

Chapter DOD 24

HAZARDOUS POLLUTION PREVENTION ASSESSMENT GRANT PROGRAM

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DOD 24.01 Purpose. The purpose of this chapter is to establish a procedure for the administration of hazardous pollution prevention audit [assessment] grants as provided by s. 560.19, Stats.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92.

DOD 24.02 Definitions. In this chapter:

(1) "Assessment grant summary" means a report that meets the requirements established by the department and the university of Wisconsin under s. 560.19 (3) (a), Stats., and s. DOD 24.08.

(2) "Board" means the hazardous pollution prevention board created under s. 15.155 (5), Stats.

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

(4) "Grant" means a hazardous pollution prevention assessment grant.

(5) "Hazardous pollution prevention" has the meaning given in s. 144.955 (1) (c), Stats.

(6) "Hazardous substance" has the meaning given in s. 144.01 (4m), Stats.

(7) "Hazardous waste" has the meaning given in s. 144.43 (2), Stats.

(8) "Implementation summary" means a report that meets the requirements established by the department and the university of Wisconsin under s. 560.19 (3) (a), Stats., and s. DOD 24.08.

(9) "Program" means the hazardous pollution prevention program established under s. 36.25 (30), Stats.

(10) "Toxic pollutants" has the meaning given in s. 147.015 (17), Stats.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (1) and (4), Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.03 Eligible applicants. An eligible applicant is a business, local unit of government, military installation or other organization that is located in this state and that uses or produces hazardous substances, toxic pollutants or hazardous waste. An eligible applicant may request assistance to conduct a hazardous pollution prevention assessment for the following purposes:

(1) To determine the full costs of using, producing and disposing of hazardous substances, toxic pollutants and hazardous waste.

(2) To identify processes that use or produce hazardous substances, toxic pollutants or hazardous waste, and the composition of hazardous substances, toxic pollutants or hazardous waste.

(3) To identify the source of hazardous waste and the amount of hazardous waste produced within each process that uses or produces hazardous substances or waste.

(4) To identify hazardous pollution prevention options and the costs and benefits of their implementation.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (intro.), Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.04 Grant amounts. An eligible applicant may receive 75% of the cost of a hazardous pollution prevention assessment, or \$7,500, whichever is less.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.05 Application content. An application by an eligible applicant shall be in such form as the department may require and shall include all of the following:

(1) The name, address and telephone number of the applicant and of the contact person for the applicant.

(2) A description of the operations and structure of the organization and identification of all affiliated organizations.

(3) A description of the assessment and its purpose, including a description of how it fits into the overall waste management strategy of the applicant and the anticipated benefits of conducting the assessment.

(4) A detailed analysis of the likelihood that the applicant will be technically and financially able and willing to implement hazardous pollution prevention.

(5) A listing of the hazardous substances, toxic pollutants and hazardous waste used or produced by the applicant, including the volume and toxicity of each, and a description of the process producing each pollutant or waste.

(6) A schedule for conducting the assessment and reporting to the department.

(7) A detailed budget for conducting the assessment, including the applicant's matching funds.

(8) The name and resume of the person or persons who will conduct the assessment.

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(9) Evidence of the financial soundness of the applicant.

(10) A brief description of the potential use by others of the information gained from the applicant's proposed hazardous pollution prevention assessment.

(11) A certification signed by an appropriate representative of the applicant stating the assessment is not being performed as a requirement of a negotiated settlement or other environmental enforcement action.

(12) A description of pollution prevention efforts currently being carried out by the applicant including an explanation of how those efforts are organized within the applicant organization.

(13) A policy statement of the applicant, signed by the chief executive officer or facility manager, evidencing a managerial commitment to pollution prevention.

Note: Application materials, including assessment and implementation summary requirements, may be obtained at no charge from the Office of Development Finance, Department of Development, P. O. Box 7970, Madison, Wisconsin 53707.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (3), (6), (7), (8), (10) and (11), Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.06 Evaluation criteria. The board shall consider the following before awarding a hazardous pollution prevention assessment grant:

(1) The likelihood that an applicant will be technically and financially able and willing to implement hazardous pollution prevention.

(2) The volume and toxicity of hazardous substances, toxic pollutants and hazardous waste used or produced by an applicant, and whether these pollutants have been identified by the board as having a high priority for reduction.

(3) The potential for others to use the information gained from an applicant's assessment.

(4) The variety of applicants to which grants are being awarded.

(5) The expertise of the person who will conduct the assessment.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (intro.), (3) and (5), Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.07 Grant reports. (1) No later than 30 days after selecting a person to conduct the assessment, the recipient of a grant shall report the name of the person who will conduct the assessment and the approximate date on which the assessment will be completed to the department.

(2) The recipient shall provide the department with an assessment summary which meets the requirements specified by the department under s. DOD 24.08 by a date

specified in the contract which may be no later than the earlier of 60 days after an assessment is completed or one year and 60 days after the awarding of the grant.

(3) The recipient of a grant shall provide to the department an implementation summary that meets the requirements established by the department under s. DOD 24.08 by a date specified in the contract which may be no later than one year after providing the assessment summary.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.08 Assessment and implementation summaries. The department, in conjunction with the program and the department of natural resources, shall establish the requirements for completing the assessment summaries and implementation summaries. The department shall publish these requirements at least 60 days before applications will be accepted.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. Register, March, 1994, No. 459, eff. 4-1-94.

DOD 24.09 Contracts. Each successful applicant shall be required to enter into a contract with the department for the purpose of implementing the proposed grant. The contract shall be signed by the secretary of development and the chief executive officer of the eligible recipient, 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 to perform its obligations under the contract. Amendments to the contract may be adopted by written agreement signed by the authorized representatives of the recipient and the department.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92.

DOD 24.10 Administration. (1) The department shall solicit applications from eligible applicants, review applications, make recommendations to the board on the disposition of applications, enter into contracts with successful applicants, authorize payments, receive reports submitted under s. DOD 24.07 and otherwise implement contractual obligations created under this chapter.

(2) The department shall report annually to the legislature on the results of the program.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92.

DOD 24.11 Board operations. The board shall consider the recommendation of the department relating to the criteria under s. DOD 24.06. The board shall approve an application before the department can enter into a contract under this chapter. The department shall maintain records of board proceedings and provide other staff support to the board as may be necessary.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92.