

WASTE & MATERIALS MANAGEMENT STUDY GROUP – Notes: February 1, 2024

Location: Virtual - Teams

Member Attendance: Curry, Doverspike, Karwoski, Ketchum, Knudtson, Mathewson, Morgan, Pellitteri, Sexton, Welch

DNR WA Attendance: Krausensky, Murray, Semrau, Sholly, Strom Hiorns, Wolbert, Grimm

Time/ Presenter	Topic	
9:00	Welcome/Agenda Review/Minutes	No questions/suggested changes for Nov 2, 2023, meeting notes. Chad Doverspike motioned to approve notes; seconded by Tim Curry. Motion carried.
9:10 Wolbert	DNR Updates	<p>Waste and Materials Management (WMM) Program staffing and budget: Kate mentioned vacancy on Study Group with Meleesa Johnson retiring, received a few nominations and will be filling vacancy soon.</p> <p>Brad reviewed WMM vacancies. There are 17 vacancies currently and 4-6 vacancies to be expected this year. Currently have 7 recruitments in process, one is project position as an Organics Waste Management Specialist position, 2 SW engineer, 1 HW licensing engineer, 1 hydrogeologist, 1 non-landfill WM specialist, and soon, Bureau Director. Brad is retiring February 16, 2024. Bart Sponseller will be working to fill Bureau Director position. Unfortunately, program has positions that could be filled but lacks funds to fill them. Working on adjusting fees to help with this, however they would not be effective until potentially 2026. Still no news on filling DNR secretary vacancy. State budget process has officially kicked off for fiscal 2025-2027 budget.</p>
9:30 Semrau	Recycling rulemaking update, feedback	<p>Jennifer reviewed recycling rulemaking updates: held public hearing January 17th, 2024, via Zoom. Had over 50 attendees and accepted written comments until January 24th. Next steps include finalizing rule package and request rule approval at May 22nd, 2024, Natural Resources Board meeting, submit for governors approval, and submit for legislature approval in early 2025.</p> <p>Jennifer reviewed the main public comments that were received. Some public comments included were from WM and NWRA, who requested deletion of the inclusion of Owner Financial Responsibility (OFR) for Material Recovery Facilities (MRFs). The Carton Counsel indicated support of increased education and requested</p>

the addition of cartons to items which should be diverted from landfills. The DNR does not have authority modify in code as that would need to be a statutory change. Also received comment from city of Milwaukee, who supported most changes, but had a concern with current practice that allows RUs to use individual subscription service to meet collection requirements.

Individual subscription service happens when:

1. RU has resident using individual subscription service, residents are doing this to supplement drop off.
2. Serving as the only recycling method, in a community where the RU is required to provide curbside (population >5000). There is a subset of RU that require their residents to subscribe individually. Milwaukee was questioning if this is valid.

Ideas:

Could require RU to provide documentation that 100% of residents subscribe, additional reporting, evaluate more often, or require greater role in which the RU may need to provide list of approved haulers/update ordinance to be more descriptive of individual subscription.

Discussion:

Q: Is there still a population density test in code along with population size? A: Yes, there is language in code for population density, but haven't been able to effectively enforce this as there isn't proper acreage data of each RU. In practice, have just used population size and haven't come across an RU with population under 5000 that has to provide curbside.

Q: Are these municipalities getting recycling grants still? A: Yes, because there are a lot of allowable expenses under the recycling grant besides offering curbside. For example, staff payroll for administration, education/outreach, ordinance enforcement, and drop off sites.

Q: Estimate of how many communities fall under this circumstance? A: Not sure, working on that number. Maybe under 100 RUs.

Comment: Could require RU to contract with nearby (of certain radius) municipality/private hauler.

Kate: Anyone opposed to options?

Comment: Don't like the idea of list of haulers, RU should provide solution with physical location for recycling. This can help with battery recycling as well.

Brad: Is it realistic to require RUs to provide information that residents are recycling/contacting on their own? Such as having haulers provide tonnage reports for these RUs, does that create a problem with haulers or is it intrusive?

Comment: There should be some means of documentation that effective recycling is taking place, not necessarily intrusive.

Comment: Like to encourage the idea of curbside to RUs because it's more efficient. Also

mentioned that it would be possible to provide a number of households that have a recycling subscription to the city.

Jennifer reviewed OFR requirements in which other processors of solid waste are required to have OFR, MRF with OFR requirement is in line with other processors of solid waste. MRFs vary in operations, and due to comments suggesting OFR deletion, is there a way for OFR to make sense for MRF operators and meet objective of protecting the state from future clean ups?

Ideas:

- Decommissioning and decontamination won't be required for closure costs with OFR.
- Delayed roll out of OFR for MRFs, instead of having full cost of closure cost covered in the first year of OFR requirement, would be 50% the first year and full amount by year 2 to lessen financial impact for MRF.
- Set OFR by facility size and/or location.
- Instead of requiring OFR, limit materials, such as limiting storage of certain materials.

Discussion:

Jennifer clarified that OFR deals with materials with historically negative value, which equates to unprocessed materials, residual materials, as well as materials that are not banned from landfill disposal (3-7 plastics), and glass.

Chad: Limit amount of storage may not have a place in code, that is more operational. More material is produced during certain times of year, might be too difficult to implement. Is there any way to calculate the value of materials minus resale value of material and equipment, might lessen burden on MRF.

Jennifer: Don't minus materials with value because facility likely wouldn't have material of value when going out of business (would have already sold). Value of commodities change so much as well (monthly). There are times when weighted value is higher than recycling processing costs, and other times it's lower.

Tim: The limiting of internal storage is dependent on the size of the facility; some may be designed to have lots of storage on site. This could be a potential issue. Assigning value to materials is challenging.

David: Bigger MRFs are generally run by bigger organizations, and therefore would have more means to stay operational. Smaller MRFs are more likely to be at risk for abandonment, yet smaller MRFs are exempt from OFR. Would the code changes apply to smaller MRFs, or MRFs that are more at risk of abandonment? There are other factors that lead to having more storage on site due to weather, break downs, and trucking issues that affect the operation.

Tim: Why are smaller MRFs exempt, landfills don't have exemptions based on size?

Jennifer: Exempting facilities that are under 5,000 tons per year because there's little material on site if abandoned. Therefore, the dollar amount for OFR wouldn't be cost efficient. Ex. MRF with 3,000 tons per year, total cost of closure was \$6,000, bond amount would only be minimal.

		<p>Administrative costs would be greater than maintaining that. Casey: Hybrid-approach in which you can operate without OFR if under a certain closure cost? Bart: Costs can vary, how would you calculate the worst-case costs? Lots of assumptions would have to be made.</p>
<p>10:00 Strom Hiorns</p>	<p>Landfills and Solid Waste Fees rulemaking update, feedback</p>	<p>Kate reviewed landfill rule updates:</p> <ul style="list-style-type: none"> • Working on internal reviews, drafting rule documents, economic impact analysis until March • Economic impact 30-day comment period in May • February 13, 2024, will be public meeting related to economic impact • Alternatives to landfill liner design proposals discussed last month planning to add in the rule: 1 ft subbase, 3 ft clay liner, 4ft clay under leachate collection sump, 2ft clay on side slopes, as well as additional leachate collection pipes on side walls. Comment came in requesting minimum 6in diameter collection pipes instead of 8 in, most likely adding to rule as well. <p>Discussion:</p> <p>Kate clarified that ch. NR 520 fees are for MSW and industrial landfills, not C&D Chad: If this gets implemented, will landfills have to request plan mod? If this passes, can there be an increase in filling size? Brad: Plan mod would most likely be necessary. Regarding capacity, that would be a feasibility modification process. Tim: The intent that the top liner system was not to change. The changes that occur below that, would need to go through the whole process. The intent was that these changes would happen from the bottom and not adjusting the elevation of the top of the liner system.</p> <ul style="list-style-type: none"> • Landfill license surcharge fee: NR 520 license surcharge fee shall be paid based on the tons of waste disposed of at each landfill during each quarterly reporting period. Due to 'disposed of language,' exempted certain categories of waste. Proposing to change language to the tons of waste accepted at each landfill during each quarterly reporting period, which would then apply surcharge fee to those categories of waste. • Working on language to be more descriptive, trying to clarify in rule the exemptions. • Landfill license surcharge fee: Current rate is 15 cents per ton, proposal is to increase to 25 cent per ton effective Jan 1, 2026, 27 cents effective 2031, 30 cents 2036. • Still working on total dollar amount of economic impact analysis for businesses, local governments, and individuals.

		<ul style="list-style-type: none"> Some questions are what rule changes will have fiscal impact on landfill owners/operators, consultants, landfill customers. Waiting to discuss all this Feb 13. <p>Discussion:</p> <p>Brad: Related to category 19-23 waste disposed of at landfills, does the host agreement landfills have with nearby communities specify statutory fees, or would the license fee surcharge also have the effect of fee-paying waste that would have to pay host community fees too?</p> <p>Chad: Uses form with state fees with category 1-33, how host community fee payments are calculated.</p> <p>Brad: Would be helpful to review host agreement, send to Kate</p> <p>John: Still working on proposing changes to the plan review fees?</p> <p>Kate: Yes, have been looking at staff time/hours for working on different reviews/inspections. Some fees may need no changes, and some may increase by double. Feb 13 meeting will discuss what are the implications for raising license surcharge fee, how could that maybe balance plan review fee or vice versa. Also looking at requirement in s. 289.61 that says to charge plan review fees that cover plan review costs, how do fees balance.</p>
<p>10:45 Sexton</p>	<p>Batteries Discussion, Subgroup Activity</p>	<p>Bart Sexton went over battery updates:</p> <ul style="list-style-type: none"> Lithium batteries and battery containing devices related fires having increased in impacts and deaths. Larger lithium batteries are typically 40+ volts, important to increase efforts to recycle. Solutions include more public education on proper recycling, support 2023 Wisconsin senate bill 906, incorporate devices with an embedded rechargeable battery into E-cycle Wisconsin program, and improve programs/infrastructure. SB 906: grants for education and collection of batteries, grants for solid waste facilities for installing/upgrading firefighting systems. <p>David: Recommended to call representative to support SB 906/AB 987, has been working to help get them passed.</p> <p>David Pellitteri motioned that the Study Group go on record in support of SB 906/AB 987; seconded by Chad Doverspike. Motion carried.</p>
<p>11:15 Baerwald</p>	<p>Hazardous Waste Rulemaking Overview</p>	<p>Cathy went over HW proposed rules:</p> <ul style="list-style-type: none"> Currently in public comment/economic impact analysis stage All 3 rules progressing at the same time, comment period ends 2/13 Hoping to get bills adopted Aug 2025 WA 11 21: Modernizing ignitable liquids determinations: allows updated methods for testing ignitability of HW, clarifies aqueous solution to be at least 50% weight by water, removes mercury thermometers and allows updated equipment

		<ul style="list-style-type: none"> • Impacts HW licensed facilities with labs as it allows for modernized equipment. • Economic impact analysis impacts HW generators, labs, and transporters • Federal analysis shows overall relief in regulatory burden, reduced cost in repair/replacement of equipment (saves time), increase opportunity to remove mercury. • WA 11 21: Technical corrections & clarifications such as spelling/grammar/citation errors as well as missing/incorrect federal code language (minimum to no impacts as consistent with EPA) • WA 11 21: Evaluating/modifying and expanding universal waste regulations: Adds aerosol cans/clarifies destination facility requirements/clarifies requirements for intentionally broken or crushed lamps/capture manage HW emissions. • Impacts many businesses that use aerosol cans, optional management standard, reduced management and disposal costs, potential for increased recycling. <p>Questions: Cathy clarified that households are exempt; businesses are regulated. Businesses may be intentionally breaking lamps to reduce.</p> <p>Cathy clarified that aerosol cans are ignitable, must currently dispose of it as HW or puncture the cans/make determination of what comes out - if HW, manage as such and can recycle can. Must use licensed transporter to take out of state for HW landfill.</p> <p>Cathy clarified how this would change with rule revisions, allows for more recycling as cans can be recycled.</p>
11:45	Topics for next meeting and 2024, Adjourn	Next Meeting: May 2, 2024