

BUCKY BUGLE

Badger State
Chapter

Volume I
2007

PRESIDENT'S CORNER *by Curt Madsen*

In writing my first President's corner, I would be remiss if I didn't offer a big thank you to Steve Keith, our past President, for his dedication to improving the Badger Chapter and helping to plant some seeds, which are briefly summarized below, that will help our Chapter grow stronger in the years ahead. His efforts are greatly appreciated and will be for some time. I would also like to take this opportunity to welcome our new officers and board members:

Chad Doverspike, Vice-President

Steve Keith, Director

Chris Anderson, Secretary

Jerry Mandli, Director

Mike Michels, Treasurer

J.W. Spear, Director

Brian Tippetts, Int'l Board Director



Brenda Rhinehart is our new Administrative Assistant, and did a terrific job helping to make the 2007 Winter Conference run as smoothly as it did. Brenda also presented at one of the Winter Conference track sessions on "How to Conduct Effective Safety Meetings".

I am very pleased with the success of the 2007 Winter Conference. Record attendance levels were realized for both conference attendees as well as vendor participation. The three organizations SWANA, WCSWMA and AROW each brought unique talents to the table that contributed to the success. Comments that the board of directors and I received were very positive and we will continue to strive as an organization to make this joint conference a "must attend" high quality annual event.

Our Chapter also hosted a landfill operations fall workshop in Milwaukee last November with a focus on the new regulations associated with landfill stability plans. Three university professors, two representatives from WDNR and three private consultants made presentations on a number of timely topics. This is the second consecutive year that our annual fall workshop exceeded our attendance expectations to the point where our Chapter will need to make arrangements for a larger conference room for the next fall workshop.

Where do we go from here? Steve Keith was instrumental in 2006 in suggesting that we bring in a facilitator to assist our board of directors in a strategic planning session to focus and prioritize our Chapter's objectives in the future. Two of the objectives currently being implemented include this newsletter and expanding our Wisconsin SWANA Chapter website. Updates on our website, as well as other items that we will be implementing, will be presented in future newsletters.

In closing, I would like to thank all of you who planned, attended and supported the joint winter conference and/or our Chapter's fall workshop. If you have additional ideas on how to improve the conference or see the need for training programs that our Chapter can provide, please contact me or any of the directors with your ideas.

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HAYDUCSKO RECEIVES WDNR AWARD

(Article reprinted from Dunn County News)



Scott Hassett presents award to George Hayducsko

George Hayducsko, Solid Waste and Recycling Coordinator for Dunn County received the West Central Wisconsin Natural Resources Award on April 18, 2007 at the Dunn County Board meeting in Menomonie.

Department of Natural Resources Secretary Scott Hassett and Regional Director Scott Humrickhouse presented the award on behalf of the employees in the 19-county West Central Region.

The award is presented annually to the individual or non-profit organization that employees feel has done the most to enhance the environment. Nominations for the award are made by employees in the West Central Region and the final selection of the award recipient is made by a committee made up of individuals representing all agency divisions and geographic areas in the 19-county area.

Hayducsko was nominated for the award for his outstanding initiative in assisting the Department of Natural Resources and the Department of Justice with cleanup of Poromeric Plastic Recycling Company in the Town of Rock Creek, Dunn County.

The recycling company acquired the former Grandview School, about two and one-half miles west of Rock Falls, to use as a storage and processing facility.

The plastic stored at the site was not adequately confined, however, and wind-blown plastic became a problem in the neighborhood.

The volume of plastic at the site also presented a potential fire hazard. In addition, rodents were living in the accumulated plastic, and pooled water at the facility provided a breeding ground for mosquitoes.

Hayducsko, working with the WDNR and Department of Justice, took over the cleanup of the area after the property was placed in receivership by the Dunn County Court.

He arranged for 11 semi-loads of baled plastic and four roll-off bins of metal to be shipped from the site bringing in more than \$70,000 and removing more than 170 tons of recyclables. He also arranged for 16 loads of garbage, weighing more than 103 tons, to be delivered to a landfill and for nearly four tons of tires to be recycled.

The work Hayducsko did recovered value from the property, paid for the cleanup and provided funds to repay a recycling demonstration grant and return dollars to the local township. To accomplish the work, he took on the task of reclaiming the property in addition to his normal job and worked long hours to help resolve a local problem.

Hayducsko has served for the last 10 years in his current position in Dunn County. He served earlier in similar positions in St. Croix County and in Oneida County. He is a past president of the Midwest Recycling Association as well as the Wisconsin County Solid Waste Managers Association.



Photo of Poromeric Plastic recycling company in the Town of Rock Creek before cleanup.



WDNR PLANNING NEW WEBSITE POSTINGS

Submitted by Mike Michels

Several years ago, in an effort to help guide future WDNR policy, the Waste & Materials Management Program held a number of listening sessions with external stakeholders. A theme from those meetings was concern over LFG emissions. The stakeholders were interested in reducing air impacts associated with landfills and, if possible, doing so in a non-traditional fashion that might lead to greater environmental results than regulation alone could achieve.

The goal of this WDNR initiative is to reduce fugitive LFG emissions without any new regulations and relies on voluntary actions by landfill owners. One part of WDNR's approach is to post landfill specific information on the World Wide Web. Difficulties exist to directly measure fugitive LFG emissions, and therefore WDNR has chosen post LFG generation estimates and actual LFG collection rates on the Web.

Unfortunately, technology does not exist to get a direct measurement of LFG generation, therefore only estimates are being prepared by WDNR. These estimates are being compared to actual LFG collected as measured by the landfill owners and graphed. The graphs for each landfill will show two lines. The line that is generally higher shows gas generation rates over time as predicted by the LandGEM model, and

the lower line shows gas extraction rates reported by the landfill owner. The vertical distance between the two lines represents an estimate of the fugitive LFG emission rate.

WDNR's approach has met with significant controversy, thus nothing has been posted on the web as of yet. Although WDNR is planning to post graphs on the web very soon, some of the controversial issues with WDNR's initiative include:

- Gas production at individual landfills varies greatly based on factors such as the types of waste accepted, internal landfill biochemistry, waste moisture, and operational practices.
- It is possible, based on the inputs WDNR chooses in that the model overestimates actual LFG generation for some landfills.

For more information contact Dennis Mack at Dennis.Mack@Wisconsin.gov



BADGER CHAPTER BUILDING WEB SITE

The Chapter is building a web site for use in distributing information about the Chapter and Chapter activities.

The web site would be accessed from the SWANA National Web site www.SWANA.org and directly at www.SWANA.wi.

When completed the site will contain our newsletter, including archive additions, a small technical library, announcements for Chapter activities, etc. Take a look at the mock-up and let us know what else you would like to see on the Chapter Web site. The mock-up is located at www.jspear.com/SWANA.

ACKNOWLEDGEMENT OF SUPPORT

On behalf of AROW, SWANA and WCSWMA, we would like to thank Ayres Associates for being a sponsor at our recent joint winter conference in Appleton. Ayres Associates is an engineering firm located in Eau Claire and can be reached at 715.834.3161.

We would also like to thank the engineering firm of Becher-Hoppe Associates of Wausau (715.845.8000) for printing and providing the programs. It is the continued support of private companies such as these that keep our organizations viable and our endeavors successful.



PROPOSED GREENHOUSE GAS CONTROL PROGRAM

Submitted by: Mike Michels

SWANA (National Headquarters) submitted comments on March 19, 2007 to Chairman John Dingell (D-Mich.) of the Federal Committee on Energy and Commerce regarding a national greenhouse gas (GHG) control program that is being reviewed by Congress. SWANA wanted to make sure that the Congress was aware that improved solid waste management practices can significantly reduce the emission of GHG that contribute to global warming and climate change.

SWANA also made several recommendations about the desired characteristics of any GHG program that Congress might develop. SWANA's five recommendations to Chairman Dingell are as follows: (1) the program should recognize the significant GHG reductions that have occurred as a result of modern management of solid waste; (2) the program should take advantage of the even greater reductions that can occur from more extensive energy recovery and recycling of municipal solid waste (MSW); (3) the program should be market based, using the market and its forces to achieve the desired GHG reductions,

(4) it should create financial incentives for energy recovery, recycling, and use of MSW to develop alternative fuels; and (5) if the programs include a cap and trade program, it should be multi-sector, transparent, rules-based and verifiable, and include GHG offsets for energy recovery and recycling.

SWANA's letter goes on to say that over the past 30 years, application of modern technologies in waste management, mainly control and utilization of landfill gas, combustion and recovery in waste-to-energy facilities, and recycling and composting, have reduced GHG emissions by 120 to 190 million metric tons of carbon dioxide per year, even as MSW disposal volumes in the United States grew by more than 100 million tons per year over that time period. SWANA also predicts that "with further incentives for these technologies that would occur with the waste industry participation in a carbon credit trading market, there is a potential for much greater GHG emission reductions in the future."

2007 SENATE BILL 40

Senate Bill 40 was introduced by the Joint Committee on Finance at the request of Governor James E. Doyle February 14, 2007.

Current law imposes a recycling fee of \$3 per ton on solid waste, other than certain kinds of high-volume industrial waste, disposed of at a landfill or other waste disposal facility. The recycling fee is deposited into the recycling fund. This bill would increase the recycling fee to \$6 per ton.

Current law imposes an environmental repair fee on solid and hazardous waste disposed of at a landfill or other waste disposal facility. The environmental repair fee is 40 cents per ton, except that the fee is lower for mining waste and certain kinds of high-volume industrial waste. The environmental repair fee is deposited into the environmental fund. This bill would increase the environmental repair fee to

\$1.60 per ton.

Senate Bill 40 transfers \$13,000,000 in fiscal year 2007-08 and \$20,000,000 in fiscal year 2008-09 from the recycling fund to the general fund.

The proposed transfer of funds away from recycling (it's intended purpose) has been very controversial and is NOT supported by the SWANA Wisconsin





WISCONSIN BILL AB40 – PCB'S & LANDFILLS

Submitted by: Mike Michels

A proposed Wisconsin solid waste-related bill AB 40 prohibits the operator of a solid waste disposal facility from accepting dredged materials for disposal if the dredged materials contain PCBs. The prohibition takes effect on January 1, 2009, or on the date on which local approvals have been issued for a facility for the vitrification of sediments in Brown County, Outagamie County, or Winnebago County if that date is before January 1, 2009. (Vitrification is the conversion of something into glass or a glassy substance using heat.) With four Assembly and two Senate sponsors, Bill AB40 was introduced on January 30th and referred to the Committee on Natural Resources.

Seven groups report lobbying on this bill - Outagamie County registers support, while six business and environmental groups are in opposition or do not indicate their position.



WDNR CONSIDERS RELIEF AT LEACHATE CLEANOUTS

Submitted by: Mike Michels

WDNR formed a workgroup during the Spring of 2006 to address issues raised at the SWANA Air & Landfill Workshop held last March 2006 in Stevens Point. Members of this workgroup (representatives from both air and solid waste bureaus) have been meeting regularly and have completed a draft guidance document. During the Fall of 2006, WDNR shared their first draft with Mike Michels and Chad Doverspike (Brown County). Michels and Doverspike commented on the document and some (but not all) of their comments were incorporated. In February 2007 WDNR distributed the draft guidance to a broader audience. WDNR plans to seek approval from their internal Air, and Waste and Materials Management Teams with the intent of finalizing the guidance in May.

One part of this draft guidance addresses Supplemental and/or Temporary Odor and Gas Control System (STOCS) components which includes leachate cleanouts, leachate recirculation, horizontal gas collectors, and other landfill structures such as manholes that should not be subject to oxygen and pressure standards in landfill air permits. WDNR and EPA rules require where horizontal gas collectors located in

in areas where waste has been in place for greater than five years or two years if closed or at final grade, that the negative pressure and the less than 5% oxygen operational standards apply, as they do for vertical gas extraction wells.

STOCS applies to systems or components whose primary purpose is not gas collection (i.e., leachate collection cleanouts, leachate recirculation lines) and is used for SUPPLEMENTAL control of fugitive gas and odors. STOCS can also include TEMPORARY supplemental/sacrificial portions of the gas system (i.e. horizontal collectors which are abandoned in place). While oxygen and pressure operational standards may not apply to STOCS, monitoring for oxygen and pressure must continue according to the air permit.

SWANA supports this proposed relief by WDNR because we feel it maximizes environmental protection by maximizing odor and gas control.

For more information contact David Panofsky at David.Panofsky@Wisconsin.gov



FLOW CONTROL LEGISLATION

Submitted by Mike Michels

The U.S. Supreme Court recently ruled in a 6-3 decision upholding two upstate New York flow control laws that when such laws force haulers to dispose of waste at government-owned waste disposal facilities they do not discriminate against interstate commerce. The Court's decision in United Haulers Assoc., Inc. vs. Oneida-Herkimer Solid Waste Management Authority, written by Chief Justice Roberts, establishes a "public-private" distinction under the dormant Commerce Clause and narrows the scope of the Supreme Court's 1994 decision in the Carbone case. The decision may encourage some local governments to enact flow control laws.

In 1995, a group of waste haulers challenged Oneida and Herkimer Counties' flow control laws that required them to take waste to the Counties' transfer stations. At the time the tip fee was \$86 per ton and competing landfills' tip fees were about \$30 per ton. The federal district court ruled the flow control laws violated the Commerce Clause under Carbone, and struck down the laws as unconstitutional. The appeals court reversed, holding that publicly-owned disposal facilities do not discriminate against interstate commerce; instead, these flow control laws are reviewed under the more lenient Pike balancing test under which flow control laws are upheld unless the burden on interstate commerce substantially exceeds the benefits of the laws.

The Supreme Court ruled the fact of governmental ownership is "constitutionally significant" and that "compelling reasons" justify treating flow control laws that favor governmental disposal facilities differently

from similar laws that favor private sector disposal facilities. The Court stated that unlike private sector operators, local governments are responsible for protecting "the health, safety and welfare of its citizens" and that waste disposal is a traditional local government function.

Under the Pike test, the Court identified three substantial public benefits. First the flow control laws "give the counties a convenient and effective way to finance their integrated package of waste disposal services." Thus, the Court found revenue generation to be an allowable benefit, even though it held in Carbone that revenue generation cannot justify discrimination against interstate commerce. Second, the Court concluded the counties' flow control laws create incentives for recycling, because the county accepts recyclables at no cost. Third the Court found the flow control laws allow for increased enforcement of recycling requirements.

The Court noted, helpfully, that the "most palpable harm imposed by the flow control laws more expensive trash removal," will fall upon the people who live in Oneida and Herkimer Counties. In the Court's view, if residents and businesses are unhappy with higher waste removal costs, they have the political power to change the system. The Court believes that the local citizenry has "chosen the government to provide waste management services, with a limited role for the private sector in arranging the transport of waste from the curb to the public facilities."

(continued on next page)



FLOW CONTROL LEGISLATION

(continued)

A critical key to the outcome of the United Haulers case is that Justices Scalia and Thomas—who voted to strike down Clarkstown’s flow control law in the Carbone case—voted to uphold the laws here. Despite being openly hostile to the counties’ arguments at oral argument, Justice Scalia wrote a brief concurring opinion in which he concluded that the Court’s prior holdings do not treat private sector entities and public sector entities equal under the Commerce Clause, noting the dormant Commerce Clause if “an unjustified judicial invention, not to be expanded beyond its existing domain.” Justice Thomas goes a bit farther, stating that Carbone was wrongly decided and that he would “discard the Court’s negative Commerce Clause jurisprudence.”

Justice Alito wrote a 17-page dissent (joined by Justices Stevens and Kennedy) in which he disagreed sharply with the opinion written by Chief Justice Roberts. Alito noted the transfer station in Carbone was hardly a “private sector facility,” and that both the Court in Carbone and the Clarkstown, New York flow control law referred to it as the town’s facility. He also described how Justice Roberts’ opinion is inconsistent with the Court’s market participant doctrine, which prohibits local governments from acting simultaneously as both a market participant and a market regulator. He also disagreed with the notion that waste disposal is “typically” a local governmental function, citing NSWMA’s amicus brief, which pointed out that the majority of solid waste disposed at landfills is received at private sector landfills.

Although the Court’s decision is national in scope, its impact in any specific location will depend on whether a local government: (1) owns disposal capacity (transfer stations, MRF’s, landfills or incinerators) or has the resources to construct new disposal facilities; and (2) has the political will to pass flow control laws that will increase waste removal costs for local businesses and residents. While local governments often ignore complaints from local haulers that flow control results in higher tipping fees, they are more sensitive to complaints from constituents. NSWMA members who think they may face flow control laws in specific locations are advised to build relationships with business groups and individual customers who may be willing to oppose such laws as a “hidden tax” if they are proposed.

A copy of the Supreme Court’s decision in United Haulers will be posted on the NSWMA website (www.nswma.org) The May 2007 EIA Legal Bulletin will contain a more detailed summary and analysis of this important and disappointing decision.

Contact: David Biderman, NSWMA 202.364.3743 or at davidb@envasns.org





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FOR MEMBERSHIP INFORMATION CONTACT: BRENDA RHINEHART



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MANAGER OF LANDFILL OPERATIONS TRAINING OFFERED

The Wisconsin Badger Chapter of the Solid Waste Association of North America (SWANA) will offer SWANA's Manager of Landfill Operations (MOLO®) training in the first week of October, 2007. This advanced four-day course is approved as an initial training course for Landfill Operators. In Manager of Landfill Operations (MOLO®) you learn about current landfill design and operating practices and requirements, including site selection, waste screening, gas and leachate issues, training, and an overview of state and federal regulations. Plus, MOLO® offers a field exercise to give you the opportunity to review the classroom concepts and see how they can be applied on the job.



There is also a final written exam with multiple choice, true/false and problem-solving questions. This course also satisfies part of Solid Waste Association of North America (SWANA) certification criteria for Certified Landfill Manager, Inspector or Technical Associate.

The Badger Chapter will underwrite part of the tuition for chapter members, and to a lesser extent for Wisconsin residents who are not SWANA members.

The Planning Committee is asking Badger Chapter members who are not involved in the MOLO® program to consider serving as examination proctors. If interested, please contact J.W. Spear, Sr., at 414.263.2122 or jw@jspear.com.

Brochures and registration materials will be available in May.

TRAINING: October 1st, 2nd and 3rd, 2007
EXAM: Morning of October 4th, 2007
Classroom work will be supplemented with a working tour of a local landfill

LOCATION: Airport Clarion Hotel and Conference Center
 5311 S. Howell Avenue, Milwaukee, WI
A group of rooms will be reserved for out-of-town students

INFORMATION: 301.585.2898
 1.800.GoSwana
www.swana.org



2007 WINTER CONFERENCE

Submitted by Chad Doverspike,

The 2007 Winter Conference was held February 21-23 at the Radisson Paper Valley Hotel & Conference Center in Appleton. Phil Stecker, Outagamie County Solid Waste Director, along with his staff, kicked off the conference with a tour of the Outagamie County Landfill Gas-to-Energy and the Paper Recycling Facility.

A fun-filled evening on Wednesday with a "Recovered Tunes" concert was enjoyed by many in attendance. Track sessions in Recycling, Landfill

Gas Collection, Utilization & Disposal Methods and additional Solid Waste Management techniques were available to everyone at the conference.

This year's conference was well attended and exhibitors were pleased with the exposure they received.

The Wisconsin Badger Chapter of SWANA, AROW & WCSWMA each netted a profit of approximately \$9,400. This was definitely one of our best conferences!



SWANA SCHOLARSHIP PROGRAMS

Both the SWANA National Chapter and the Wisconsin Badger State Chapter have scholarship programs in place to promote education as well as professional development. The Badger State Chapter provides three scholarships annually at \$1,500 each. Please be aware that scholarship programs are conducted at both the National and State levels. Typically, the National program receives from 10 to 20 scholarship applications annually. Thus, it is recommended that qualified students apply.

NATIONAL LEVEL

The "National" Level SWANA scholarship programs are open to applicants in the following three categories:

Category I – Graduating high school seniors, or graduate equivalent certified candidates, who have been accepted for enrollment in a junior college, four-year college or university (any program).

3 scholarships at \$1,000 each

Category II – Currently enrolled full-time college or university students who are entering their junior or senior undergraduate year and pursuing a degree in environmental science or engineering, or other suitable major related to the field of solid waste management.

1 scholarship at \$1,000

Category III – Full-time students who are entering or currently enrolled in graduate school pursuing a degree in environmental science, engineering or other suitable major related to the field of solid waste management. The scholarships include the Robert P. Stearns/SCS Engineers Scholarship Award and the Montenay/Terrence L. Guest Memorial Scholarship Award respectively, as follows:

1 scholarship at \$5,000

1 scholarship at \$3,000

STATE LEVEL

The Badger State SWANA Chapter provides **three \$1,500 scholarships** at either of the Category I and/or Category II levels.

Announcement of the State Chapter Scholarship winners will be made during August 2007. Announcement of the State scholarship winners will be made at the winter SWANA/WCSWMA/AROW conference.

Deadlines:

May 30, 2007—National Scholarship Application

June 1, 2007—Badger State Chapter Scholarship Application

To be considered for either the National or State scholarship programs, applicants must be the son, daughter, grandson, or granddaughter of a member in good standing at the time of recommendations, selection, and award.

Requests for application forms at the National and/or State level as well as questions should be made to:

Curt Madsen
c/o RMT, Inc.
744 Heartland Trail
P. O. Box 8923
Madison, WI 53708
Phone: 608.662.5475
Fax: 608.831.3334
E-mail: curt.madsen@rmtinc.com

National scholarship applications and instructions are also available on-line at www.swana.org



BADGER STATE CHAPTER



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Green Bay, WI 54304
Phone: 920.492.4955
Fax: 920.492.4957

Email: doverspike_cc@co.brown.wi.us



*Solid Waste Association
Of North America*

Coming Soon!

**Badger Chapter
Website**

WASTECON 2007— Reno, Nevada

Want to go to Reno for WASTECON, but don't have it in your budget? Then enter the **"Why I Want to Go To Reno"** contest!

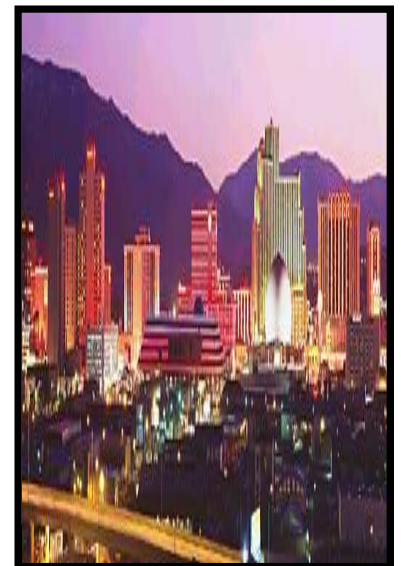
This year the Wisconsin Chapter of SWANA is offering a travel scholarship to one or more chapter members to promote participation of our chapter members at WASTECON, in Reno, Nevada from October 16-18, 2007. The scholarship will cover conference registration fee, airline tickets, hotel and meals. (*Sorry, but you're on your own at the blackjack tables.*)

This is a special offer only to Wisconsin Badger Chapter members.

To apply: Submit a 1-page essay titled "Why I Want To Go To Reno" to Chad Doverspike, 2561 S. Broadway, Green Bay, WI 54304
The deadline is June 30.

Entries will be judged by members of the Board of Directors and notification of winner(s) will be announced by July 30.

To find out more about WASTECON 2007 visit the SWANA website at www.swana.org or contact Chad Doverspike at 920.492.4955.



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