

## CHAPTER 72 –RECYCLING, SOLID AND HAZARDOUS WASTE

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### **72.01 Title.**

The title of this Chapter shall be Recycling, Solid and Hazardous Waste.

### **72.02 Purpose.**

The purpose of this Chapter is to reduce air and water pollution, conserve resources, promote proper disposal of solid waste, recycling, composting, and resource recovery through the administration of an effective recycling and solid waste program, as provided in Chapter 287, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code.

### **72.03 Abrogation and Greater Restriction.**

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, chapters or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

#### **72.04 Interpretation.**

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

#### **72.05 Applicability.**

The requirements of this Chapter apply to all persons and properties within the County. The requirements of Sections 72.09 through 72.17 shall apply only to municipalities that are members of the County's Responsible Unit.

#### **72.06 Administration.**

The provisions of this Chapter shall be administered by the County Conservationist.

#### **72.07 Effective Date.**

The provisions of this Chapter shall take effect on January 1, 1995 for the types of materials listed in Section 72.09, other than as stated in Section 72.10(C). The provisions of Sections 72.18 through 72.21 shall take effect on January 1, 1995.

#### **72.08 Definitions.**

For the purposes of this Chapter:

- A. Attendant** means staff that is hired by the County or municipality to work at drop-off sites.
- B. Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- C. Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
- D. Drop-off site** location designated in the County which is identified and staffed as a place in which people of the County may bring recyclable materials and solid waste for disposal.
- E. Ferrous Metal Cans** means tin cans used for the storage of processed food products.

**F. Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

**G. Garbage** means discarded materials resulting from the handling, processing, storage, and consumption of food.

**H. HDPE** means high density polyethylene, labeled by the SPI code #2.

**I. LDPE** means low density polyethylene, labeled by the SPI code #4.

**J. Magazines** means magazines and other materials printed on similar paper.

**K. Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, furnaces, boiler, dehumidifier, water heater or stove.

**L. Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.

**M. Newspaper** means a newspaper and other materials printed on newsprint.

**N. Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

**O. Office paper** means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

**P. Other resins or multiple resins** means plastic labeled by the SPI code #7.

**Q. Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

**R. PETE** means polyethylene terephthalate, labeled by the SPI code #1.

**S. Plastic container** means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

**T. Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

**U. PP** means polypropylene, labeled by the SPI code #5.

**V. PS** means polystyrene, labeled by the SPI code #6.

**W. PVC** means polyvinyl chloride, labeled by the SPI code #3.

**X. Recyclable materials** includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bimetal containers.

**Y. Refuse** means all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

**Z. Rubbish** means useless waste or rejected matter: trash, something that is worthless or nonsensical.

**AA. Solid Waste** has the meaning specified in § 289.01(33), Wis. Stats.

**BB. Solid waste facility** has the meaning specified in § 289.01(35), Wis. Stats.

**CC. Solid waste treatment** means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “*Treatment*” includes incineration.

**DD. Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

**EE. Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

## **72.09 Separation of Recyclable Materials.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries
- B. Major appliances
- C. Waste oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal containers
- G. Corrugated paper or other container board
- H. Foam polystyrene packaging
- I. Glass containers
- J. Magazines
- K. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

**72.10 Separation of Requirements Exempt.**

The separation requirements of Section 72.09 do not apply to the following:

**A.** Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 72.09 from solid waste in as pure a form as is technically feasible.

**B.** Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

**C.** A recyclable material specified in Section 72.09(E) through (O) for which a variance has been granted by the Department of National Resources under § 287.11(2m), Wis. Stats., or Section NR 544.14, Wisconsin Administrative Code.

**72.11 Care of Separated Recyclable Materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 72.09 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

All recyclable materials specified under Section 72.09 and solid waste shall be sorted and prepared in such a manner so that they can be easily inspected at their source of origin.

## **72.12 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and years waste as follows:

**A.** Lead acid batteries shall be dropped off at an approved materials recycling facility (MRF), a Lead Acid Battery retailer, a machine shop, or as provided by the participating municipality.

**B.** Major appliances shall be disposed of as provided by the participating municipality. Microwave ovens will not be accepted. Citizens are directed to take microwave ovens to an appliance retailer or appliance salvager. Refrigerator doors must be removed.

**C.** Waste oil shall be delivered to an approved drop-off site, service center or as provided by the participating municipality. Contaminated oil will not be accepted.

**D.** Yard waste shall be allowed to decompose on the property on which it was generated, taken to a licensed land application operation or composting facility.

## **72.13 Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the County or designated municipality, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 72.09(E) through (O):

**A.** Aluminum containers shall be rinsed clean and may be flattened.

**B.** Bi-metal containers shall be rinsed clean and may be flattened.

**C.** Corrugated paper or other container board shall be flattened and/or cut into pieces no larger than three inches (3”) x three inches (3”), tied into bundles, kept dry and shall not exceed fifty (50) pounds.

**D.** Ferrous Metal Cans (Tin) shall be rinsed clean, have labels and covers removed and may be flattened. The covers are recyclable.

**E.** Foam polystyrene packaging shall be washed clean of all product residue.

**F.** Glass containers shall be rinsed clean, with caps and rings removed. Labels may stay on. No ceramics, pyrex, light bulbs, window glass, drinking glasses, china, crockery or television tubes shall be mixed or commingled with recyclable glass containers.

**G.** Magazines shall be clean from any debris, tied into bundles and kept dry.

**H.** Newspaper shall be clean from any debris, tied into bundles and kept dry.

**I.** Office paper shall be clean from any debris, tied into bundles or put into paper bags, tied and kept dry.

**J.** Rigid plastic containers shall be prepared and collected as follows:

- |    |                            |           |
|----|----------------------------|-----------|
| 1. | Polyethylene Terephthalate | PETE (#1) |
| 2. | High Density Polyethylene  | HDPE (#2) |
| 3. | Poly Vinyl Chloride        | PVC (#3)  |
| 4. | Low Density Polyethylene   | LDPE (#4) |
| 5. | Poly Propylene             | PP (#5)   |
| 6. | Polystyrene                | PS (#6)   |
| 7. | Multiple Resin             | (#7)      |

All materials under Section 72.12(J)(1-7) shall have caps and rings removed and disposed of. Materials must be free and clean of all product residue as to assure a clean quality product.

**K.** Steel containers shall be rinsed clean, with tops, bottoms and labels removed and may be flattened.

**L.** Waste tires shall be taken to a materials recovery facility (MRF) or be taken to a designated drop-off site.

#### **72.14 Operation and Collection at Drop-Off Sites.**

**A.** All collection sites in the County shall provide containers for recyclable solid waste and for nonrecyclable solid waste and shall be governed by the rules set by the County or by each municipality. The County and the operating municipality reserve the right to lose, alter or open new sites as needed.

**B.** The County and each municipality have the authority to set the hours of operation.

**C.** Each municipality must have the hours of operation posted at the entrance of the drop-off sites.

**D.** No person(s) shall enter the drop-off sites during times when the facility is not open, without the property authorization.

**E.** Each person bringing recyclable solid waste or nonrecyclable solid waste to the drop-off site shall be able to provide proof of residency or proof of ownership in the County. No person shall dispose of solid waste at the drop-off sites other than that generated within the County.

**F.** All materials brought onto the site shall become the property of the County or the designated contractor.

**G.** No person shall place recyclable or nonrecyclable solid waste anywhere on or at the facility other than in the designated containers.

**H.** No person shall bring to the drop-off site any materials that are unbagged or untied as to prevent that material from littering the facility and adjacent road ways.

**72.15 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

**A.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 72.09(E) through (O):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

**B.** The requirements specified in Subsection (A) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 72.09(E) through (O) from solid waste in as pure a form as is technically feasible.

**72.16 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

**A.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 72.09(E) through (O):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

**B.** The requirements specified in Subsection (A) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 72.09(E) through (O) from solid waste in as pure a form as is technically feasible.

#### **72.17 Prohibition on Disposal of Recyclable Materials Separated for Recycling.**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 72.09(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

#### **72.18 Solid Waste Disposal.**

**A.** No rubbish other than that generated in the household shall be disposed of on the property where it is generated. Disposal shall be in such a manner as not to create a nuisance or such a manner that it is not contained at the point of disposal.

**B.** No commercial rubbish shall be disposed of other than at a licensed sanitary landfill or at a licensed solid waste treatment facility.

**C.** No onsite disposal or storage of rubbish shall be permitted in:

1. Wetlands as mapped on Wisconsin Wetland Inventory as from time to time amended.
2. Floodplains as mapped on Flood Insurance Rate Maps approved by the Department of Natural Resources and Federal Emergency Management Association dated September 27, 1991 and from time to time amended.
3. Areas defined as Shoreland by Chapter 70, Article IV.
4. Areas below such depth in the soil as to be subject to seasonal or periodic saturation from high groundwater.

**D.** No materials other than paper, untreated wood or materials made from or composed of natural plant fibers shall be disposed of by burning.

**E.** No person shall dispose of any of the following materials other than by methods approved in Wisconsin Statutes:

1. Explosives
2. Construction and demolition debris
3. Carcasses
4. Medical waste

**F.** No person shall dispose of any rubbish by littering as defined in §§ 287.81(2)(a) and (b), Wis. Stats.

**72.19 Hazardous Waste.**

No one shall dispose of any hazardous waste as defined in Section NR 661.03 Wisconsin Administrative Code on any property in the County.

**72.20 Enforcement.**

**A.** For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the County may inspect any property, recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the County who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

**B.** The County authorizes the County Conservationist, the person(s) designated under § 287.09(3)(a), Wis. Stats., or other staff authorized by the County Board to enforce this Chapter.

**72.21 Penalties.**

Penalties for this Chapter are set forth in Chapter 100 and shall include the citation amount in addition to the costs of remedial action or compliance with this Chapter.

11/21/2014