

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 under ss. 144.781 to 144.784, Stats., (as affected by chapter 374, laws of 1981) consistent with the resource conservation and recovery act. 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 conducting specific solid waste disposal site feasibility studies and special study projects consistent with previously adopted and approved areawide solid waste management plans.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. Register, January, 1983, No. 325, eff. 2-1-83.

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

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

NR 186.03 Definitions. For purposes of these regulations:

(1) "Applicant" means "site feasibility study applicant" or, "planning applicant" or "special study applicant".

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

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

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

(5) "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.

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

(7) "Full state share" means the maximum state grant amounts authorized by statute. For planning applicants this is an amount equal to 50% of the total eligible cost of the plan, but may not exceed \$50,000. For site feasibility study applicants and special study applicants this is an amount equal to 25% of the total eligible cost of the study, but may 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, site feasibility study, or special study project.

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

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

(10) "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.

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

(12) "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.

(13) "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.

(14) "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.

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

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

quantities and characteristics of the wastes to be disposed of. Leachate treatment studies and public involvement programs related to the project may also be completed as part of the study.

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

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

(19) "Special study project" means a sludge management or resource recovery project feasibility study developed to provide detailed project feasibility information for implementation of an approved and adopted areawide solid waste management plan or an approved and adopted update. Resource recovery project studies under this definition may include, but are not limited to incineration with energy recovery, methane gas recovery, source separation and composting studies and waste processing for the purpose of energy or materials recovery. Sludge management project studies may include, but are not limited to land spreading, incineration, land disposal, and composting studies. Special study projects may include, but not limited to demonstration scale pilot projects and system management studies relating to cost analysis and financing arrangements, market research and commitments, risk assessments, final design procurement and other work required prior to undertaking full scale project development.

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

(21) "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, or department review fees and any subsidies for the price of recovered resources. Direct costs include, but are not limited to salaries including fringe benefits, mileage, costs related to site investigations for site feasibility study work including surveying, soils investigations, monitoring well installation, sample collection, and lab analysis fees, equipment usage, consultant's fees, printing and copying but may not include costs for purchase of capital items. Costs incurred during the grant period for participation in any hearing under s. 227.064 or 144.44, Stats., are eligible costs. Test equipment and installation costs that may be required to perform special study project investigations and indirect costs may be allowable but must be separately agreed to in the grant agreement.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) and (2), renum. (3) to (6) to be (4) to (6) and cr. (3), renum. (6) to (9) to be (7) to (10) and am. (7), renum. (10) to (16) to be (12) to (18) and am. (16) and (18), renum. (17) to be (21) and am., cr. (11), (19) and (20), Register, January, 1983, No. 325, eff. 2-1-83.

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.

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

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

Register, January, 1983, No. 325
Environmental Protection

the intent of ss. 144.781 to 144.784, Stats., and guidelines and regulations promulgated by the U.S. environmental protection agency. All available federal funding for areawide plans, site feasibility studies, and special study projects shall be utilized to supplement and increase the levels of funding available under this program. Nothing in this chapter shall influence, affect or modify department programs, priorities or procedures relating to compliance with applicable solid waste management regulations.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. Register, January, 1983, No. 325, eff. 2-1-83.

NR 186.06 Eligibility for application. (1) **GENERAL.** No grants may be distributed for areawide solid waste management plans, specific solid waste disposal site feasibility studies or specific special study projects which have, as their primary goal, disposition of hazardous substances as defined under s. 144.01 (4m), Stats., hazardous waste as defined under s. 144.61 (5), Stats., or source material as defined under s. 140.52 (10), Stats., or by-product material or special nuclear material as defined under s. 140.52 (3) and (11), Stats.

(2) **AREAWIDE SOLID WASTE MANAGEMENT PLANS.** To apply for an areawide solid waste management planning grant, the applicant shall satisfy the following minimum eligibility criteria:

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

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

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

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

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

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

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

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

(b) An areawide solid waste management plan or update for the study area shall have been approved by the department under ch. NR 185 and a resolution stating the entity's intent to implement the plan or update

shall be passed by the county or regional planning commission or a group of counties or regional planning commissions for which the plan or update was prepared.

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

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (3) (intro.) and (c), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83.

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

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

(b) The department shall decide the eligibility and the priority of plan, site feasibility study or special study project grant applications and notify first grant cycle applicants in writing by April 1 and second grant cycle applicants in writing by September 1 of each year.

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

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

(a) A statement of the overall plan objectives.

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

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

(d) The timetable for plan development.

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

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

NR 186

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

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

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

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

(c) A statement of the overall study objectives.

(d) The methods proposed to conduct the specific disposal site feasibility study shall be in accordance with s. NR 180.13.

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

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

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

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

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

b. For all sites projecting a design capacity larger than 50,000 cubic yards, the applicant shall submit an "initial site report" as described in s. NR 180.13 (5) and shall receive written department confirmation that the potential sites merit feasibility work. For smaller sites, a favorable written report based on an initial site inspection by the department may be considered adequate. Initial site report information may be submitted as a proposed update to the "probable land disposal location" sec-

tion of the areawide solid waste management plan to change previously designated low potential or prohibitive areas to potentially acceptable sites.

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

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

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

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

(4) SPECIAL STUDY APPLICANTS. Special study applicants shall submit the following in writing:

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

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

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

(d) A project description that includes the following:

1. A detailed statement of project scope and study objectives which defines the course of action to be pursued to achieve the stated goals. The project scope shall define the project in terms of work effort, personnel, time and money commitments required to complete the special study project.

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

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

(f) A timetable for special study project completion.

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

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

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

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

2. An applicant for a grant for a special study project on resource recovery shall submit one copy of the grant application to the Wisconsin solid waste recycling authority. Within 30 days after submittal, the Wisconsin solid waste recycling authority may transmit its findings and recommendations to the department regarding the consistency of proposed study objectives with existing resource recovery plans, studies or projects.

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

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

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

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

Register, January, 1983, No. 325
Environmental Protection

NR 186.08 Approval criteria. (1) **SUBMITTAL REQUIREMENTS.** All applicants shall submit the completed areawide solid waste management plan, site feasibility study or special study project report to the department for review and approval consistent with ch. 144, Stats., and rules adopted under that chapter. A copy of each plan shall also be sent to the appropriate regional planning commission or other planning agency for their comment as to whether the plan is in conflict with any plans adopted by the agency. For special studies pertaining to resource recovery, applicants shall also submit a copy of the special study project report to the Wisconsin solid waste recycling authority for comment.

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

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

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

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

(d) Information contained in s. NR 185.07.

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

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

(b) Submittal of a completed site feasibility study report in accordance with ss. NR 180.13 and 180.14. Department approval of feasibility reports is necessary for project implementation.

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

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

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

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

(d) The special study's consistency with the department-approved solid waste management plan or department-approved update and the requirements of ch. 144, Stats.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-7; am. (1), (3) (a) and (b), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83.

NR 186.09 Financial assistance. (1) **GENERAL CONSIDERATIONS.** The following conditions apply to planning grants, site feasibility study grants, and to special study project grants:

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

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

(c) All available federal funding under the resource conservation and recovery act for areawide solid waste management planning, disposal site feasibility studies and special study projects shall be utilized by the department to supplement and increase the levels of funding available for grants awarded under this chapter to the maximum extent possible.

(d) The areawide planning chapter grant period and the site feasibility grant period shall be 18 months after the date of acceptance. Each special study project grant is valid for one year after the date of acceptance. The department may determine, on a case-by-case basis, that a time extension is warranted. The length of such an extension will be determined by the department.

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

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

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

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

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

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

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

study or special study project. 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 on the plan, site feasibility study or special study project 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) *Grant payments.* The department may make grant payments to planning applicants which provide up to 50% of the estimated total eligible cost of the applicant's areawide solid waste management plan. The grant may not exceed \$50,000. No planning grant recipient is 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 that the plan objectives are substantially different.

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

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

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

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

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

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

(4) **SPECIAL STUDY PROJECT GRANTS.** The department may award a grant to a special study applicant which provides up to 25% of the total estimated cost of the special study project. The grant may not exceed \$50,000. An applicant may receive more than one special project grant under this chapter, provided that no more than one application is submitted for any one year.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (intro.) to (d), (h), (k), (l) 1. and (2) (a), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83.

NR 186.10 Priority list. (1) To the greatest extent possible, applications for areawide solid waste management planning grants shall receive first consideration in each grant cycle for approval and funding by the department. To the greatest extent possible, applications for specific solid waste disposal site feasibility studies shall receive second consideration in each grant cycle for funding by the department. Applications for special study project grants shall receive third consideration in each grant cycle for funding by the department.

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

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

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

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

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

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

(3) Factors and scoring methods used by the department in developing funding priorities for special study projects are:

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

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

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

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

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

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

(c) Weighing values for priority list factors for special project studies.

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

(5) 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 share awards to planning applicants by descending priority list rank, secondly to site feasibility study applicants by descending priority list rank and thirdly to special study project applicants by descending priority list rank. Applicants who do not receive funding for their project may apply in future program years.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (2) (intro.) (a) and (b), renum. (3) and (4) to be (4) and (5) and am., cr. (3) and (4) (c), Register, January, 1983, No. 325, eff. 2-1-83.

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, haz-

704-4 WISCONSIN ADMINISTRATIVE CODE

NR 186

ard to public health and safety, or potential degradation of the environment. Any exemptions granted shall be in writing by the department, stating reasons therefor.

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