014 grant year. These responsible units include 29 cities, 32 counties, and four villages. Grants to the 65 responsible units include 60.0% of the total grantee population and 67.4% of the total grant award dollars paid.

The grant award for the 65 responsible units as a percent of net eligible recycling costs varied from 10% to 100%, depending on the 1999 grant amount and estimated net eligible costs.

Table 12: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) - Largest 65 Grant Awards Includes All Awards of \$70,000 or Greater

Municipality/County	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Per Capita Grant Award	Award as a % of Net Eligible Recycling Costs
Milwaukee, City	596,500	\$12,050,999	\$2,322,775	\$3.89	19.3%
Waukesha, County	278,211	6,090,738	947,620	3.41	15.6
Madison, City	238,000	6,568,057	803,798	3.38	12.2
Outagamie, County	197,310	1,478,587	569,905	2.89	38.5
Eau Claire, County	101,714	1,156,345	486,909	4.79	42.1
Green Bay, City	104,300	4,150,550	434,585	4.17	10.5
Kenosha, City	99,700	1,170,869	388,974	3.90	33.2
Racine, City	78,700	1,904,617	316,080	4.02	16.6
West Allis, City	60,300	1,427,665	254,290	4.22	17.8
Oshkosh, City	66,300	818,537	237,855	3.59	29.1
Janesville, City	63,600	913,580	226,645	3.56	24.8
Portage, County	62,630	1,079,709	220,720	3.52	20.4
Chippewa, County	58,005	625,478	218,181	3.76	34.9
Manitowoc, City	33,685	430,500	216,380	6.42	50.3
Oconto, County	37,898	423,150	207,650	5.48	49.1
Neenah, City	25,750	1,133,716	202,576	7.87	17.9
Pierce, County	41,852	523,950	201,434	4.81	38.4
Saint Croix, County	75,268	457,186	196,532	2.61	43.0
Sheboygan, City	48,965	1,219,086	193,841	3.96	15.9
Wauwatosa, City	46,705	941,828	186,208	3.99	19.8
La Crosse, City	51,600	723,106	181,358	3.51	25.1
Waupaca, County	41,820	675,179	173,303	4.14	25.7
Polk, County	44,120	418,480	159,565	3.62	38.1
Dunn, County	41,316	713,045	157,110	3.80	22.0
Fond Du Lac, City	43,100	748,326	157,036	3.64	21.0
Wausau, City	39,180	641,324	147,757	3.77	23.0
Monroe, County	44,014	638,802	144,525	3.28	22.6
Vernon, County	30,257	651,351	142,359	4.70	21.9
Columbia, County	41,602	897,185	138,491	3.33	15.4
Beloit, City	36,820	889,353	138,016	3.75	15.5
Greenfield, City	36,770	634,419	124,560	3.39	19.6
Vilas, County	21,465	511,886	115,551	5.38	22.6
West Bend, City	31,425	642,237	108,664	3.46	16.9
Watertown, City	23,865	897,093	105,779	4.43	11.8
Fitchburg, City	25,465	488,552	103,355	4.06	21.2
Superior, City	27,220	491,486	100,956	3.71	20.5
Allouez, Village	13,932	521,978	98,859	7.10	18.9
Buffalo, County	10,742	190,574	98,804	9.20	51.8
Richland, County	17,228	187,405	98,790	5.73	52.7
De Pere, City	24,047	532,449	97,793	4.07	18.4
Adams, County	18,829	220,816	96,958	5.15	43.9
Oak Creek, City	34,695	726,920	94,365	2.72	13.0
Taylor, County	16,243	278,509	88,705	5.46	31.8
Iron, County	5,848	94,163	88,300	15.10	93.8
Barron, County	34,549	296,714	88,230	2.55	29.7

Table 12: 2014 Municipal and County Recycling Grants to Responsible Units (RUs) - Largest 65 Grant Awards Includes All Awards of \$70,000 or Greater (continued)

Municipality/County	Population	Net Eligible Recycling Costs	Combined Basic Plus Consolidated Grant Award	Per Capita Grant Award	Award as a % of Net Eligible Recycling Costs
Burnett, County	15,183	\$93,110	\$87,548	\$5.77	94.0%
Waushara, County	23,683	217,412	87,078	3.68	40.1
Door, County	27,966	388,550	86,516	3.09	22.3
Jackson, County	20,142	184,602	84,772	4.21	45.9
Washburn, County	15,928	98,067	83,381	5.23	85.0
Two Rivers, City	11,658	382,560	83,065	7.13	21.7
Rusk, County	13,311	82,022	82,022	6.16	100.0
Forest, County	9,210	83,124	81,631	8.86	98.2
South Milwaukee, City	21,127	554,306	81,571	3.86	14.7
Menominee, County	4,221	145,600	81,263	19.25	55.8
Menomonee Falls, Village	35,710	479,100	79,919	2.24	16.7
Marquette, County	14,312	79,008	79,008	5.52	100.0
Florence, County	4,381	78,997	78,997	18.03	100.0
Weston, Village	15,708	281,720	78,664	5.01	27.9
Ashwaubenon, Village	16,973	447,683	76,345	4.50	17.1
Monroe, City	10,780	371,818	74,294	6.89	20.0
Muskego, City	24,239	477,673	73,142	3.02	15.3
Wisconsin Rapids, City	18,341	434,512	72,239	3.94	16.6
Oneida, County	26,955	372,363	71,063	2.64	19.1
Menasha, City	<u>17,454</u>	<u>600,870</u>	<u>70,337</u>	<u>4.03</u>	<u>11.7</u>
Largest Grants, \$70,000 or Greater	3,418,827	\$64,129,596	\$13,474,998	\$3.94	21.0%
Small Grants Less Than \$70,000	2,281,323	\$50,098,454	\$6,524,993	\$2.86	13.0%
Statewide Total, 1,024 Grants	5,700,150	\$114,228,050	\$19,999,990	\$3.51	17.5%
65 Largest Grants, % of Total	60.0%	56.1%	67.4%		

Recycling Consolidation Grant Program

In 2011 Act 32, a recycling consolidation grant program was created. The program has been appropriated \$1,000,000 annually 2011-12 through 2014-15 from the segregated environmental management account.

DNR is required to distribute the funds on a per capita basis to responsible units that operate effective recycling programs and meet one of the

following criteria:

1. The responsible unit is a county.
2. The responsible unit is a federally recognized Indian tribe or band.
3. The responsible unit has a population of 25,000 or more and consists of one or more municipalities.
4. The responsible unit is not eligible under (1) through (3) above, but one of the following applies by October 1 in the year before the grant year: (a) the responsible unit consists of what had

Table 13: Recycling Consolidation Grants

Eligibility Category	Number of RUs	Population	Award Amount
2012 Grants			
County	34	1,415,318	\$375,354
Indian Tribe	10	21,148	5,609
Population > 25,000	25	1,908,697	506,201
Cooperative agreement	<u>117</u>	<u>425,464</u>	<u>112,836</u>
Total	186	3,770,627	\$1,000,000
Per Capita grant = \$0.265			
2013 Grants			
County	34	1,453,432	\$381,054
Indian Tribe	10	21,148	5,544
Population > 25,000	25	1,875,851	491,802
Cooperative agreement	<u>124</u>	<u>463,810</u>	<u>121,600</u>
Total	193	3,814,241	\$1,000,000
Per Capita grant = \$0.262			
2014 Grants			
County	34	1,421,483	\$371,109
Indian Tribe	10	21,148	5,507
Population > 25,000	25	1,916,875	499,187
Cooperative agreement	<u>134</u>	<u>476,915</u>	<u>124,197</u>
Total	203	3,836,421	\$1,000,000
Per Capita grant = \$0.261			

previously been at least two responsible units; or (b) the responsible unit enters into a cooperative agreement with another responsible unit for the joint provision of at least one of the following elements of an effective recycling program: (1) performing comprehensive program planning; (2) collecting and transporting recyclable materials; (3) sorting recyclable materials at a materials recovery facility; (4) developing and distributing education materials relating to waste reduction, reuse, and recycling; (5) carrying out a program of technical assistance to businesses and owners and occupants of multifamily dwellings to increase the availability and convenience of recycling; or (6) any other program element approved by DNR.

The sum of the recycling consolidation grant and basic grant for specific responsible units cannot exceed the amount of eligible recycling costs. Table 13 summarizes the recycling consolidation grants awarded in 2011-12 through 2013-14 by

type of eligibility. Counties are listed only under "county" if they have a population that exceeds 25,000, or could have also qualified through a cooperative agreement. Cities or villages with a population over 25,000 are only listed in that category if they could have also qualified through a cooperative agreement. The table also includes the number of responsible units that received recycling consolidation grants, total population of those responsible units, and the per capita award amount.

Electronics Recycling Program

DNR administers the electronics recycling program established under 2009 Act 50. DNR refers to the program as "E-Cycle Wisconsin." The program includes requirements for sales and recycling of covered electronic devices used by

households, public K-12 schools, and private school choice program schools (covered schools). It also includes requirements for manufacturers, retailers, collectors, and recyclers of covered electronic devices. Covered electronic devices include televisions and computer monitors with a tube or screen at least seven inches at its longest diagonal measurement, computers, and printers.

Sale of Covered Electronic Devices

Since February 1, 2010, a manufacturer may only sell, offer to sell, or deliver to a retailer for subsequent sale, covered electronic devices to households or covered schools if the manufacturer labels the devices, recycles or arranges for recycling the devices, registers with DNR, pays annual registration fees, submits annual reports to DNR, finances and ensures the recycling of a certain amount of electronics annually, and pays shortfall fees if it recycles less than certain target amounts.

Since July 1, 2010, a retailer may only sell or offer to sell a new covered electronic device to a household or covered school if the retailer determines that the brand of covered electronic device is on the DNR's Internet site list of registered manufacturers. If a manufacturer's registration is revoked or expires, the retailer may only sell the covered electronic device within 180 days after the revocation or expiration. A retailer is required to provide information to purchasers describing how eligible electronic devices can be collected and recycled, and a description of the ban on disposing of the devices in landfills or incinerators.

Requirements for Manufacturers

The program defines manufacturers as any person who: (a) manufactures covered electronic devices to be sold under the person's own brand; (b) sells covered electronic devices manufactured by someone else under the person's own brand; or (c) licenses the person's brand for manufacture and sale of covered electronic devices by others.

Registration and Recycling Targets. Manufacturers are required to register with DNR annually by September 1. Manufacturers must include information in the registration about the brands and weight of covered electronic devices they sell in the state, the total weight of eligible electronic devices used by households or covered schools that were collected by or delivered to the manufacturer for recycling, and other required information.

For the fifth program year of July 1, 2013, through June 30, 2014, 110 manufacturers submitted registrations of covered electronic devices in the fall of 2013. For the sixth program year of July 1, 2014, through June 30, 2015, 99 manufacturers submitted registrations by November, 2014, and DNR anticipated there would be a small number of additional registrations.

A manufacturer is required to achieve a recycling target every year, that is, to achieve a specified amount of recycling of electronic devices, as determined by weight and a specified formula. A manufacturer is required to recycle 80% of the weight of covered electronic devices it sold to households and covered schools during the 12-month period two years earlier.

A manufacturer may recycle a broader category of "eligible electronic devices" to meet its recycling target. Eligible electronic devices include covered electronic devices (computers, printers, monitors, and televisions), plus devices used by households or covered schools that include computer peripherals (such as keyboards, external hard drives, flash drives, modems, mice, scanners, and speakers used with a computer), facsimile machines, digital video disc (DVD) players, video cassette recorders (VCR), and digital video recorders or players that do not use discs or cassettes. DNR is authorized to promulgate administrative rule changes to add or subtract types of electronic devices from the list of eligible electronic devices. As of the fall of 2014, DNR has not initiated such rule changes.

Manufacturers are subject to a forfeiture of not more than \$10,000 per violation of the electronics recycling statutes.

Registration and Shortfall Fees and Credits. DNR is required to assess annual registration and shortfall fees to manufacturers. The fees are deposited in the environmental management account of the environmental fund, are only available for expenditure under an appropriation for DNR administration of the electronics recycling program, and cannot be used for other appropriations from the account.

A manufacturer is required to pay annual registration fees by September 1, based on the number of covered electronic devices it sold during the previous program year (July 1 to June 30). The fees include: (a) \$0, if less than 25 devices were sold; (b) \$1,250 if 25 to 249 devices were sold; and (c) \$5,000 if at least 250 devices were sold. DNR may promulgate an administrative rule to change the registration fee for manufacturers that sell at least 250 devices in the state annually. As of the fall of 2014, DNR has not initiated such rule changes.

In its annual report, the manufacturer is required to report on the weight of eligible electronic devices that it recycled during the prior program year. If the manufacturer does not meet its recycling target, that is, it recycles substantially less electronic devices than it sells, it must pay an annual shortfall fee to DNR.

Shortfall fees are calculated on a graduated scale determined by how short of the target recycling weight the manufacturer's actual collections were. The fees are calculated by first subtracting the actual recycling weight from the target recycling weight. The manufacturer is allowed to multiply the total recycled weight that it recycled by 1.25 for eligible electronic devices that it collects in rural counties. This is intended to provide an incentive for manufacturers to collect eligible electronic devices for recycling in rural areas.

The statutes designate 33 urban and 39 rural counties for purposes of the collection incentive.

The resulting number of pounds is used to calculate the shortfall fees as follows: (a) 50 cents per pound if the actual weight recycled is less than 50% of the target recycling weight; (b) 40 cents per pound if the actual weight recycled is at least 50% but not more than 90% of the target recycling weight; and (c) 30 cents per pound if the actual weight recycled is more than 90% and less than 100% of the target recycling weight.

Table 14 shows the amount of manufacturer registration and shortfall fees collected in 2009-10 (the first year of the program) through 2013-14, and the estimated amounts for 2014-15. In 2013-14, approximately 80 of 110 registered manufacturers paid registration fees totaling \$310,000. The registered manufacturers who did not pay fees were exempt from fees because they sold less than 25 units. Of the manufacturers who paid fees, 15 paid shortfall fees totaling \$10,105.

Table 14: Electronics Recycling Program -- Manufacturer Fees

Year	Registration Fees	Shortfall Fees	Total
2009-10	\$261,250	\$0	\$261,250
2010-11	270,000	0	270,000
2011-12	275,000	8,453	283,453
2012-13	310,000	19,210	329,210
2013-14	310,000	10,105	320,105
2014-15 est.	285,000	7,700	292,700

A manufacturer earns a recycling credit if, for a program year, the weight of eligible electronic devices recycled exceeds the target recycling weight. The manufacturer would be entitled to a number of recycling credits equal to the number of excess pounds or 20% of the target recycling weight, whichever is less. During the three succeeding program years, the manufacturer could use the credits to help meet its recycling target during that time, or could sell the credits to another manufacturer. In the program year ending

June 30, 2013, 29 manufactures earned recycling credits totaling 2.2 million pounds, and two of them sold credits to other manufacturers totaling less than 30,000 pounds. In the year ending June 30, 2014, manufacturers earned new recycling credits totaling 1.5 million pounds and used 1.3 million credits to help meet recycling targets. There were almost 4.5 million recycling credits available for manufacturers to use or sell to other manufacturers in future years.

A manufacturer may submit, with its registration, a request for relief from the shortfall fee in that year. The manufacturer would have to submit information showing that it made good faith progress toward meeting its target recycling weight. If DNR determines that the manufacturer has made good faith progress toward meeting its target recycling weight, the Department would waive the shortfall fee. If not, DNR would notify the manufacturer, and the manufacturer would have to pay the shortfall fee within 60 days after receiving the notification. As of October, 2014, no manufacturers have submitted a request.

Requirements for Collectors and Recyclers

The program specifies that collectors are persons who receive electronic devices from households or covered schools and deliver them to recyclers. Recyclers accept electronics from collectors, households and schools, for the purpose of recycling.

Collectors and recyclers are required to register with DNR annually by August 1. Collectors are required to report to DNR the total weight of eligible electronic devices collected during the preceding program year, and the names of the recyclers to whom the collector delivered the electronic devices. Registered collectors and recyclers may not use prison labor to collect or recycle eligible electronic devices.

Registered recyclers are required to meet additional requirements. These relate to maintaining

specified liability insurance, proof of financial responsibility, specific records, a contingency plan for responding to releases of hazardous substances, and compliance with federal, state, and local requirements for storing, transporting, processing, and exporting eligible electronic devices.

Collectors and recyclers are not subject to registration fees. Information reported to DNR showed that, as of October, 2014, 134 collectors and 25 recyclers were registered with DNR for the program year July 1, 2014, through June 30, 2015. Between July 1, 2012, and June 30, 2013, registered collectors collected 38.8 million pounds of eligible electronics at 681 registered collection sites (including at 478 permanent, 203 temporary or event sites). Of the total amount collected, approximately 33.8 million pounds (87%) was from urban counties. Of the total amount collected in 2012-13, 64% of the weight collected was televisions, 10% was computer monitors, 7% was computers, and 19% was other eligible electronics such as printers. Between July 1, 2013, and June 30, 2014, registered collectors collected 37.2 million pounds of eligible electronics. For the first five program years, a cumulative total of 160.6 million pounds of electronics was collected between January 1, 2010, and June 30, 2014.

DNR is authorized to audit, or contract for the audit of a registered collector or recycler. If the Department does so during the first three years in which the collector or recycler is registered, the collector or recycler is required to pay 25% of the cost of the audit. After the first three years, the collector or recycler will pay 50% of the cost of the audit. The costs paid by the collector or recycler will be deposited in the electronics recycling appropriation. As of the fall of 2014, DNR had not audited any registered collector or recycler.

Collectors and recyclers are subject to a forfeiture of not more than \$1,000 per violation.

DNR Administration

DNR is responsible for administration and collection of electronics recycling program fees, compliance and enforcement, and outreach. DNR is required to maintain an Internet site on which it lists the names of registered manufacturers, the names of brands of electronics listed in the manufacturers' registrations, and the names of registered collectors and recyclers.

DNR allocates 2.0 positions from the environmental management account to administer the electronics recycling program. One of the positions is appropriated in an environmental management account appropriation which is authorized to spend only any electronics registration and shortfall fees. The appropriation may spend all moneys received from the fees, so the appropriation amount is an estimate. The remaining position is appropriated through the DNR recycling administrative appropriation, which is funded from environmental management account revenues other than the electronics fees.

DNR utilizes the positions to coordinate the program, interpret policy, prepare guidance documents, develop administrative rules, manage and track registrations, manage annual reporting by entities regulated by the program, collect fees, prepare reports required under the act, maintain a computer system for the program, provide outreach and technical assistance, perform enforcement and compliance, conduct inspections of registered recyclers and collectors, perform public outreach, and develop public educational videos. During the 2013-15 biennium, DNR also paid for two limited-term employees to work on outreach, compliance and technical assistance, a statewide survey about electronics, and purchase of national sales data to check manufacturer targets.

DNR is required to submit an annual report by December 1, beginning in 2012, to the Legislature and Governor, which includes specified information related to collection of electronic de-

vices, information provided by manufacturers and recyclers under the program, information about disposal of eligible electronic devices in landfills, enforcement, and recommendations.

DNR submitted its first annual report in 2012. The second report, submitted in December, 2013, included the following information: (a) almost all manufacturers met or exceeded their recycling targets, with only a small number paying a shortfall fee; (b) the vast majority of manufacturers, recyclers and collectors are complying with the law; (c) some Wisconsin residents are still putting electronics in the trash or illegally disposing of them; (d) the cost of recycling some electronic components poses economic challenges to recyclers and manufacturers; (e) the large amount of electronics collected has put downward pressure on the payments recyclers receive per pound they process; and (f) some recyclers and collectors not participating in the program may be mismanaging electronics components.

In the 2013 report, DNR recommended to: (a) create a grant program to help fund electronics collection in areas where there are few collection options; (b) eliminate registration fees for small manufacturers; (c) modify the definition of covered school to include all K-12 schools (currently K-12 public schools and private school choice schools); (d) require manufacturers to report sales data by television and information technology equipment categories; and (e) require manufacturers and recyclers to report the pounds recycled by category.

If the federal government enacts a law relating to the collection and recycling of covered electronic devices sold in the United States, DNR will be required to prepare a report describing the effect of the federal law and to submit it to the Legislature's standing committees with jurisdiction over solid waste policy. As of the fall of 2014, there have been no federal law changes related to the collection and recycling of electronic devices.

Department of Natural Resources Activities

DNR Recycling Staff

In 2014-15, DNR is authorized 21.4 positions from the segregated environmental management account for work on various recycling activities. This includes the following.

1. The Bureau of Waste and Materials Management in the Division of Air, Waste and Remediation and Redevelopment and the waste management program are authorized 15.5 positions. Staff in the central office perform policy development, administrative, planning, evaluation, markets directory, data management, informational and educational functions. Regional staff provide technical assistance and outreach to local governments on recycling, track and enforce compliance with conditions of approved effective recycling programs, and process applications for the municipal and county grant program. Earlier sections of the paper describe DNR's responsibilities related to administration of compliance with effective program requirements. Of the 15.5 positions, 2.0 positions staff the electronics recycling program. One of the two positions is funded solely from electronics recycling revenues, and the other position is funded from undesignated environmental management account revenues.

2. The Office of Business Support and Sustainability is authorized 1.0 business sector specialist to work with communities and businesses to manage improved performance in business recycling.

3. Administration of the recycling grant programs is performed by 2.0 positions in the Bureau of Community Financial Assistance in the Division of Customer and Employee Services.

4. Recycling enforcement activities are performed by 2.4 positions in the Division of Enforcement. This is provided by allocating a portion of the time of environmental wardens throughout the state. DNR regional recycling specialists also work on enforcement issues.

5. DNR also has accounting, purchasing and other financial management recycling-related responsibilities that are performed by 0.5 position.

Technical Assistance and Information

DNR is responsible for providing technical assistance and comprehensive public information. DNR is required to provide technical assistance to individuals, groups, businesses, state agencies, counties and municipalities in all aspects of recycling, with an emphasis on documents and material that is easy to read and understand by the general public. This includes: (a) providing information about how to perform a study related to the composition of solid waste; (b) maintaining current estimates of the amount of components of solid waste generated by categories of businesses, industries, municipalities and other governmental entities; (c) providing information about how to manage solid waste consistent with the state's solid waste management priorities; and (d) providing technical assistance to local recycling programs.

The Department is required to collect, prepare and disseminate information, and conduct educational and training programs that assist in the implementation of the solid waste management programs. The educational programs must inform the public of the relationship between an individual's consumption of goods and services, the generation of different types and quantities of solid waste and the implementation of the solid waste management priorities. DNR is also required to prepare educational programs on a statewide basis for the following audiences: (a) municipal, county and state officials and employees; (b) kin-

dergarten through graduate students and teachers; (c) private solid waste scrap brokers, dealers and processors; (d) businesses that use or could use recycled materials or which produce or could produce products from recycled materials and persons who serve or support these businesses; and (e) the general public.

During the 2013-15 biennium, DNR accomplished these responsibilities by focusing on several activities that are listed below.

1. Prepared, updated, and distributed fact sheets, newsletters, updates, and publications related to general recycling issues and specific types of recycling.

2. Continued to improve DNR Internet web sites to provide information about recycling programs, legislation, and grant opportunities.

3. Provided communication and education tools and resources to responsible units for distribution to their residents, businesses, and institutions.

4. Maintained, promoted, and expanded an internet-based green and healthy school program in partnership with the Wisconsin Department of Public Instruction and the Wisconsin Center for Environmental Education at the University of Wisconsin - Stevens Point.

5. Conducted over 20 regional workshops related to recycling and green and healthy schools for educators of preschool through grade 12 students.

6. Worked with businesses to increase recycling opportunities and to use recycled materials in operations.

7. Worked with the UW-Extension Solid and Hazardous Waste Education Center to maintain an online recycling markets database.

8. Developed recycling signs for use in state parks, businesses, and schools to increase recycling collection and awareness of opportunities to recycle when people are away from their homes.

9. Participated in and promoted the Wisconsin WRAP initiative (Wrap Recycling Action Program) to increase recycling of plastic film, wrap, and bags in the state.

10. Worked with various associations, businesses, and local governments to increase recycling of bottles and rigid plastics.

11. Worked with the Wisconsin Department of Tourism's Travel Green program to conduct workshops for businesses on implementing or enhancing waste reduction and recycling efforts.

12. Worked with coordinators and solid waste haulers for several large special events to improve access to recycling by event participants and food vendors.

Newspaper Recycled Content Target and Fees

Beginning in 1998, printers and publishers of newspapers and some shopper guides are required to use newsprint that averages 33% or more of post-consumer recycled content. The percentage was 10% in 1992 and 1993, 25% in 1994 and 1995, and 35% in 1996 and 1997, before decreasing to the current 33%.

DNR is required to assess a newspaper recycling fee annually to the publisher of a newspaper that fails to meet the recycled content targets. The amount of the newspaper recycling fee imposed on a publisher in any calendar year that the target is not met is 1% of the total cost of the newsprint used during the year multiplied by the target recycled content percentage minus the average recycled content percentage of the newsprint actually used.

The newspaper recycling fee does not apply to

a publisher of a newspaper if: (a) the publisher documents that he or she is unable to obtain sufficient recycled content newsprint; and (b) the newspaper has a circulation of less than 20,000, the publisher requests an exemption, and DNR determines that compliance with the target recycled content requirement would create a financial hardship for the publisher.

Printers and publishers are required to report annually on their compliance with the requirements of the newspaper recycled content requirement. Fees totaling \$66,800 were paid for 1992 through 2013. The fees are deposited in the environmental management account.

For 2010, DNR did not collect the required reports, and did not determine whether fees were due. For 2011, DNR determined that 11 (33%) of the 33 printers and publishers that reported their use of recycled content newsprint, did not meet the target 33% post-consumer recycled content requirement. DNR determined the 11 printers and publishers should be assessed \$25,477 in newspaper recycling fees, but did not assess the fees.

For 2012, of the 34 printers and publishers that reported their use of recycled content newspaper, 16 met or exceeded the requirements, and 18 (53%) did not meet the mandated 33% requirement. DNR granted exemptions to 15 of the 18, and the remaining three paid fees totaling \$3,865. DNR calculated the statewide average recycled content was 20.9%. For 2013, of 28 reporting printers and publishers, 14 (50%) did not meet the requirements, of which DNR granted exemptions to 11. The remaining three paid fees totaling \$3,970. In 2013, the statewide average recycled content was 25.6%.

On average, printers and publishers met the standard in 1992 through 1995 and 1997 through 2009. It is unknown whether printers and publishers met the standard in 2010 because DNR did not collect the required reports. Printers and publishers did not meet the minimum average

statewide recycled content standard in 1996, or 2011 through 2013. DNR indicates that in the last three years it has been difficult for publishers to obtain recycled content newsprint due to limited supply and transportation costs resulting from closure of plants producing such newsprint.

Council on Recycling

The Council on Recycling was statutorily created in 1989 as a part-time advisory body appointed by the Governor to promote the efficient and prompt implementation of state programs relating to solid waste reduction, recovery and recycling and to advise and assist state and local agencies in the coordination of these programs and the exchange of information related to these activities. There are seven Council members representing business, government, and the public-at-large. Each member serves a four-year term. The Council is staffed by DNR.

In addition to the general functions, the Council is directed to: (a) advise state agencies concerning the promulgation of administrative rules related to solid waste reduction, recovery and recycling; (b) advise DNR and the University of Wisconsin system concerning educational efforts and research related to these activities; (c) in cooperation with the packaging industry, recommend standards for recyclable packaging; (d) develop recommendations, advise and assist local officials and the automotive service industry to promote the recycling of used oil filters; (e) advise DNR concerning the development of a statewide plan for public service announcements that would provide information about recycling programs and the benefits of recycling; and (g) advise the Governor and the Legislature.

During 2013 and 2014, the Council worked on the following activities: (a) hosted speakers on the topics of carpet recycling, and extending ad-

ditional responsibility to producers of products for the disposal and recycling costs of packaging, printed paper, and used paint; (b) provided a forum for discussion of sustainable funding for community recycling programs, use of state revenue from the recycling tipping fee, and state support for recycling from the Wisconsin Economic Development Corporation; (c) convened a stakeholder process to develop recommendations for actions to increasing recycling of plastics in the state, forwarded the recommendations to DNR, and provided continued support for implementation projects; and (d) encouraged legislators to attend Council meetings.

Department of Agriculture, Trade and Consumer Protection Clean Sweep Grants

The clean sweep program provides grants to counties and municipalities for the collection of pesticides, farm chemicals, and hazardous wastes from farmers, businesses, households, schools, and government agencies. 2003 Act 33 created the program under DATCP by consolidating DATCP's agricultural chemical and pesticide collection program with DNR's household clean sweep grant program. The program was further expanded under 2007 Act 20 to allow grants for the collection and disposal of unwanted prescription drugs. The program is currently administered under ATCP 34.

Base funding for the program in the 2013-15 biennium is \$750,000 SEG annually from the environmental management account of the environmental fund. (Under 2011 Act 32, the recycling fund, which funded clean sweep grants between 2003-04 and 2010-11, was folded into the environmental management account.) 2013 Act 20 also provided \$750,000 additional environmental management SEG in 2013-14 to allow DATCP to adjust the timing under which it makes grant payments. Specifically, the Depart-

ment has made clean sweep grant awards on a calendar-year basis, which is the typical budgeting period for municipalities receiving the grants. However, DATCP in the 2009-11 biennium began awarding grants using funds available in the fiscal year beginning midway through the calendar year's grant cycle. This timing discrepancy could lead to circumstances in which the following fiscal year's appropriation is uncertain, pending completion of the biennial budget. For example, clean sweep events occurring in the 2013 calendar year were determined mostly in late 2012, prior to the introduction of the 2013-15 budget bill, but under the assumption the bill, once enacted, would make funding available in the 2013-14 fiscal year to support the 2013 events. Therefore, Act 20 funding of \$1.5 million in 2013-14 was intended to support reimbursements of 2013 events, as well as allow DATCP to conduct the 2014 grant cycle using funds on hand, rather than the program's 2014-15 appropriation. To accommodate the one-time additional funding, Act 20 transferred \$750,000 from the segregated agrichemical management fund to the environmental management account in 2013-14.

The statutes provide that DATCP must award at least two thirds of the funding available annually for clean sweep grants for household hazardous waste and pharmaceuticals collections. Grant awards are made to reimburse incurred local costs, with municipalities required to fund at least 25% of the clean sweep project costs, either with cash or in-kind services. No maximum grant award is set in statute or administrative code, although DATCP determines the maximum grant internally each grant cycle in an attempt to provide most eligible applicants with some level of funding. For grants supporting events in the 2015 calendar year, DATCP established the following maximum amounts per individual municipality: (a) \$14,000 for a household waste collection lasting up to three days in a calendar year, which is known as a temporary event; (b) \$18,000 for a household waste collection operating four days or more each year, which is termed a continuous

event; (c) \$8,000 for an agricultural waste temporary event; (d) \$10,000 for an agricultural waste continuous collection; (e) \$6,000 for a prescription drug temporary event; (f) \$10,000 for a prescription drug continuous event; and (g) \$2,000 for a managing a collection based on one or more prescription drug drop boxes, which would typically be housed at law enforcement facilities. Events operated by multiple municipalities may apply for up to the sum of each applicant's maximum grant were they applying individually; for example, three counties collaborating on a continuous household hazardous waste collection could apply for up to \$54,000. However, DATCP reports it typically funds such consortium grants below these combined maximum amounts, as the grantees would be expected to realize operating efficiencies through collaboration.

For 2014 events, DATCP awarded grants of \$763,200, which includes \$13,200 in previously allocated funds that went unused. The grants include: (a) \$413,200 for household hazardous waste collections; (b) \$250,000 for collections of agricultural waste; and (c) \$100,000 for collections of unwanted prescription drugs. Of 31 applicants collecting agricultural waste, household wastes, or both, 19 were operating continuous collections. Of the 28 applicants collecting unwanted prescription drugs, 23 were operating continuous collections. Forty-six grantees are expected to be reimbursed for 2014 collections, which includes both municipalities applying individually and those multijurisdictional consortia applying for a single grant.

The Department expended \$717,600 for all clean sweep events in the 2013 calendar year, including \$234,900 for agricultural waste collection, \$404,100 for household hazardous waste collection events, and \$78,600 for collections of unwanted prescription drugs. Grants went for 15 agricultural waste collections, 23 household hazardous waste collections and 17 prescription drug collections. Of these collections, 11 agricultural waste collections, 15 household hazardous waste

collections and 14 unwanted drug collections were continuous events. Thirty-five applicants received funds, with some grantees consisting of multiple jurisdictions collaborating on regional collections. Tonnages collected at the 2013 events totaled approximately 2.3 million pounds, including: (a) 2,158,800 pounds of household hazardous waste; (b) 118,700 pounds of waste from agricultural sources; and (c) 40,900 pounds of unwanted prescription drugs. Reported overall collection tonnages have been mostly consistent from 2011 through 2013.

A 0.75 position was authorized under 2009 Act 28 for staffing the clean sweep program. DATCP reports this amount of full-time equivalent staffing was allocated in 2013-15 at an estimated cost of about \$67,000 SEG each year.

Eligible grant expenditures include: (a) costs to hire a hazardous waste contractor; (b) equipment rentals, supplies and services to operate the collection site and handle disposal; (c) applicant staff costs related to a permanent collection event; and (d) educational and promotional activities. Grants may not be used to collect oil that is not contaminated, batteries, contaminated soil or debris, fluorescent tubes, triple-rinsed plastic pesticide containers, materials that may be disposed of at other waste or recycling sites, and chemicals for which there is no federally approved or state-approved disposal method.

Very small-quantity generators (VSQGs) generally are firms that do not produce more than 100 kilograms (220 pounds) of hazardous waste in any given month, and that do not accumulate quantities of more than 1,000 kilograms (2,205 pounds) of hazardous waste. Commercial firms that qualify as VSQGs are allowed to bring in hazardous wastes for disposal at clean sweep sites. VSQGs are eligible for a 50% subsidy from DATCP for disposal of pesticides, but must pay the full disposal costs of other hazardous chemicals. VSQGs must register with the collecting agency or hazardous waste contractor. The col-

lecting agency or contractor must keep records of the amount of waste collected from the VSQG, the total cost to collect and dispose of this waste, and the total amount of payments received from the generator. For 2013 collections, DATCP reimbursed grantees approximately \$3,300 for costs of disposing of VSQG-generated waste. The Department set aside \$2,000 for VSQG reimbursements for 2015 events. No specific VSQG set-aside was made for 2014, and final payments for VSQG-related collections were not final as of November 1, 2014.

As of late 2014, DATCP was promulgating updates to administrative rule ATCP 34 that were intended to: (a) incorporate provisions regarding unwanted drug collections, including prescription and veterinary drugs; (b) expand allowable collections or reimbursable costs for grantees; and (c) streamline and update several administrative procedures. An example of a proposed expansion would be allowing grantees to use funds to purchase permanent drug drop boxes; although grants have been eligible to fund management of drop boxes, ATCP 34 had not previously allowed grants to fund their purchase. The proposed rule also would modify the categorizations of collections. Temporary collections would be those operating five days or less in a calendar year, while continuous collections would be those operating more than six days in a calendar year. The rule would specify permanent collections as those operating during at least six months of the year and including permanent infrastructure.

University of Wisconsin System Activities

Solid Waste Experiment Centers and Solid Waste Research Council

Since 1989, the UW Board of Regents has received funds through the state budget for research into alternative methods of solid waste management and to administer solid waste experiment centers. In 2013-14, the Regents received \$155,400 from the environmental fund for these purposes. These funds were used to support a 0.5 program manager position and to provide Solid Waste Research Council research award funds. In that year, the Solid Waste Research Council, which is appointed by the Board of Regents, awarded 16 research grants totaling \$115,100 including 11 grants of up to \$4,500 each for student research projects.

UW-Extension Solid and Hazardous Waste Education Center

Created in 1989, the University of Wisconsin-Extension Solid and Hazardous Waste Education Center (SHWEC) provides educational and technical assistance programs in recycling and recycling market development. SHWEC currently has staff at UW-Madison, UW-Milwaukee, UW-Green Bay, and UW-Stevens Point. In 2013-14, \$388,200 SEG from the environmental fund was provided for SHWEC. The majority of these funds were used to support three positions, including two at UW-Madison and one at UW-Stevens Point. Additional SHWEC positions, including three at UW-Madison, one at UW-Milwaukee, and one at UW-Green Bay, were funded with GPR funds or a combination of GPR and federal grant money.