

## WI DNR Response To Questions Related To Impact Of The FY 11-13 Budget Bill On The State Recycling Program

As you are no doubt aware, Governor Walker has proposed significant changes to Wisconsin's recycling laws in the Executive Budget Bill [Senate Bill 27/Assembly Bill 40] for the coming two-year budget cycle (FY 11-13 biennium). I've included a summary of the proposed changes below. Please remember that proposed changes do NOT take effect until a bill is passed by the Legislature and signed by Governor Walker. Until then, current recycling requirements are in effect.

While the Budget Bill may change from the Governor's initial proposal, the DNR will continue to work with all parties, in ways yet to be defined, to help recycling continue in WI for municipalities, counties, companies and other interested parties.

Below are answers to a number of questions we've been getting from RUs. I'm sure you have many other questions. Please send your questions to [DNRrecycling@wisconsin.gov](mailto:DNRrecycling@wisconsin.gov) and we will respond as we are able. Thank you for your patience and understanding!

~~Provisions in the Budget Bill~~ related to recycling:

1. Eliminate the requirement that a municipality or county operate a Responsible Unit Recycling Program to ensure recycling of recyclable paper, containers and other materials;
2. Eliminate financial assistance from the Department of Natural Resources for local governmental recycling programs. This would eliminate the Basic Recycling Grants to Local Governments as well as the Recycling Efficiency Incentive Grant and the Waste Reduction and Recycling Demonstration Grant programs;
3. Convert the Recycling And Renewable Energy Segregated Fund to a newly created segregated fund for economic development and direct revenue from the recycling tip fee to the new fund. The \$7/ton state-imposed recycling tip fee in s. 289.645, Wis. Stats. would still be charged on waste disposed of in a Wisconsin landfill and \$3 per ton of revenue from that tip fee would be directed to the environmental fund, to support some state recycling services, as yet undefined;
4. Revise the landfill/incineration bans on waste tires, paper products and containers [ss. 287.07 (3) and (4), Wis. Stats]:
  - a. Change the landfill disposal ban on waste tires so that it is similar to that on appliances, lead acid batteries, waste oil/oil filters and absorbents [revised s. 287.07(3)], and
  - b. Change the landfill/incineration ban on paper products and containers so that the ban prohibits disposal of these recyclable materials by an individual in a container whose contents are destined for disposal in a landfill or incinerator.

We have heard from a number of you, and understand your concerns and confusion. We've tried to address some of your questions below.

### 1. What does this mean for my Responsible Unit status?

**Response:** There would no longer be a requirement for local units of government to operate a recycling program to comply with the state disposal bans. In essence, this would

- eliminate the state mandated Responsible Unit program
- eliminate any requirement for local governments to enforce state disposal bans.

Local units of government could still operate a recycling program individually or with other units of government, but would not be required to do so under state law.

### 2. Would my Responsible Unit still receive a yearly grant from the DNR?

**Response:** All state financial assistance to local recycling programs would be eliminated with enactment of the budget bill. This would affect calendar year 2012 and subsequent years.

**3. Will I receive my 2011 recycling grant ?**

*Response:* Yes, RUs that submitted recycling grant applications by the deadline in fall 2010 will receive their 2011 calendar year grant later this spring. We have been told that the total available funding will be reduced, but do not yet know by how much. This will mean that grant amounts for Responsible Units will also be reduced. We will contact you again when we have more information.

**4. Would there be recycling grants in the future?**

*Response:* The Governor's proposed budget bill does not provide financial assistance to local government recycling programs for the period July 1, 2011, through June 30, 2013. This action would affect calendar years 2012 and 2013.

**5. How would disposal bans on paper and containers be enforced, if the responsibility is placed on the individual disposing of waste in a container destined for disposal?**

*Response:* A local recycling program would not be required to enforce the disposal ban, but could choose to do so through a local ordinance. We are still researching whether a hauler collecting trash or recyclables would not be held accountable for enforcement of the disposal bans. The primary responsibility would be on the individual to comply with state disposal laws both at home and away from home.

**6. How can an individual properly recycle and comply with the disposal ban on paper products and containers if no municipal recycling services are available?**

*Response:* All citizens would be expected to comply with the ban on disposal in a container destined for waste disposal. They could contract with private recycling services or haul recyclables to a drop-off center if municipal curbside recycling services were not available.

**7. Does the Budget Bill change the bans on appliances, lead acid batteries, electronics, oil filters and yard wastes.**

*Response:* No. The bans on these recyclable materials and yard waste are not affected by the Budget Bill.

**8. Would businesses, schools, institutions and special events still have to offer recycling?**

*Response:* The recycling requirement would be limited to "individuals" under the Budget Bill whereas the current bans apply to "person," a term defined in s. 287.01(5m), Wis. Stats. to include all of the above entities. We are still looking into the legal ramifications of how the requirement applies to individuals working in a business operation that does not offer recycling options.

**8. Will I still have to submit my annual report for calendar year 2010 by the April 30, 2011, deadline?**

*Response:* Yes. Current recycling law is still in place. You must submit your 2010 annual report on time in order to receive your 2011 recycling grant later this spring. If you need assistance, please contact your regional Recycling specialist.