

Chapter ATCP 34

CLEAN SWEEP PROGRAM

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Note: Chapter Ag 164 was created by emergency rule effective August 14, 1990; Chapter Ag 164 was renumbered ch. ATCP 34 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 34 as it existed on December 31, 2004, was repealed and a new chapter ATCP 34 was created, Register December 2004 No. 588, effective January 1, 2005.

ATCP 34.01 Purpose. This chapter establishes procedures for the agricultural chemical and container collection grant program under s. 93.55, Stats., and the household hazardous waste, and unwanted prescription drug grant programs under s. 93.57, Stats.

Note: Funds for the grant programs under ss. 93.55 and 93.57, Stats., are appropriated under s. 20.115 (7) (va), Stats. Grants are subject to appropriation limits.

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: am. Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.02 Definitions. In this chapter:

(1) “Agricultural producer” means a person who produces agricultural commodities on land that the person owns or controls.

(2) “ARM division administrator” means the administrator of the department’s agricultural resource management division.

(3) “Chemical waste” means farm chemical waste or household hazardous waste.

(4) “Clean sweep grant” means a grant under s. 93.55 or 93.57, Stats.

(5) “Clean sweep project” means a project under s. 93.55 or 93.57, Stats., to collect any of the following for disposal:

(a) Farm chemical waste from a source identified under s. ATCP 34.04 (4).

(b) Household hazardous waste.

(c) Unwanted prescription drugs.

(6) “Continuous collection” means a clean sweep project that collects chemical waste or unwanted prescription drugs on at least 4 days in a calendar year.

Note: Grant recipients will be responsible for verifying that any clean sweep project in which a collection is made by a “temporary collection facility” or “permanent collection facility” as defined in s. NR 666.901 meet all applicable ch. NR 666 regulations.

(7) “County” means a single county, a regional planning commission, or an association of 2 or more counties.

(8) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

(9) “Farm chemical waste” means waste pesticides or other waste chemicals manufactured for agricultural use. “Farm chemical waste” includes farm chemical containers and contaminated farm chemicals that cannot be accepted by recycling or other disposal programs.

(10) “Grant recipient” means a county or municipality that receives a clean sweep grant, and includes an agent of that county or municipality.

(11) “Hazardous waste” has the meaning given in s. 291.01 (7), Stats.

(12) “Hazardous waste contractor” means a person who is licensed and permitted under applicable federal and state laws to collect, pack, transport, and dispose of hazardous waste.

(13) “Household hazardous waste” means a household waste as defined in s. NR 661.0004 (2) (a) that would be a hazardous waste under ch. NR 661, except that it is exempt under s. NR 661.0004.

(13m) “In-kind costs” means a payment given in goods, commodities, or services, rather than money.

(14) “Municipality” means any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, or metropolitan sewage district. “Municipality” includes a regional planning commission or an association of 2 or more municipalities.

(14g) “Permanent collection” means a clean sweep project that collects chemical waste or unwanted prescription drugs under this program during at least 6 months of the year and includes permanent infrastructure for waste collection.

Note: A clean sweep project for which a collection is made by a “permanent collection facility” as defined in s. NR 666.901 (5) must meet all applicable ch. NR 666 regulations.

(15) “Pesticide” has the meaning given in s. 94.67 (25), Stats.

(16) “Resource conservation and recovery act” has the meaning given in s. 291.01, Stats.

(17) “Temporary collection” means a clean sweep project that collects chemical waste or unwanted prescription drugs on fewer than 4 days in a calendar year.

Note: A clean sweep project for which a collection is made by a “temporary collection facility” as defined in s. NR 666.901 (6) must meet all applicable NR 666 regulations.

(17g) “Total project cost” means the sum of all reimbursable direct costs, as provided under s. ATCP 34.04 (2), and in-kind costs.

(17r) (a) Except as provided under par. (b), “unwanted prescription drug” means any of the following if lawfully possessed by an individual for the individual’s own use, for the use of a member of the individual’s household, or for the use of an animal owned by the individual or a member of the individual’s household, and if located in or comes from a place where the individual, a member of the individual’s household, an in-home hospice service, or an adult family home serving fewer than 5 adult members manages the use of the unwanted prescription drug:

1. A prescription drug, as defined in s. 450.01 (20), Stats.

2. A nonprescription drug product as defined in s. 450.01 (13m), Stats.

3. A veterinary prescription drug as defined in s. 89.02 (11), Stats.

4. A veterinary over-the-counter drug as defined in s. 89.02 (10), Stats.

5. A delivery device with a needle that contains a prescription drug or veterinary prescription drug such as a pre-filled syringe or auto-injector, but not intravenous bags or tubing.

(b) An unwanted prescription drug does not include any of the following:

1. Chemotherapy drugs.

2. Trace chemotherapy waste as defined in s. NR 500.03 (237m).

3. Any item containing elemental mercury, such as a thermometer.

4. Infectious waste as defined in s. 287.07 (7) (c) 1. c., Stats.

(18) “Very small quantity generator” has the meaning given in s. NR 660.10 (139).

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; corrections in (13) and (18) made under s. 13.93 (2m) (b) 7., Stats., Register March 2012 No. 675; CR 14–007: cr. (5) (c), am. (6), cr. (13m), (14g), am. (17), cr. (17g), (17r), am. (18) Register June 2015 No. 714, eff. 7–1–15; correction in (17r) (a) 1. made under s. 35.17, Stats., Register June 2015 No. 714, eff. 7–1–15; correction in (17r) (a) 3., 4. made under s. 13.92 (4) (b) 7., Stats., Register October 2015 No. 718; **correction in (13) made under s. 13.92 (4) (b) 7., Stats., Register August 2020 No. 776.**

ATCP 34.04 Grants to counties and municipalities.

(1) GENERAL. (a) The department may award a clean sweep grant to a county for a clean sweep project to collect any of the following:

1. Farm chemical waste from a source identified in sub. (4).
2. Household hazardous waste.
3. Unwanted prescription drugs.

(b) The department may award a clean sweep grant to a municipality for a clean sweep project to collect household hazardous waste or unwanted prescription drugs.

(c) A grant recipient under par. (a) or (b) may, with the department’s approval, contract with another person or entity to administer the clean sweep project on behalf of the grant recipient.

(2) PERMITTED USES. A clean sweep grant under sub. (1) may reimburse a grant recipient’s direct costs for a clean sweep project, including any of the following:

- (a) Direct costs to hire a hazardous waste contractor to receive, pack, transport, and dispose of chemical waste.
- (b) Direct costs for equipment rentals, supplies, and services used to operate the collection site and handle collected chemical waste or unwanted prescription drugs.
- (c) Direct costs for county or municipal staff to receive and pack chemical waste at a continuous or permanent collection.
- (d) Direct costs for local educational and promotional activities related to the clean sweep project.
- (e) Direct costs for purchase and installation of permanent drug drop boxes for unwanted prescription drugs.
- (f) Direct costs to hire a qualified waste contractor to receive, pack, transport, and dispose of unwanted prescription drugs.
- (g) Direct costs for the collection and disposal of mercury containing devices including thermometers or thermostats, [that] are acceptable under [at] household hazardous waste collections.

Note: “That” was inadvertently omitted from CR 14–007. “At” should have been used in place of “under”. Corrections will be made in future rulemaking.

(3) PROHIBITED USES. A grant under sub. (1) may not fund the collection or disposal of any of the following:

- (a) Oil, unless the oil is contaminated with chemical waste.
- (b) Contaminated soil or debris, except for small quantities that the department specifically approves in advance on a case-by-case basis.
- (c) Triple-rinsed plastic pesticide containers.
- (d) Materials that are handled by other waste disposal or recycling programs.
- (e) Batteries, non-mercury bulbs, florescent tubes, tires, electronics, freon appliances or antifreeze.
- (f) Farm chemical waste from sources other than those identified in sub. (4).
- (g) Chemical waste for which there is no federally-approved or state-approved disposal method. If a grant recipient receives a chemical waste for which there is no approved disposal method, the grant recipient shall do all of the following:

1. Securely repackage the chemical waste and return it to the person who delivered it.

2. Record the person’s name and address, and the type and amount of chemical waste returned to that person.

3. Inform the person that, if an approved disposal method becomes available, the department will attempt to notify the person at the address recorded under subd. 2.

4. Report to the department the information recorded under subd. 2.

(h) Infectious waste as defined by s. 287.07 (7) (c) 1. c., Stats.

(i) Personal care products including soap, shampoo, and toothpaste.

(j) Medical devices or oxygen-containing devices for which another collection, disposal, or recycling option is available.

(k) Hypodermic needles or lancets.

(4) FARM CHEMICAL WASTE. A grant under sub. (1) (a) may reimburse a county’s cost to collect and dispose of any of the following:

(a) Farm chemical waste received from an agricultural producer, or from a person who holds the farm chemical waste from farming operations conducted on property that the person now owns or controls.

(b) Waste pesticides and other department-approved farm chemical wastes that the county receives from a very small quantity generator who is not an agricultural producer, provided that all of the following apply:

1. The department, in its announcement under s. ATCP 34.06 (2), specifies the percentage rate at which the department will reimburse that cost. The percentage rate may not exceed 50%, except that the ARM division administrator may approve a higher percentage rate for individual disposal problems that warrant the higher rate. The ARM division administrator shall consider the chemicals involved, the environmental setting, the exposure risks, the responsibility or culpability of the parties, and disposal options available to the parties.

2. The clean sweep project complies with s. ATCP 34.14.

(5) COUNTY OR MUNICIPAL CONTRIBUTION. (a) A grant recipient under sub. (1) shall fund a portion of each clean sweep project for which the grant is awarded. The department’s announcement under s. ATCP 34.06 (2) shall specify a required minimum contribution that is at least 25% of the total project cost.

(b) For a continuous or permanent collection, a grant recipient’s contribution under par. (a) may include any of the following costs that are directly related to the collection and handling of chemical waste collected at that event:

1. The value of staff services provided for the event.
2. The rental value of facilities or equipment provided for the event.

Note: A grant recipient is responsible for managing chemical waste in compliance with applicable law. This chapter does not expand or limit the application of state or federal hazardous waste laws administered by the Wisconsin department of natural resources. This chapter does not authorize or require a grant recipient to serve as an enforcement agency, nor does it require a grant recipient to indemnify persons that violate state or federal law. Participation in a clean sweep project does not relieve any person of the duty to comply with applicable law, or indemnify that person for any liability to which that person is subject.

(6) COLLECTING WASTE FROM VERY SMALL QUANTITY GENERATORS. A grant recipient under sub. (1) may collect hazardous waste from a very small quantity generator, regardless of whether the collection cost is eligible for reimbursement under this chapter. Except as provided in sub. (4), the grant recipient may not include the collection costs in its grant-eligible expenses under sub. (2) or in its local contribution under sub. (5).

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: cr. (1) (a) 3., am. (1) (b), (2) (b), (c), cr. (2) (e) to (g), (3) (h) to (k), am. (5) (b) (intro.) Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.06 Grant applications. **(1) COUNTY OR MUNICIPALITY MAY APPLY.** A county or municipality may apply for a clean sweep grant. A grant application shall comply with sub. (3).

Note: Pursuant to s. 20.002 (10), Stats., a grant by a state agency made to any city, county, village, or town for any purpose also may be granted by that state agency to any federally recognized tribal governing body for the same purpose.

(2) ANNOUNCEMENT SOLICITING GRANT APPLICATIONS. The department shall issue an announcement soliciting grant applications under sub. (1) for the next calendar year if grant funding may be available for any part of that calendar year. The announcements shall specify the general terms and conditions for grant awards, including all of the following:

(a) The total amount available for clean sweep project grants, including separate amounts available for farm chemical waste collection projects and household hazardous waste collection projects. Subject to budget appropriations, the department shall offer a minimum of two-thirds of the funds available from the appropriation account under s. 20.115 (7) (va), Stats., for household hazardous waste collection grants.

(b) The purposes for which grant funds may be used.

(c) The percentage rate, if any, at which the department will reimburse a county's cost to collect and dispose of farm chemical wastes received from very small quantity generators.

Note: See s. ATCP 34.04 (4) (b).

(d) Minimum grant eligibility criteria, including the minimum county or municipal funding contribution required under s. ATCP 34.04 (5).

(e) Grant application deadlines and procedures.

(f) Grant evaluation criteria, including the criteria in s. ATCP 34.08 (2) and the weights that the department will give to those criteria.

(g) Other grant application terms and conditions that the department deems appropriate.

Note: The department will normally issue a notice under sub. (2) in June of each year, soliciting grant applications for the next calendar year. Grant funding depends on state budget appropriations.

(3) APPLICATION CONTENTS. A county or municipality shall submit its grant application under sub. (1) in a manner designated by the department. The application shall comply with requirements contained in the department's announcement under sub. (2) and shall describe all of the following:

(a) The purpose and scope of the proposed clean sweep project, including all of the following:

1. The targeted waste collection area.
2. Types of wastes collected.
3. The agricultural or household populations served.

(b) The proposed collection sites, if known.

(c) The proposed collection dates, if known.

(d) The proposed collection facilities, if known.

(e) Any relevant limitations that the applicant will impose on waste collections.

(f) A schedule of fees, if any, which the applicant proposes to charge to persons from whom it collects chemical waste or unwanted prescription drugs. A county may not charge an agricultural producer for the first 200 pounds of farm chemical waste collected from that agricultural producer, but may charge fees for amounts over 200 pounds of farm chemical waste or for agricultural producers disposing of any household hazardous waste or any unwanted prescription drugs.

(g) The hazardous waste contractor who will handle, transport and dispose of hazardous waste or unwanted prescription drugs collected in the clean sweep project.

(j) The public information program that the applicant will undertake in connection with the clean sweep project. The public information program shall do all of the following:

1. Advertise the clean sweep project to the target population.
2. Provide information to help the target population minimize, safely handle, and safely dispose of chemical waste.

(k) The proposed budget for the clean sweep project, and the amount of funding requested from the department.

(L) The applicant's proposed contribution to the project. The applicant's contribution shall comply with s. ATCP 34.04 (5). The applicant shall identify and distinguish applicant-funded project costs from grant-funded project costs.

(m) The agency and individual that are primarily responsible for coordinating the project on behalf of the applicant, and any other agencies involved in implementing the project.

(n) Other relevant information that the department requires in its announcement under sub. (2).

Note: The grant application and related evaluation criteria are available from the department at the following address: Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management Division, PO Box 8911, Madison, WI 53708-8911 or <http://datcp.wi.gov>.

History: CR 04-039; cr. Register December 2004 No. 588, eff. 1-1-05; CR 14-007: am. (2) (intro.), (a), (3) (intro.), (a) 2., r. (3) (a) 4., am. (3) (b) to (d), (f), (g), r. (3) (h), (i), am. (3) (m) Register June 2015 No. 714, eff. 7-1-15.

ATCP 34.08 Evaluating grant applications.

(1) DETERMINING ELIGIBILITY. The department shall review each grant application under s. ATCP 34.06 (3) to determine whether it complies with minimum eligibility requirements under this chapter. The department shall reject grant applications that fail to meet minimum eligibility requirements, or that fail to comply with application procedures prescribed under s. ATCP 34.06 (2).

(2) EVALUATING ELIGIBLE GRANT APPLICATIONS. The department shall evaluate each year's eligible grant applications under s. ATCP 34.06 (1). The department may consider the following criteria, and other criteria set forth in the department's notices under s. ATCP 34.06 (2):

(a) The types of chemical wastes or unwanted prescription drugs to be collected.

(b) The extent to which the project coordinates the efforts of state and local government and other interested parties.

(c) The convenience of the collection service. The department may give priority to projects offering conveniences, such as continuous or permanent collections, multiple collection locations, and multiple collection periods, which are reasonably designed to maximize public participation.

(d) The scope and quality of the public information and promotional program that will accompany the project. The department may give priority to projects that are effectively designed to do the following:

1. Reach and involve target audiences holding chemical wastes or unwanted prescription drugs.

2. Minimize future generation of chemical waste or unwanted prescription drugs.

(e) Innovation. The department may give priority to applicants that offer new collection sites or other sound innovations designed to increase public participation, decrease waste generation, increase waste collection, or expand geographic outreach.

(f) The applicant's capacity to perform. The department may give priority to applicants that demonstrate effective preparation, expertise, capacity, and commitment.

History: CR 04-039; cr. Register December 2004 No. 588, eff. 1-1-05; CR 14-007: am. (1), (2) (title), (intro.), renum. (2) (a) (intro.) to (a) and am., r. (2) (a) 1. to 4., am. (b), (c), (d) 1., 2., (e), r. (2) (g), (h) Register June 2015 No. 714, eff. 7-1-15.

ATCP 34.10 Grant awards. (1) DEADLINE. The department shall announce each year's clean sweep grant awards within 60 business days after the grant application deadline specified in the department's announcement under s. ATCP 34.06 (2).

(2) FARM CHEMICAL WASTE COLLECTION PROJECTS. The department shall annually award clean sweep grants for farm chemical waste collection projects based on the evaluation under s. ATCP 34.08 (2).

(3) HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECTS. The department shall annually award clean sweep grants for household hazardous waste collection projects based on the evaluation under s. ATCP 34.08 (2). The department shall annually

award a minimum of two-thirds of the funds available from the appropriation account under s. 20.115 (7) (va), Stats.

(3m) UNWANTED PRESCRIPTION DRUG COLLECTION PROJECTS. The department shall annually award clean sweep grants for unwanted prescription drug collection projects based on the evaluation under s. ATCP 34.08 (2).

Note: Unwanted prescription drug collection projects must comply with drug disposal program requirements in s.165.65, Stats., effective 7–01–15 created by 2013 Wis. Act 198.

(4) GRANT FUNDING. The department shall annually award a minimum of two-thirds of the funds available from the appropriation account under s. 20.115 (7) (va), Stats., for household hazardous waste collection projects and unwanted prescription drug projects. The remaining funds go to farm chemical waste collection projects. Following awards under subs. (2), (3), and (3m), the department may award grant funds for other projects without regard to whether the projects will collect farm chemical waste, household hazardous waste, or unwanted prescription drugs.

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: am. (2), (3), cr. (3m), am. (4) Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.12 Grant contracts. (1) GENERAL. The department shall enter into a written grant contract with each grant recipient, specifying the terms and conditions of the grant. No grant award under s. ATCP 34.10 is final until the grant contract is signed. The contract may incorporate, by reference, all or part of the grant application.

(2) CONTENTS. A contract under sub. (1) shall include all of the following:

- (a) The amount of the grant award.
- (b) The purposes for which the grant award may be used. The contract may identify those purposes by reference to this chapter, the department's announcement under s. ATCP 34.06 (2), or the grant application.
- (c) The grant recipient's responsibilities under the contract. The contract may identify those responsibilities by reference to this chapter, the department's announcement under s. ATCP 34.06 (2), or the grant application.
- (d) The nature and amount of the grant recipient's contribution under s. ATCP 34.04 (5).
- (e) The grant recipient's responsibility as a hazardous waste generator, under s. ATCP 34.16 (1), for hazardous waste collected by the clean sweep project.
- (g) The grant recipient's agreement to comply with applicable requirements under this chapter.
- (h) Other contract terms specified by the department.

(3) GRANTS CONTINGENT UPON FUNDING. Every grant award and grant contract under this chapter is contingent upon the availability of funding. If funding is not available for all of the grants awarded, the department may do any of the following notwithstanding its contract with any grant recipient:

- (a) Cancel one or more of the grants.
- (b) Reduce grant amounts.

(4) REALLOCATION OF FUNDS. A county that receives grant funds for both a farm chemical waste collection project and a household hazardous waste collection project may reallocate up to 50% of either project's grant funding to the other project, based on unanticipated changes in demand for collection services in either project. A county may not reallocate funds from a project if the reallocation results in a shortage of funds for that project.

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: r. (2) (f), am. (3) (a) Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.14 Collecting waste pesticides from very small quantity generators. A county may collect waste pesticides and other department-approved farm chemical wastes from a very small quantity generator who is not an agricultural producer, provided that all of the following apply:

(1) The very small quantity generator pre-registers with the county or its hazardous waste contractor. The registration shall include all of the following:

- (a) The registrant's name and address.
- (c) The registrant's certification that the registrant is a very small quantity generator under s. NR 662.014.
- (d) A complete inventory of the pesticides and other department-approved farm chemical wastes that the registrant proposes to deliver for collection.

(2) The county gives each registrant under sub. (1) a receipt that shows all of the following:

- (a) The amounts and kinds of pesticides and other department-approved farm chemical wastes actually collected from the registrant.
- (b) The amount paid by the registrant, if any.
- (3)** The county keeps a record of all the following, and includes that record in its final report under s. ATCP 34.18 (1):

- (a) The name and address of the very small quantity generator.
- (b) The types and amounts of pesticides and other department-approved farm chemical wastes actually collected from the very small quantity generator.
- (c) The total cost to collect and dispose of the pesticides and other department-approved farm chemical wastes collected from the very small quantity generator.
- (d) The total of all payments received from the very small quantity generator, if any.

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register March 2012 No. 675; CR 14–007: r. (1) (b) Register June 2015 No. 714, eff. 7–1–15; **correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register August 2020 No. 776.**

ATCP 34.16 Hazardous waste. (1) COUNTY OR MUNICIPALITY RESPONSIBLE AS WASTE GENERATOR. (a) Except as provided in par. (b) or (c), a grant recipient shall take responsibility, as a hazardous waste generator under the resource conservation and recovery act, for hazardous waste, as well as unwanted prescription drugs, that the grant recipient collects under a funded clean sweep project. As a hazardous waste generator, the grant recipient shall comply with applicable requirements under s. 291.21, Stats., and the resource conservation and recovery act related to that hazardous waste.

(b) A grant recipient is not a hazardous waste generator under par. (a) with respect to wastes that are exempt from regulation as hazardous wastes under s. 291.21, Stats., and the resource conservation and recovery act, even if the grant recipient manages those wastes as hazardous wastes after collecting them.

(c) A grant recipient is not a hazardous waste generator under par. (a) with respect to hazardous waste collected from a very small quantity generator.

(2) HAZARDOUS WASTE CONTRACTOR: GENERAL. A grant recipient shall contract with a hazardous waste contractor to receive, pack, transport, and dispose of hazardous wastes or unwanted prescription drugs collected under the funded clean sweep project. The hazardous waste contractor shall comply with applicable requirements under this chapter.

Note: Management of controlled substances must follow the regulations under the federal drug enforcement administration's final rule for the disposal of controlled substances, which implements the Secure and Responsible Drug Disposal Act of 2010, and includes using law enforcement to handle controlled substances where applicable.

(3) HAZARDOUS WASTE CONTRACTOR FOR TEMPORARY COLLECTION. For a temporary collection, a grant recipient shall contract under sub. (2) with the hazardous waste contractor that manages the state of Wisconsin's hazardous wastes under the cooperative state purchasing agreement.

(4) HAZARDOUS WASTE CONTRACTOR FOR PERMANENT OR CONTINUOUS COLLECTION. (a) For a permanent or continuous collection, a grant recipient shall contract under sub. (2) with a hazardous waste contractor that is qualified to do the following:

1. Help the grant recipient and very small quantity generators to identify and segregate hazardous and solid wastes.

2. Provide essential waste handling services including drum packing, and pickup, testing for unknown chemicals, containing loose chemicals, and approving cylinders for disposal.

3. Collect, pack, and transport poison solids, poison liquids, and flammables to waste management sites licensed by federal and state governments.

4. Provide waste collection and disposal services for mercury-bearing and dioxin-bearing chemicals, acids, bases, lead paint, and low pressure gas cylinders and canisters, unless there are no federally-approved or state-approved disposal options for the materials.

5. Provide services under s. ATCP 34.04 (3) (g) if there are no federally-approved or state-approved disposal options.

6. Collect and report information related to chemicals that are banned or specially restricted by this state or the United States.

7. Comply with s. ATCP 34.14 if a clean sweep project collects pesticides from very small quantity generators who are not agricultural producers.

8. Comply with other requirements specified in the department's announcement under s. ATCP 34.06 (2).

9. Comply with applicable state and federal laws relating to the segregation, packing, and transportation of unwanted prescription drugs, including controlled substances, if unwanted prescription drugs are collected.

(b) The department may require a grant recipient to submit proof that the hazardous waste contractor selected by the grant recipient complies with par. (a), and may disapprove a contractor who does not comply with par. (a).

Note: The contractor who manages the state of Wisconsin's hazardous wastes under the cooperative state purchasing agreement meets applicable requirements under sub. (4) (a).

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: am. (1) (a), (2), (3), (4) (title), (a), cr. (4) (a) 9. Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.18 Reports and payments. (1) **FINAL REPORT.** A grant recipient shall provide the department with a final report on a clean sweep project within 60 days after the grant recipient completes the project. The department may grant an extension, not to exceed 45 days, if requested within the 60-day period. The final report shall include all of the following:

(a) The number of persons who delivered chemical waste or if known, unwanted prescription drugs, for collection.

(b) The types and amounts of chemical wastes and unwanted prescription drugs collected.

(c) The total cost of the project. The report shall include supporting documentation, including invoices for the transportation and disposal of chemical waste and unwanted prescription drugs.

(d) An evaluation of the project, including the need for future clean sweeps projects, if any, and the appropriate timing of those projects, an identification of problems and possible solutions, the public information program conducted in connection with the project, and suggestions on how to collect chemical waste or unwanted prescription drugs in the future.

(f) An estimate of future chemical waste or unwanted prescription drug collection needs.

(g) The information required under s. ATCP 34.14 (3) if the clean sweep project collects pesticides from very small quantity generators.

(2) **PAYMENT.** (a) Except as provided in par. (b), the department may not distribute any grant funds under this chapter until

the recipient completes the clean sweep project and submits its final report to the department under sub. (1). The department shall pay the full grant award, less any amount withheld under s. ATCP 34.20 (1), within 60 days after the department accepts the recipient's final report under sub. (1).

(b) A grant contract for a permanent or continuous collection may provide for partial payments during the collection not to exceed two payments. The grant recipients shall file an interim report prior to each partial payment. The interim reports shall contain information, required by the grant contract, including interim information of the type required in sub. (1).

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05; CR 14–007: am. (1) (intro.), (a) to (d), r. (1) (e), am. (1) (f), (2) (a), (b) Register June 2015 No. 714, eff. 7–1–15.

ATCP 34.20 Contract termination for cause. (1) The department may terminate a clean sweep grant contract, and withhold some or all contract payments, if the department finds that the grant recipient or the grant recipient's agent has done any of the following:

(a) Violated this chapter or the grant contract.

(b) Failed to perform the clean sweep project.

(c) Obtained the grant contract by fraud or illegal conduct.

(d) Administered the project in a grossly negligent, illegal, or corrupt manner.

(2) **NOTICE OF TERMINATION.** If the department terminates a grant contract or withholds contract payments under sub. (1), the department shall give the grant recipient written notice specifying the reasons for the department's action. The ARM division administrator or designee may issue a notice under this subsection.

(3) **REQUEST FOR RECONSIDERATION.** A grant recipient adversely affected by a department action under sub. (1) may ask the department to reconsider that action. The grant recipient shall make the request in writing, within 30 days after the grant recipient receives the department's notice under sub. (2). The request shall include all of the following:

(a) The grant recipient's objections to the department's action, including disputed facts and conclusions.

(b) The information that supports the grant recipient's objections.

(c) The legal basis for the grant recipient's objections.

(d) The requested remedy.

(4) **INFORMAL CONFERENCE.** (a) If the department receives a written request for reconsideration that complies with sub. (2), the ARM division administrator shall schedule an informal conference with the grant recipient. The ARM division administrator or designee shall hold the informal conference within 10 business days after the department receives the request unless the grant recipient agrees to a later date.

(b) Following the informal conference under par. (a), the ARM division administrator or designee shall affirm, reverse, or modify the department's action under sub. (1). The ARM division administrator or designee shall issue the decision in writing within 30 working days after the informal conference, and shall give a copy to the grant recipient.

(5) **CONTESTED CASE HEARING.** A grant recipient may request a contested case hearing, pursuant to ch. 227, Stats., and ch. ATCP 1, on a decision under sub. (4) (b). A hearing request shall include the information required under sub. (3) (a) to (d).

History: CR 04–039: cr. Register December 2004 No. 588, eff. 1–1–05.