

Recycling Rulemaking Feedback

Council on Recycling
March 7, 2023



Overview

- Scope includes NR 500, 502, 520, 542, 544
- Rulewriting through June 2023
- Soliciting feedback throughout
 - WMM Study Group
 - Council on Recycling
 - Associated Recyclers of WI
 - WI Integrated Resource Management Conference
- Following are draft concepts subject to further internal, external and legal review/modification and not reflective of totality of potential code revisions

**DNR ADMINISTRATIVE RULE PROMULGATION PROCEDURE FOR PERMANENT RULES
2020**

<p align="center">PHASE I – Scope Statement Approval</p>	<p>7. Department may be directed to hold preliminary a public hearing on scope statement. Notify NRB Liaison by email if preliminary hearing is requested. <u>If JCRAR does not request preliminary public hearing, move onto step 12.</u></p>	<p align="center">PHASE II – Rule Preparation</p>	<p>21. Notice of public hearing published in the Register and posted on DNR external website and hearings calendar.</p>	<p>28. Final rule submitted to and approved by the Governor.</p>
<p>1. Scope statement completed and approved by the Secretary.</p>	<p>8. Green Sheet package submitted to request NRB authorization to hold preliminary public hearing.</p>	<p align="center">PHASE II – Economic Impact Analysis</p>	<p>22. Public hearing on proposed rule held at least 10 days after publication in the Register. Public comment period closes.</p>	<p align="center">PHASE V – Legislative Review</p>
<p>2. Scope statement submitted to DOA.</p>	<p>9. NRB meeting to authorize preliminary public hearing.</p>	<p>15. Fiscal estimate and economic impact analysis (FE/EIA) prepared.</p>	<p>23. Rule language revised based on external review.</p>	<p>29. Report to Legislature and Notices prepared and submitted to Assembly and Senate Chief Clerks. Rule must be submitted for legislative review before the scope statement 30-month expiration date.</p>
<p>3. Scope statement submitted to and approved by the Governor.</p>	<p>10. Notice of preliminary public hearing published by LRB in the Register and posted on DNR external website and hearings calendar.</p>	<p>16. Solicitation Notice prepared for comments on EIA. Solicitation Memo to NRB prepared.</p>	<p>24. Request for incorporation by reference submitted to AG if rule requires incorporation by reference.</p>	<p>30. Rule referred to and reviewed by Standing Committees.</p>
<p>4. Approved scope statement submitted to LRB, JCRAR, and NRB.</p>	<p>11. Preliminary public hearing held. Comment period closes.</p>	<p>17. Solicitation Memo submitted to NRB for information.</p>	<p align="center">PHASE IV – Rule Approval</p>	<p>31. Rule referred to and reviewed by JCRAR.</p>
<p>5. LRB publishes the scope statement in the Register. Scope statement 30-month expiration starts on day of publication.</p>	<p>12. Green Sheet package submitted to request NRB's approval of scope statement and notices.</p>	<p>18. Solicitation Notice posted on DNR website and published in the Register. Notice submitted to affected parties. Comment period closes.</p>	<p>25. Yellow Sheet submitted to hold a place on NRB's agenda for adoption of proposed rule.</p>	<p align="center">PHASE VI – Promulgation</p>
<p>6. Yellow Sheet submitted to reserve time on the NRB agenda for approval of scope statement, conditional approval of the notice of public hearing and the notice of submittal of the proposed rule to the Legislative Council (notices), and approval of preliminary public hearing.</p>	<p>13. NRB meeting to approve scope statement and notices.</p>	<p align="center">PHASE III – External Reviews</p>	<p>26. Green Sheet package submitted to request NRB adoption of proposed rule.</p>	<p>32. Final Rule signed by the Secretary.</p>
		<p>19. Public hearing documents prepared and submitted to NRB for 15-day passive review.</p>	<p>27. NRB meeting for adoption of final rule.</p>	<p>33. Final Rule filed with LRB.</p>
		<p>20. Rule documents submitted to and reviewed by the Legislative Council.</p>		<p>34. Rule proof received by LRB and reviewed by program.</p>
				<p>35. Final rule published in the Register. Rule becomes effective the first day of the month following publication.</p>

What does
recycling
code
revision NOT
cover?

How Responsible Units (RUs) are defined

(each local government, unless alternative RU established)

Which materials are banned from landfill
disposal and which materials RUs are required to
provide collection for

How the recycling grant is distributed

Above items are defined in statute, Ch. 287, Wis. Stats.

Education Additions/ Enhancements (NR 544.04 and 544.16)

Responsible Units (RUs)

- Electronics
- Food Waste

Material Recovery Facilities (MRFs)

- Maintain up-to-date information on acceptable/non-acceptable material
- Share info with contracted RUs annually and within 30 days of change
- Share info with MRF staff (sales, customer service); staff shall factually convey
- Outreach materials indicate they are for X facility, may differ elsewhere
- Review contracted RU outreach material within 60 days, upon request

Multi-family/ Non-residential (NR 544.06)

- Clarify 'adequate' recycling at multi-family properties
 - Minimum recycling volume
 - Container placement
- Recognize variability in non-residential facilities, modify language
- Reduce education requirements
 - Reasons to reduce and recycle waste
 - Details on drop-off locations for materials not collected on-site

MRF Operations (NR 544.16)

- Require Owner Financial Responsibility (per guidelines in NR 520)
 - Prior to accepting RU materials for new facilities
 - Within designated timeframe for existing facilities
- Modify self-certification of operation
 - Limit outside storage of unbaled paper/plastic, unless contained by bunker
 - Require contingency plans for 'less than 48 hours' and '48 hours or greater;' implement plans when applicable
 - Produce materials to market quality specifications as much as practical, including 80% of total incoming material by weight and at least 70% for each commodity

Collection Standard

Rural 82.4
Urban 106.55

TABLE 1
Standards for Collection of Recyclables
– Pounds Per Person Per Year –

	Rural Municipalities	Other Municipalities
Newspaper	36	47
Corrugated Paper	6	7
Magazines	7	9
Aluminum Containers	1.4	1.8
Steel & Bi-Metal Containers	7	9
Plastic Containers	4	5
Glass Containers	22	29
Foam PS Packaging	0.3	0.4
TOTAL	83.7	108.2

Note: 1) Rural municipalities are those with a population of 5,000 or less or a permanent aggregate population density of less than 70 persons per square mile. For purposes of ch. NR 544, municipalities that do not meet that population criterion fall into the other category. 2) The department intends to periodically revise these collection standards as conditions warrant.

Collection & Transportation Services (NR 502.06)

- Modify requirements for providing RU tonnage data
 - Data to be provided to all RUs (with or without contract)
 - Total tonnage from single family and 2-4 unit properties
 - Data from 'point of collection' (not after MRF processing)
 - Include MRF(s) material was delivered to
 - By Feb. 1 each year (same as MRF requirement)
 - If scale weights unavailable (mixed loads), estimated weights acceptable
 - Provide to DNR (if requested) within two weeks
- Notify RU of change in MRF within one week

Additional Discussion Questions (time permitting)



RU annual report and grant application at the same time?
Grant deadline in statute.



RU requirements – other changes needed? How can programs demonstrate effectiveness?



What checks are needed to maintain integrity of recycling program?



Feedback/ Questions?

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