



NR 185, 186

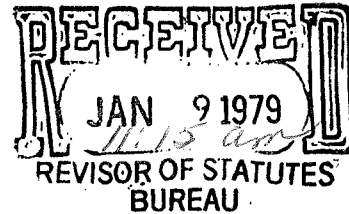
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed corrected copy of Natural Resources Board Order No. SW-35-78 was duly approved and adopted by this Department on October 26, 1978. I further certify that said copy is the form approved by the legislative review committees pursuant to s. 227.018, Stats., and that said copy has been compared by me with the corrected original on file in this Department and that the same is a true copy thereof, and of the whole of such corrected original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 4<sup>th</sup> day of January, 1979.

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....  
IN THE MATTER of the creation of .  
chapters NR 185 and NR 186 of .  
the Wisconsin Administrative . SW-35-78  
Code pertaining to solid waste .  
management planning and grant .  
program .  
.....

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by Section 13, Chapter 377, Laws of 1977, Section 637, Chapter 418, Laws of 1977, and section 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby creates rules as follows:

CHAPTER NR 185

SOLID WASTE MANAGEMENT PLANNING CRITERIA

- |                         |   |
|-------------------------|---|
| NR 185.01 Purpose       | NR 185.06 Information, education and public participation |
| NR 185.02 Applicability | NR 185.07 Planning criteria                               |
| NR 185.03 Definitions   | NR 185.08 Upgrading approved LAD 3 plans                  |
| NR 185.04 Severability  | NR 185.09 Exemptions                                      |
| NR 185.05 Procedures    |   |

NR 185.01 PURPOSE. Development of comprehensive plans for the establishment and maintenance of effective, efficient and environmentally acceptable areawide solid waste management systems is an essential part of solid waste management. The purpose of this chapter is to establish minimum solid waste management planning criteria pursuant to chapter 377, laws of 1977, consistent with the intent of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580).

NR 185.02 APPLICABILITY. This chapter governs the development of comprehensive solid waste management plans and their submittal to the department for approval.

NR 185.03 DEFINITIONS. The following definitions are applicable to the terms used in this chapter:

- (1) "Department" means department of natural resources.
- (2) "Entity" means the person, governmental body, institution, industry or company for which the solid waste management plan is being prepared.
- (3) "Environmentally sensitive areas" means those areas defined as environmentally sensitive in the federal criteria for classification of solid waste disposal facilities issued pursuant to the Resource Conservation and Recovery Act of 1976. These areas include but are not limited to wetlands, areas inundated by the regional flood, recharge zones of sole source aquifers, and critical habitats of endangered species.
- (4) "Plan" means a plan prepared pursuant to NR 185.07 to provide for solid waste management.
- (5) "Planning area" means the geographical area for which the plan is being prepared.
- (6) "Planning period" means the period of time for which the studies and solid waste management plans are made. The planning period shall extend at least 10 years from the projected plan approval date.
- (7) "Planning process" is the process described in NR 185.07.
- (8) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable material, including solid,

liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, Stats, or source, special nuclear, or by-product material as defined under s. 140.52, Stats.

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

(10) "Solid waste management functions" are source reduction, source separation, storage, collection, transportation, transfer, processing, treatment, resource recovery and disposal of solid waste.

NR 185.04 SEVERABILITY. Should any section, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

NR 185.05 PROCEDURES. (1) Plan format. All solid waste management plans shall be developed and written according to the planning criteria outlined in NR 185.07.

(2) Preliminary submittal. Entities shall make a preliminary submittal to the department to include 3 draft copies of the material required in NR 185.07 (1), (2), (3), (4) and (5) prior to completion of the remaining portions of NR 185.07. The department shall review and comment on the submittal within 90 days of receipt.

(3) Final review. An entity seeking final department review and approval of a plan shall submit a total of 4 copies of the following package to the department and one copy to the appropriate regional planning commission or other planning agency for their comment as to whether the plan is in conflict with any plans adopted by the agency.

(a) A letter requesting department review and approval of the plan under s. 144.435(2), Stats.

(b) Copy of a resolution indicating formal adoption of the plan by the entity and an intent to implement the plan.

(c) Loose-leaf ring binder copy of plan prepared pursuant to NR 185.07. The copy shall be legible and written in a style so as to be easily readable and understandable.

(4) Approval. Within 90 days after submittal, the department shall approve or disapprove the plan. The department may issue written plan approvals that are subject to completion of conditions. If the department finds that portions of a plan are inaccurate, incomplete, or inconsistent with the requirements or intent of this chapter, it may disapprove the plan, stating the reasons for disapproval.

NR 185.06 INFORMATION, EDUCATION AND PUBLIC PARTICIPATION. (1) From the beginning and throughout the planning process, the entity shall execute a comprehensive information, education, and public participation program for all persons potentially affected by the plan. The program shall be developed at the beginning of the planning process, with a written summary of the program to be kept on file for public review.

(2) The objectives of this program shall be to keep the persons potentially affected by the plan fully informed, to maintain openness, and to provide a forum for informed input into the planning process.

(3) The program shall include formally announced informational meetings, hearings, conferences and public workshops held at places accessible by potentially affected persons. The program may also include:

- (a) Publications and handouts.
- (b) Visual displays and presentations.
- (c) News releases and/or announcements to the professional media.
- (d) Advisory groups developed to guide preparation of the plan, stimulate interest in solid waste issues and help the planning organization and any other entities implement the plan. Membership of any advisory group shall include a representative cross-section of persons in the planning area.
- (e) Other activities as deemed necessary.

NR 185.07 PLANNING CRITERIA. Plans being submitted for final approval shall include, at a minimum, all of the following information in the order presented below:

- (1) Introduction. An introduction to the plan including a narrative addressing the following subjects individually shall be provided:
  - (a) General solid waste management history in the planning area.
  - (b) A brief discussion of solid waste management in general, including the planning process outlined in NR 185.07, generation, source reduction, source separation, storage, collection, transportation, processing, treatment, resource recovery and disposal.
  - (c) The purpose and scope of the plan.
  - (d) A discussion of the planning period. The planning period shall extend at least 10 years from the projected plan approval date.
  - (e) A list and discussion of specific plan objectives.

(2) Inventory and analysis section. This section shall be an inventory and analysis of subjects relating to solid waste management for the planning area. It shall include a summary of the contents of available state of the art literature, studies, surveys and other pertinent data. A list of agencies that may be sources of information and/or technical assistance for the inventory and analysis segment is available from the department upon request. This section shall contain maps, narratives, diagrams, cross-sections, charts, pictures, drawings, displays and graphs as appropriate. Unless otherwise specified, where data is unavailable and where the entity demonstrates that it is impractical to generate data for the purposes of this plan, reasonable estimates, projections or assumptions shall be made and noted. The basis for any estimates, projections or assumptions shall be referenced in the text and included in the appendix. It shall be made clear what information is already available and what information was generated for the purposes of this plan. The following materials shall be included or addressed in the inventory and analysis section:

(a) A map showing location and extent of the planning area and entity relative to state, county, regional planning commission and Wisconsin solid waste recycling authority boundaries.

(b) A detailed map of the planning area and surroundings showing area boundaries, all governmental boundaries, roads, surface water bodies, and other important geographical details.

(c) A map and narrative indicating road and bridge types and weight limits in the planning area.

(d) Maps, narratives and other appropriate materials addressing the following items as they relate to solid waste management in the planning area:

1. Geography, soils, geology, hydrogeology.
2. Surface water and ground water resources.
3. Climatic characteristics.
4. Environmentally sensitive areas.
5. Archaeological and historical areas.
6. Present solid waste management facilities.
7. Airports.
8. Land use and zoning in planning area.
9. Other unique or special elements of the planning area or entity.

(e) Population in the planning area. Growth projections as well as seasonal or other anticipated fluctuations shall be addressed as they relate to waste generation for the planning period.

(f) A detailed inventory of solid waste types, quantities and sources to be served by the plan during the planning period. All industrial, commercial, municipal and agricultural solid wastes generated or handled in the planning area shall be included in this inventory. Known or potential changes in waste generation that may affect waste quantity, quality or sources shall be discussed in detail. Field surveys or data from solid waste management generators and facilities in the planning area may be used to confirm any waste information generated through office studies. These field surveys shall be discussed in the plan.

(g) A detailed analysis and inventory of current solid waste management functions to address the following items for each function:

1. Waste types, quantities, sources, and variability.
2. Physical layouts and capacities.
3. Age, condition, and limitations.



4. Operational frequencies, methods, procedures, and service areas.

5. Capital, operational and maintenance costs.

6. Ownership and operating responsibilities.

7. Existing contracts and their expiration dates.

8. Markets for systems with resource recovery.

(h) A comprehensive discussion of compliance with local, state and federal solid waste regulations and plans by existing solid waste management functions and facilities in the planning area.

(i) An inventory of personnel and equipment that will be available for plan implementation and periodic review in the following areas of expertise:

1. Engineering and hydrogeology.

2. Administration.

3. Operation.

4. Maintenance.

5. Legal arrangements.

6. Training.

7. Monitoring and record keeping.

8. Plan review and updating.

(3) Probable solid waste land disposal locations. A list and map of probable locations for solid waste land disposal facilities shall be developed for inclusion in the plan. Locations shall be evaluated from the standpoints of engineering, environmental acceptability, and regulations. Special emphasis shall be given to locations that satisfy present and future needs extending through the entire planning period. Locations shall not be placed on the list unless each satisfies the following minimum requirements:

(a) Preliminary locational acceptability - Locations shall receive written preliminary locational acceptability from the department through the following process:

1. The entity shall identify all existing literature and data for the planning area relative to soils, ground water, topography, geology, hydrogeology, surface water resources and environmentally sensitive areas.

2. The entity shall prepare a written report to address the following items:

a. An analysis and summary of the above literature and its relation to solid waste land disposal locations in the planning area.

b. A map and list of probable land disposal site locations based on the analysis in subd. 2. a. above and locational requirements for land disposal facilities specified in chapter NR 151, Wis. Adm. Code, or the administrative codes promulgated in response to chapter 377, laws of 1977.

3. The report shall be submitted to the department for review and written response for the individual locations. The response shall indicate which locations meet preliminary locational acceptability. The department will confirm or deny preliminary locational acceptability in writing within 30 days, giving the basis therefor. More specific information in addition to that listed above may be required by the department before it makes its written determination.

(b) Archeological and historical acceptability. A letter from the state historical preservation officer concerning the possibility of the site being an archeological or historical landmark or area.

(4) Inventory and general evaluation of solid waste management alternatives. After evaluation of separate functions from the standpoints of technological and economic feasibility, several solid waste management alternatives that appear feasible shall be developed for detailed evaluation. The alternatives developed shall include:

1. The existing solid waste management system including all existing functions (regardless of state of compliance with present solid waste regulations).
2. The existing solid waste management system including all existing functions brought up to compliance with all solid waste regulations.
3. A system containing the following functions: storage, collection, transportation, disposal at only one landfill.
4. Same as subd. 3. above but also including substantial resource recovery.
5. A system containing the following functions: storage, collection, transportation, disposal at 2 or more landfills.
6. Same as subd. 5. above but including substantial resource recovery.
7. Other alternatives as perceived necessary.

Note: Alternatives 2-7 shall be in compliance with all solid waste regulations.

(5) Inventory and general evaluation of implementation methods. An inventory, comparison, and general evaluation of several implementation methods for identified solid waste management alternatives shall be made from the following standpoints:

1. Organizational and legal mechanisms.

2. Financial mechanisms.
3. Staffing.
4. Operational management.

(6) Detailed evaluation and preliminary selection of solid waste management alternative. This section shall be divided into the following 2 parts:

(a) Solid waste management alternative evaluation. A detailed evaluation shall be made of the solid waste management alternatives developed in NR 185.07(4) from the standpoints of economics, technical feasibility, public and social acceptance, compliance with local, state and federal laws and regulations and practicability.

(b) Preliminary selection of solid waste management alternative. Based on the detailed evaluation, preliminary conclusions and recommendations shall be made as to the relative ranking of each solid waste management alternative from an acceptability standpoint. The ranking methodology shall be outlined. One tentative solid waste management alternative shall be selected for potential implementation and the reasons for selection shall be indicated.

(7) Detailed evaluation and preliminary selection of implementation methods. A detailed evaluation of the implementation methods developed in NR 185.07(5) shall be made and preliminary conclusions, recommendations and selections shall be made of the implementation methods for the solid waste management alternative selected in NR 185.07(6) shall be made.

(8) Final conclusions, recommendations and decisions. Final conclusions, recommendations and decisions shall be made and indicated relative to what solid waste alternative will be implemented and what

implementation methods will be used. The methodology and reasons for the final decisions shall be indicated. The details of the solid waste management functions to be provided and implementation methods shall be indicated. Time lines for solid waste management system development, operation, and periodic review shall be prepared indicating responsibilities and implementation dates. Separate time lines shall be developed for the total system and each waste management function.

(9) Summary of past and future information, education and public participation programs. The programs developed and implemented pursuant to NR 185.06 shall be summarized in terms of program content and input by affected persons. Future programs to be carried out consistent with the intent of NR 185.06 shall be outlined in terms of time and responsibilities.

(10) Periodic review. (a) In order to monitor the efficiency and effectiveness of the solid waste management plan after implementation, procedures for annual review and update of the plan shall be outlined. These procedures shall address at a minimum:

1. Who evaluates each portion of the plan and function in the system.
2. When the evaluation will be made.
3. How the plan and functions will be evaluated in terms of:
  - a. Public acceptability.
  - b. Cost effectiveness.
  - c. Compliance with all solid waste laws and regulations.
  - d. New technologies.

(b) There shall be established procedures and responsibilities for making necessary plan modifications.

(c) Provisions shall be made for an annual report to the main decision-making body to include an analysis of meeting plan objectives.

(11) Appendix. An appendix shall include at a minimum, the following:

(a) A list of all reference material.

(b) Summaries of all applicable local, state and federal solid waste laws, rules and regulations.

(c) The basis for any projections or estimates where data is nonexistent, insufficient or impractical to generate for the purpose of this plan.

(d) Other reference material necessary for information and educational purposes.

NR 185.08 UPGRADING APPROVED LAD 3 PLANS. An entity with a department approved plan under former chapter LAD 3, Wis. Adm. Code, may resubmit the plan to the department with a written request for the department to evaluate the plan under chapter NR 185. The department will evaluate the previously approved plan through the procedure specified in NR 185.05(4).

NR 185.09 EXEMPTIONS. An entity may request exemption from any of the requirements of this chapter by submitting an adequate written request and justification. In reviewing exemption requests, the department may take into account such factors as population, size of the area being served, types, amounts, and sources of solid waste, and other significant factors presented and documented by the entity. Exemption requests shall be reviewed with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment. Any exemptions granted shall be in writing by the department, stating the reasons therefor.

## CHAPTER NR 186

SOLID WASTE MANAGEMENT GRANT PROGRAM

NR 186.01 Purpose	NR 186.07 Application process and content
NR 186.02 Applicability	NR 186.08 Approval criteria
NR 186.03 Definitions	NR 186.09 Financial assistance
NR 186.04 Severability	NR 186.10 Priority list
NR 186.05 General conditions	NR 186.11 Exemptions
NR 186.06 Eligibility for application	

NR 186.01 Purpose. The purpose of these rules is to implement the solid waste management grant program pursuant to section 637 of chapter 418, laws of 1977 consistent with the Resource Conservation and Recovery Act of 1976 (Public Law 94-580). Through this program, financial assistance will be available to counties and regional planning commissions for preparing areawide solid waste management plans and to cities, towns, villages, and counties for performing adopted and approved areawide solid waste management plans.

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

NR 186.03 Definitions. For purposes of these regulations:

- (1) "Applicant" means "study applicant" or "planning applicant".
- (2) "Applicant for a specific solid waste disposal site feasibility grant" means a town, village, city, or county, or more than one town, village, city, or county acting jointly, which presents an application for funding a proposal to conduct a specific solid waste disposal site

feasibility study which is consistent with a previously developed, department approved areawide solid waste management plan.

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

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

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

(6) "Full state share" means the maximum state grant amounts authorized by statute. For planning applicants this is an amount equal to 50% of the total eligible cost of the plan, but shall not exceed \$50,000. For study applicants this is an amount equal to 25% of the total eligible cost of the study, but shall not exceed \$50,000. The state share cannot reduce the applicant's share of the total project costs to less than 25% for either a plan or study.

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

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

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

(10) "Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant,



water supply treatment plant or air pollution control facility, or any other such waste having similar characteristics and effects.

(11) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, Stats., or source, special nuclear or by-product material as defined under s. 140.52, Stats.

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

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

(14) "Specific solid waste disposal site feasibility study" means the study which describes the physical conditions of the proposed site including a description of the site's topography, soils, geology, ground and surface waters, and other features of the site and surrounding area. The study shall also include preliminary engineering design concepts including the proposed design capacity of the site and an indication of the quantities and characteristics of the wastes to be disposed of.

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

(16) "Study applicant" means "applicant for a specific solid waste disposal site feasibility grant".

(17) "Total eligible cost" means the sum of all direct and department approved indirect costs for the applicant as anticipated and specified at the time of application but excludes costs for acquisition of or interest in land, site preparation, operation, abandonment, or preparation of a plan of operation, and any subsidies for the price of recovered resources. Direct costs include, but are not limited to salaries (fringe benefits), mileage, equipment usage, consultant's fees, printing and copying but shall not include costs for purchase of capital items. Indirect costs may be allowable to the extent of those previously approved by other state or federal agencies and must be separately agreed to in the grant agreement.

NR 186.04 Severability. If any section, paragraph, phrase, sentence or clause of this chapter is declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

NR 186.05 General conditions. Funds available through the Resource Conservation and Recovery Act of 1976 shall be awarded according to the intent of ss. 144.781 to 144.784, Stats., and guidelines and regulations promulgated by the environmental protection agency and the department through the Resource Conservation and Recovery Act of 1976. Nothing in this chapter shall influence, affect or modify department programs, priorities or procedures relating to compliance with applicable solid waste management regulations. All available federal funding for areawide plans and feasibility studies from the Resource Conservation and Recovery Act of 1976 shall be utilized to supplement and increase the levels of funding available under this program.

NR 186.06 Eligibility for application. (1) General. No grants may be distributed for areawide solid waste management plans or specific solid waste disposal site feasibility studies which have, as their primary goals, disposition of hazardous substances as defined under s. 144.30(10), Stats., hazardous waste as defined under s. 144.61(4), Stats., sludge, or source material as defined under s. 140.52(10), Stats., or by-product material or special nuclear material as defined under ss. 140.52(3) and (11), Stats. Plan or study proposals including management of the above materials are not eligible for funding if the proposal will cost in excess of 20% more than an equivalent proposal addressing only fundable waste types.

(2) Areawide solid waste management plans. To apply for an areawide solid waste management planning grant, the applicant shall satisfy the following minimum eligibility criteria:

(a) The applicant shall be either a regional planning commission or a county, or more than one regional planning commission or county acting jointly and be designated by the governor to act as an areawide solid waste planning agency.

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

(3) Disposal site feasibility studies. To apply for a feasibility study grant, the applicant shall satisfy the following minimum eligibility criteria:

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

(b) An areawide solid waste management plan for the study area shall have been approved by the department under chapter NR 185, Wis. Adm. Code,

and a resolution stating the entity's intent to implement the plan shall be passed by the county or regional planning commission or a group of counties or regional planning commissions for which the plan was prepared.

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

NR 186.07 Application process and content. (1) The general application procedures to be followed by all applicants and the department are:

(a) Applications shall be submitted to the department after December 1, and before January 2 of the next year, and shall be made on forms supplied by the department. One copy of the application shall be sent to the appropriate regional planning commission for advisory comment consistent with their clearinghouse functions.

(b) The department shall decide the eligibility and the priority of plan or study grant applications and notify applicants in writing by April 1 each year.

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

(d) The department shall commit all funding by May 1 of the same year based on acceptance of each grant by each successful applicant.

(2) Areawide solid waste management plan applicants. Planning applicants shall show in writing:

(a) A designation by the governor as an areawide solid waste management planning agency.

(b) A statement of the overall plan objectives.

(c) The methods proposed to develop the areawide solid waste management plan pursuant to chapter NR 185, Wis. Adm. Code.

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

(e) The timetable for plan development.

(f) A commitment that no grant monies shall be used for any acquisition of land or interest in land, or any site preparation, operation, or abandonment, or for any subsidies for the price of recovered resources.

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

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

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

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

(b) A resolution indicating the applicant's intent to implement the solid waste management plan approved under chapter NR 185, Wis. Adm. Code.

(c) A statement of the overall study objectives.

(d) The methods proposed to conduct the specific disposal site feasibility study. These shall be in accordance with administrative codes promulgated pursuant to chapter 377, laws of 1977.

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

(f) The timetable for study completion.

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

1. Land availability - The site shall be owned by the grant applicant or an option on the property shall exist that allows the grant applicant to complete the feasibility study and develop and operate a land disposal facility if approved by the department.

2. Locational acceptability - a) Based on a written department inspection report, the site shall have the potential to meet all state solid waste management locational requirements and other environmental requirements of the department.

b) Based on a written department inspection report the entity shall receive a written department recommendation that the site merits conducting feasibility work described in chapter 377, laws of 1977 and applicable administrative code.

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

(h) The feasibility study applicant shall submit one copy of the grant application to the appropriate areawide solid waste management planning agency for comment on the proposed study's applicability to the solid waste management plan. The areawide planning agency shall submit

written comments to the department within 30 days of receipt of the application. If the applicant for a feasibility study grant is the same agency that is responsible for the solid waste management plan, the department shall determine whether the study is consistent with the areawide solid waste plan.

(i) A commitment that no grant monies shall be used for any acquisition of land or interest in land, or any site preparation, operation, or abandonment, or for any subsidies for the price of recovered resources.

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

NR 186.08 Approval criteria. (1) All applicants shall submit the plan or study to the department for review and approval consistent with chapters 377 and 418, laws of 1977, and rules adopted pursuant to these chapters. A copy of the plan shall also be sent to the appropriate regional planning commission or other planning agency for their comment as to whether the plan is in conflict with any plans adopted by the agency.

(2) Approval criteria for areawide solid waste management plans. In evaluating the completed plan, the department shall consider the following factors:

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

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

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

(d) Information contained in section NR 185.07, Wis. Adm. Code.

(3) Approval criteria for feasibility studies. In evaluating the completed feasibility study, the department shall consider the following factors:

(a) Identification of one or more sites that are feasible for development as a sanitary landfill.

(b) Information contained in the administrative codes promulgated pursuant to chapter 377, laws of 1977.

NR 186.09 Financial assistance. (1) General considerations. The following criteria apply to both planning grants and to feasibility study grants:

(a) No awards made under this program shall restrict or prevent agreements between grant recipients and private enterprise for construction, operation, or abandonment of solid waste sites and facilities.

(b) The grant recipient's share of preparing either the plan or feasibility study shall not be less than 25% of the total eligible costs of the project.

(c) All available funding from the Resource Conservation and Recovery Act of 1976 (Public Law 94-580), for areawide planning and disposal site feasibility studies shall be utilized by the department to supplement and increase the levels of funding available under this program to the maximum extent possible.



(d) The grant period shall be the one year period after the date of acceptance, unless the department determines, on a case-by-case basis, that a time extension for one additional year is warranted.

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

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

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

(h) After an applicant has accepted a grant offer, the department shall make available to the applicant 75% of the total amount of the grant. The remaining 25% of the total amount of the grant shall be paid to the applicant only if the final plan or study and final accounting of project expenditures have been approved, in writing, by the department.

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

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

(k) The grant applicant shall maintain appropriate records to document expenditures made during development of the plan or study,

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

(1) The department may terminate the grant and the grant recipient shall return the full grant amount if the department determines that:

1. There has been no substantial performance of the plan or study work by the grantee, without good cause;

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

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

(2) Areawide solid waste management planning grants.

(a) The department may make grant payments to planning applicants which provides up to 50% of the estimated total eligible cost of the applicant's areawide solid waste management plan. The grant shall not exceed \$50,000. Any planning grant recipient is not eligible to receive additional planning grants under this chapter, however, both a county and a regional planning commission may each receive one planning grant for the same area under this section provided the plan objectives are substantially different.

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

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

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

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

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

(3) Specific solid waste disposal site feasibility study grants. The department may award a grant to feasibility study applicant which provides up to 25% of the estimated total eligible cost of the applicant's feasibility study. The grant shall not exceed \$50,000. An applicant may receive more than one feasibility study grant provided that no more than one application is submitted for each year of this program.

NR 186.10 Priority list. (1) Each year planning applicants shall, to the greatest extent possible, receive first consideration for approval and funding by the department. Each year feasibility study applicants shall be considered for funding only after the department has completed the grant award process for planning applicants.

(2) Factors and scoring methods used by the department in developing funding priorities for individual plans and studies are:

(a) Current disposal practices and their suitability for environmentally sound disposal. The score shall be a number equal to 100 minus the percentage of applicant population served by disposal sites within the county approved by the department after January 1, 1975 not classified as an open dump and which can provide disposal for 2 years from each year's grant application date.

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

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

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

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

(3) Priority lists. (a) Each year, after applications are received, the department shall rank applicants in descending order. For each applicant, a point value from 0 to 100 will be calculated for each factor in sub. (2) above and multiplied by the weighing values contained in par. (b) below. Scores for each factor will be summed for the applicant and all applicants will then be ranked in descending order. This priority

list will be used for grant awards. The department shall make the funding priority list available to all applicants.

(b) Weighing values for priority list factors

Factor	Weighing Value	
	Plans	Studies
Current disposal	4	4
Waste generation	2	3
Existing planning	3	0
Alternate funding	1	1
Size of area	1	1

(4) The department will attempt to award all available monies during each year of the program. Should the amount of funds available be less than the total demand of all applications, the department will first make full state share awards to planning applicants by descending priority list rank and secondly to study applicants by descending priority list rank. Applicants who do not receive funding for their project may apply in future program years.

NR 186.11 Exemptions. An entity may request exemptions from any of the requirements of this chapter by submitting an adequate written request and justification. In reviewing exemption requests, the department shall take into account such factors as population, size of the area being served, types, amounts, and sources of waste, and other significant factors presented and documented by the entity. Exemption requests shall be reviewed with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment. Any exemptions granted shall be in writing by the department, stating reasons therefor.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 26, 1978

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin

4 January 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl

Anthony S. Earl, Secretary

(SEAL)