

## Chapter DOD 23

## RECYCLING PROGRAM

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Note: Chapter DOD 23 was created as an emergency rule effective April 1, 1991.

**DOD 23.01 Purpose.** The purpose of this chapter is to establish a procedure for the administration of the recycling loan program and the recycling rebate program by the department as provided by ss. 560.12 and 560.65, Stats.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.

**DOD 23.02 Definitions.** In this chapter:

(1) "Application" means a proposal from an eligible recipient which contains all the elements required in s. DOD 23.04 for the recycling loan program or s. DOD 23.05 for the recycling rebate program.

(2) "Board" means the development finance board as created by s. 15.155 (1), Stats.

(3) "Business" has the meaning contained in s. 560.60 (2), Stats.

(4) "Department" means the department of development.

(5) "Diaper service" has the meaning contained in s. 234.67 (1) (am), Stats.

(6) "Financial audit" means an audit performed to the satisfaction of the department.

(8) "Job" has the meaning contained in s. 560.60 (10), Stats.

(8e) "Municipality" means a town, city, village or county in the state.

(8m) "Nonprofit organization" has the meaning contained in s. 560.20 (1) (d), Stats.

(8t) "Other public entity" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute or ordinance or a governmental or quasi-governmental corporation.

(9) "Postconsumer waste" has the meaning contained in s. 159.01 (7), Stats.

(10) "Qualified property" has the meaning contained in s. 560.12 (1) (ad), Stats.

(10m) "Recyclable material" has the meaning contained in s. 560.12 (1) (ae), Stats.

(11) "Recycling" has the meaning contained in s. 560.12 (1) (ag), Stats.

(12) "Recycling enterprise" has the meaning contained in s. 560.12 (1) (am), Stats.

(13) "Solid waste" has the meaning contained in s. 144.01 (15), Stats.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. (6), r. (7) and (14), cr. (8e), (8t) and (10m), Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.03 Match requirements.** Applicants for a recycling loan or grant shall provide a match for the recycling loan or grant received of not less than 25% of the project cost. The board may require a higher match requirement to the extent that the financial documentation in the application indicates the ability on the part of the applicant to finance a greater share of the project.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.04 Recycling loan and grant program.** (1) An eligible applicant for a recycling loan or grant is a new or expanding business which proposes to undertake a project under s. 560.65 (1m), (2) or (3), Stats.

(3) An application by an eligible applicant shall be in such form as the department may require and shall include all of the following:

(a) An explanation of how the proposed recycling project addresses the applicable standards contained in ss. 560.605 (1) (4), (5), (5m) and 560.65, Stats.

(b) An explanation of how the proposed recycling project addresses the applicable items contained in sub. (5).

(c) Any other information the board may require to make a determination in accordance with the provisions of this chapter and subch. V, ch. 560, Stats.

(4) The board may not award a loan or grant under this section unless, after considering the application and any other information it deems relevant, the board makes the determinations required under s. 560.605 (1), Stats.

(5) The board shall consider the applicable criteria in pars. (a) to (c) before awarding a loan or grant under this section. The board may choose not to award a loan or grant if the proposed recycling project does not compare favorably to other applications on the following items:

(a) The extent to which the project addresses the applicable items contained in ss. 560.605, (4), (5) and (5m) and 560.65, Stats.

(b) The volume of postconsumer waste and the volume of waste that is generated in Wisconsin that will be used in relation to the amount of financing being requested.

(c) The potential for the project to succeed.

(6) The board may award a loan or grant under this section, pursuant to s. 560.65 (1m), (2) or (3), Stats.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; renum. (1) (intro.) and (5) (c) to be (1) and (5) (b) and am., r. (1) (a) and (b), (2), (5) (b), (d) to (g), am. (3) (a), (b), (4) (5) (intro.) (a) and (b), cr. (5) (c), r. and recr. (6), Register, June, 1994, No. 462, eff. 7-1-94.

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**DOD 23.045 Market development.** (1) An eligible applicant for a market development grant is a municipality, other public entity, business, nonprofit organization or an entity organized by a group of any of the entities listed in this subsection which proposes to develop markets for materials recovered from postconsumer waste in a defined geographical area of the state.

(2) The board may award a grant of up to \$100,000 to an eligible applicant in any fiscal year. An applicant that is a single municipality, other public entity, business or nonprofit organization shall provide a match equal to not less than 35% of the project cost. An applicant that is an entity organized by a group of any of the entities listed in this subsection shall provide a match equal to not less than 25% of the cost of the project.

(3) Market development grant funds may be used to pay the cost of providing services to develop markets for materials recovered from postconsumer waste including services related to the following:

(a) Collection and processing of one or more postconsumer waste materials.

(b) Marketing one or more postconsumer waste materials.

(c) Transporting postconsumer waste materials to market.

(d) Research to locate markets for postconsumer waste materials.

(e) Training and education.

(f) Training brokers of one or more materials recovered from postconsumer waste.

(g) Any combination of pars. (a) to (f).

(4) An application for a market development grant shall be in such form as the department may require and shall include all of the following:

(a) An explanation of how the proposed project addresses the applicable standards contained in ss. 560.605 (1), (4), (5) and (5m) and 560.65, Stats.

(b) A description of the proposed project including the proposed market development services, a schedule, the location of the proposed project and the geographic area it will serve, the type, quantity and source of postconsumer material relevant to the project, the current status of the project and a budget.

(c) Evidence that the project will comply with applicable regulatory requirements.

(d) If the applicant is an entity organized by a group of any of those entities listed in sub. (1), an agreement signed by the chief elected official or chief executive officer of each of the participating entities that specifies the obligations of each participant.

(e) A description of the goals and strategies of the proposed project.

(f) A description of plans to coordinate the proposed project with other related recycling efforts.

(5) The board may not award a grant under this section unless, after considering the application and any other information it deems relevant, the board makes the determinations required under s. 560.605 (1), Stats.

(6) The board shall consider the criteria in pars. (a) to (e) before determining the amount of and awarding a grant under this section. The board may choose not to award a grant if the proposed project does not compare favorably to other applicants on the following items:

(a) The extent to which the project addresses the applicable items contained in ss. 560.605 (4), (5) and (5m) and 560.65, Stats.

(b) The extent to which the proposed project addresses regional recycling market development needs.

(c) The level of coordination with other public and private sector participants to develop markets for postconsumer waste recovered in the state.

(d) The reasonableness of the cost of the proposed project.

(e) The transferability of the information developed by the proposed project to other recycling efforts in the state.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.05 Recycling rebate program.** (1) An eligible applicant for the recycling rebate program is an entity identified in and that meets the criteria in s. 560.12 (4), Stats.

(2) An application by an eligible applicant for the recycling rebate program shall be in such form as the department may require and shall include an explanation of how it meets the criteria established under sub. (6).

(3) (a) The department may make a rebate for qualified property under s. 560.12 (5), Stats., that meet the applicable requirements under s. 560.12, Stats.

(b) Proceeds from a rebate that is provided for qualified property that was purchased, in whole or in part, with a recycling loan first shall be used to pay the debt for the qualified property.

(c) The amount of the rebate to be paid to each applicant shall be determined pursuant to s. 560.12 (5), Stats.

(4) (a) The department may award rebates for other activities to applicants pursuant to s. 560.12 (6), Stats., that meet the applicable requirements under s. 560.12, Stats.

(b) The amount of the rebate to be paid to each applicant shall be determined pursuant to s. 560.12 (6), Stats.

(6) (a) The existing or potential market for the product.

(b) The potential of the project to succeed.

(c) The priority of the waste to be used under s. 159.03 (1) (b), 1991 Stats., in effect on January 1 of the year in which the rebate is requested.

(7) Annually, the department shall publish the recycling priorities that have been established under s. 159.03 (1) (b), Stats., for that year.

Annually, the department shall publish the total amount available for projects under the rebate program and the maximum amount available for a project.

(8) The department shall hold at least one competition annually for rebates authorized under s. 560.12 (5) and (6), Stats., and will make application materials available for applicants at least 60 days prior to the deadline for receipt of applications.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. (1) (intro.), r. (1) (a) to (c), (2), (3) (d), (5), renum. (3) (intro.) to be (2) and am., r. and recr. (3) (a) to (c), (4) and (6), Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.06 Contracts.** A successful applicant shall enter into a contract with the department for the purposes of implementing the proposed loan, grant or rebate. The contract shall be signed by the secretary of development and the chief executive officer of the successful applicant, or by their authorized representatives. The department may void a contract and seek a return of any funds released under the contract for failure by the recipient of the grant or loan to perform its obligations under the contract. Amendments to these contracts may be adopted by the written consent of both parties.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.07 Reporting and auditing.** Each successful applicant shall provide the department periodic financial and program reports. A financial audit and final program report shall be submitted at the end of the contract. The financial reports, audit and the program reports shall be submitted to the department by a date specified in the contract. The financial reports, financial audit and the program reports become the property of the department and are open to public inspection.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.

**DOD 23.08 Administration.** The department shall solicit applications, review applications, make recommendations to the board on the disposition of applications, authorize payments and otherwise implement contractual obligations entailed in loans and grants made under the terms of this subchapter, monitor project activities, receive and review the financial reports and program reports submitted under s. DOD 23.07, and collect any repayments of loans from successful applicants. The department shall solicit applications, review applications, make funding decisions on applications, implement contractual obligations, authorize payments, monitor project activities, receive and review the financial and program reports submitted under s. DOD 23.07 for the rebate program. The department shall report semiannually to the chairs of the economic development standing committees of the legislature on the status of the program.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.09 Board operations.** The board shall consider the recommendations of the department relating to the recycling loan and grant projects. The board shall approve an application before the department may enter into a contract under s. DOD 23.06. The department shall

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maintain records of the board's proceedings and provide other staff support as may be necessary to the board.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. Register, June, 1994, No. 462, eff. 7-1-94.

**DOD 23.10 Application materials.** The department shall prepare application materials for the recycling loan and recycling rebate program which it may update as needed. The materials shall contain the application procedures, requirements and instructions for funding under this chapter.

**Note:** Application materials for the recycling loan and recycling rebate program are available from the Office of Development Finance, Department of Development, P. O. Box 7970, Madison, WI 53707, telephone number 608/266-2742.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.