

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Overview of Wisconsin's Recycling Law

FOR: April 2022 Board meeting

TO BE PRESENTED BY: Jennifer Semrau, Waste Reduction and Diversion Coordinator

SUMMARY:

A November 2020 report by the Legislative Audit Bureau included recommendations for improvements to state recycling programs. In response to the audit, the Waste and Materials Management Program (WA) is developing a scope statement for rulemaking to correct, clarify, and update the statewide criteria that apply to local effective recycling programs. This information item will provide Board members with an overview of current state recycling policy and practices prior to scope statement review.

Wisconsin's statewide recycling law was enacted in 1990 to promote development of waste management structures that encourage reduction, reuse and recycling of Wisconsin's solid waste. This law and subsequent amendments also instituted bans on landfilling and incineration of certain readily recoverable materials. The DNR oversees the disposal bans and program requirements and shares responsibility with local units of government to implement those provisions. In general, the DNR's implementation of the recycling law works to achieve compliance through education, technical assistance and financial assistance.

The materials recovered through recycling support jobs and economic growth in Wisconsin. If recyclable materials are disposed of in landfills, state industries lose valuable resources. Local units of government, called responsible units or RUs, work with haulers and material recovery facilities to implement municipal recycling programs that ensure these materials are recovered from residents, businesses and organizations, and made available for further use.

RECOMMENDATION: Information only

LIST OF ATTACHED MATERIALS (check all that are applicable):




Background memo

WI Waste Reduction & Recycling Law (WA-422, pgs 1-4)

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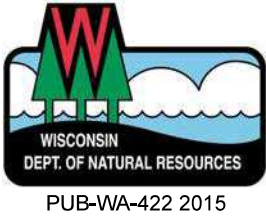
Approved by	Signature	Date
George B. Wolbert, Waste and Materials Management Program Director	<small>DocuSigned by:</small> 	2/23/2022 4:04 PM CST
Gail E. Good, Acting Environmental Management Division Administrator	<small>50259CF7D2B34B7... DocuSigned by:</small> 	2/24/2022 1:32 PM CST
Preston D. Cole, Secretary	<small>9AA91D46A49C4A3... DocuSigned by:</small> 	2/25/2022 12:59 PM CST

cc: Board Liaison – AD/8

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by Sarah Barry

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Wisconsin Waste Reduction and Recycling Law



Background

This publication provides an overview of Wisconsin’s statewide recycling program with references to the state statute (Wisconsin Statutes, Chapter 287) and to the related administrative rules found in Wisconsin Administrative Code (Chapters NR 542 to 549). For specific situations, the appropriate statutes and administrative rules should be consulted. Links to the Wisconsin Statutes and to the Wisconsin Administrative Codes pertaining to recycling are available on the Department of Natural Resources website at **dnr.wi.gov** by searching “recycling law.”

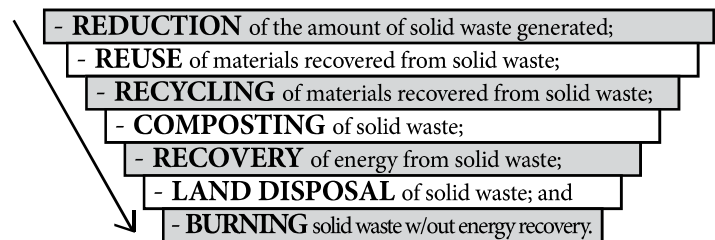
The solid waste reduction, recovery and recycling law was enacted to promote development of waste management structures and encourage reduction, reuse and recycling of Wisconsin’s solid waste. When the law passed in 1990, only about 17 percent of municipal solid waste was recycled. By the end of 2004, ten years after the recycling requirements were fully implemented, studies showed the percentage had climbed to 32 percent. Today, recycling markets are expanding, creating jobs in Wisconsin and diverting waste from landfills.

Recycling promotes jobs

Recycling supports jobs and economic growth in Wisconsin. When recyclable materials are disposed of in landfills, state industries lose valuable resources. Wisconsin’s Department of Natural Resources (DNR) is committed to minimizing wastes and increasing the recovery of resources to grow Wisconsin’s economy with significant investment in the state’s recycling infrastructure. Processing facilities, municipal recycling services and other local responses to the law’s requirements bolster employment and fuel the growing recycling industry.

Hierarchy of waste options

The policy outlined in the law established a hierarchy of preferences for solid waste management options. The options ranked from most to least preferred are:



The law also instituted bans on landfilling and incineration of certain materials that went into effect in 1991, 1993 and 1995. Additional bans were instituted in 2010 and 2011. However, there are some exceptions. The main points of Wisconsin’s recycling law are summarized in the following pages.



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Wisconsin recycles

The following items are **banned** from landfills and incinerators statewide and should be reused, recycled or composted.

Containers

- #1 and #2 plastics, bottles and jars
- Aluminum containers
- Bi-metal cans and containers
- Glass containers
- Steel (tin) cans and containers

Paper and cardboard

- Corrugated cardboard
- Magazines, catalogs and other materials on similar paper
- Newspaper and newsprint materials
- Office paper

Yard materials

- Grass clippings
- Debris and brush under 6" in diameter
- Leaves

Automotive items

- Lead-acid vehicle batteries
- Tires*
- Used oil filters
- Waste oils*

**Tires and waste oils may be burned in a solid waste treatment facility with energy recovery*



Appliances

- Air conditioners
- Boilers
- Clothes dryers
- Clothes washers
- Dehumidifiers
- Freezers
- Furnaces
- Microwaves (see s. 287.07, Wis. Stats.)
- Refrigerators
- Stoves and ovens
- Water heaters



Electronics

- Cell phones
- Computers - desktop, laptop, netbook, tablet
- Computer monitors
- Desktop printers (including those that scan, fax and/or copy and 3-D printers)
- DVD players, VCRs, DVRs and all other video players
- E-readers
- Fax machines
- Other computer accessories (including keyboards, mice, speakers, external hard drives and flash drives)
- Televisions



Why ban items from the landfill and incinerator?

The items on this list are made of materials that can be reused in new products. Some also have toxic components that can contaminate water, air or soil. Recycling and composting allow landfills to last longer, provide markets with valuable reusable materials, create jobs and prevent pollution.

Why not ban more materials?

Corrugated cardboard is banned while waxed cardboard is not. Some things with plugs, like computers, are banned, while others, like toasters, are not. Why? Current bans cover some of the most easily reusable or most toxic materials on the market today. Eventually more items may be added to this list as new recycling markets develop or the types of materials we throw away change.

Some communities go above and beyond what is required by state law. Check with your local government or recycling service provider to find out what additional materials are accepted for recycling in your area. Wisconsin's recycling requirements apply to everyone in the state at all residences and places of work or play.

NOTE: While foam polystyrene packaging and #3 through #7 plastics are also included in the ban and are recyclable in some communities, a variance issued by the DNR does currently allow such materials to be landfilled or incinerated.

Exceptions

Residuals

The bans do not apply to residual "containers" and "paper and cardboard" items collected, treated and disposed of by a Responsible Unit (RU). Even a good recycling program will not capture 100% of all potential recyclables, and some materials cannot be recycled due to use or contamination. Examples include plastic jugs used for waste oil collection or newspaper used for cleaning. There are also exceptions for emergencies, unintentionally contaminated materials, the approved beneficial reuse of a material within a landfill and certain plastics if recycling is not feasible.

Certain waste-to-energy incinerators

RUs in the service area of a waste-to-energy (WTE) incinerator that was in operation as of April 1990 have an exception under the law. The two WTE facilities operating in Wisconsin are the Barron County Incinerator and the La Crosse/Xcel Energy Resource Recovery Facility. These RUs are required to recycle only steel, aluminum and glass containers. They are allowed to burn other combustible materials for energy. However, many RUs in WTE incinerator service areas require paper and plastics recycling by local ordinance.

More information regarding the exceptions can be found in s. 287.07, Wis. Stats., or by contacting the Waste and Materials Management Program Recycling Coordinator at DNRRecycling@Wisconsin.gov.

Recycling roles

The DNR role

The DNR oversees the disposal bans and program requirements and has shared responsibility with local units of government to enforce those provisions. The DNR is authorized under s. 287.95, Wis. Stats., to issue citations and to collect forfeitures from individuals and companies that violate state recycling laws. In general, the DNR's implementation of the recycling law works to achieve compliance through education, technical assistance and financial assistance. The DNR conducts statewide data collection, produces free outreach materials and administers financial aid to responsible units.



Effective recycling programs

Each RU in Wisconsin is required to maintain an approved effective recycling program as defined in s. 287.11, Wis. Stats., and NR 540 and 542, Wis. Adm. Code. The designation of an effective recycling program is significant because it determines a local government's ability to landfill or incinerate municipal solid waste in Wisconsin and its eligibility for state recycling grant funds. Without an effective recycling program, no individual, business or institution within an RU's jurisdiction can legally dispose of municipal solid waste in Wisconsin.

RUs are also required to report annually to the DNR on their recycling program, including the amount of materials collected for recycling.



The role of Wisconsin's communities

Responsible units (RUs)

The statutes delegate responsibility for implementing municipal recycling programs to responsible units (RUs). An RU can be a municipality, county, tribe, solid waste management system or other unit of local government that is responsible for planning, operating and funding a recycling program. Each RU must develop and implement a recycling program to manage the banned materials generated within its region in compliance with the law and Wisconsin's solid waste management priorities.

Every community must be an RU or part of a multi-municipality or county RU.

An RU is also charged with educating its residents and businesses about the recycling law. An ongoing educational campaign that reminds residents and businesses about local recycling programs is essential for maintaining high recycling rates in communities. See page 4 for more details.



Program requirements

Under Wisconsin's comprehensive recycling law, every citizen in Wisconsin must have residential recycling service or drop-off centers within easy access and should be provided with recycling education and outreach. In addition to ensuring recycling services are provided to residents, the law delegates to RUs the responsibility of ensuring that non-residential locations—including businesses, institutions, special events and construction sites—recycle materials banned from landfills. The law does not require RUs to provide these services themselves.

The haulers' role and requirements

All DNR-licensed waste haulers who collect and transport municipal solid waste are required to notify their clients of the need to comply with state and local recycling laws (NR 502.06, Wis. Adm. Code). To comply with this requirement, a hauler must notify new and existing clients that state and local laws apply equally to all residents and non-residential facilities in Wisconsin, including those whose waste and recyclables are hauled out of the state. Guidance on how to comply with the state requirement is available in DNR publication **WA-425**, "Notification of Recycling Requirements for Waste Haulers," available at dnr.wi.gov.

Criteria for an effective recycling program

Responsible unit recycling programs must comply with certain requirements listed in the state statutes and administrative codes. The basic requirements are summarized below.

1. Pass a **local recycling ordinance** that:
 - requires residents to separate recyclables for recycling;
 - requires owners of multi-family housing and non-residential properties to provide adequate, separate containers for recyclables, notify and inform all users and occupiers about the recycling program and provide for the collection and recycling of the materials;
 - prohibits the disposal of recyclables that have been separated for recycling; and
 - contains provisions for enforcement that create the authority to verify compliance and assess penalties for non-compliance.

RUs can download a sample ordinance by searching "sample recycling ordinance" at dnr.wi.gov.

2. Operate an **education program** to inform residents and businesses on what recyclables are collected, where and how to recycle, as well as on recycling or composting options for other materials banned from landfill disposal.

3. Provide a **program for collecting, processing and marketing recyclables** from single family and two- to four-unit residences. This system may be operated directly or contracted for by the RU. The system must ensure that recyclables are separated from solid waste and maintain their marketable condition. *RUs that do not provide or contract for collection service must be able to demonstrate that their residents have convenient access to privately contracted collection service. See note for more details.***

4. Implement a **Compliance Assurance Plan** to improve compliance for at least one commonly encountered recycling violation and update it as other non-compliance issues are encountered. RUs are encouraged to address more compliance strategies than the minimum and update these as necessary. For more information on compliance assurance plans, see DNR publication **WA-427**, "Developing a Compliance Assurance Plan for an Effective Recycling Program."
5. Submit an **annual report** on programs and collection to the DNR by April 30 of each year. Every RU must do this, whether or not they receive a recycling grant. Annual reports are available online or in paper copy in mid-January each year. Department staff offer assistance in completing reports through webinars and conference calls.

6. **Notify the DNR of program changes** (including changes in contact information) by contacting a regional recycling specialist.

7. Adhere to **other provisions** established by DNR rule.

For more information on these requirements, see DNR publication **WA-1593**, "Basic Requirements for RU Recycling Programs," or search "responsible unit" at dnr.wi.gov.

***Administrative rules require that municipalities with populations of 5,000 or more and an aggregate population density of at least 70 persons per square mile provide curbside collection of newspaper, glass, aluminum and steel containers, #1 and #2 plastic containers, corrugated cardboard and magazines at least once a month from single family and two- to four-unit residences. They must also provide drop-off collection for materials not collected at curbside. Municipalities with populations less than 5,000 or an aggregate population density of less than 70 persons per square mile must provide either curbside or drop-off collection for single family and two- to four-unit residences.*

State financial assistance to RUs

The DNR provides grants to RUs to use in administering and improving their recycling programs.

Basic Recycling Grant to Responsible Units

This grant is available only to RUs with an approved effective recycling program. To receive this grant, an RU must maintain an effective recycling program, be able to document its operating and equipment expenses and file a complete application by October 1 of the year preceding the grant award. RUs submitting late applications received before October 30 are eligible but receive funding at a reduced rate. Additional information and application forms are available by searching "recycling grants" at dnr.wi.gov.

Recycling Consolidation Grant

This grant program offers supplemental assistance to Responsible Units that meet the eligibility criteria in s. 287.24, Wis. Stats., with the objective of encouraging collaboration among RUs. Additional information and application forms are available by searching "consolidation grant" at dnr.wi.gov.