

# Potential RU Rule Changes for Discussion

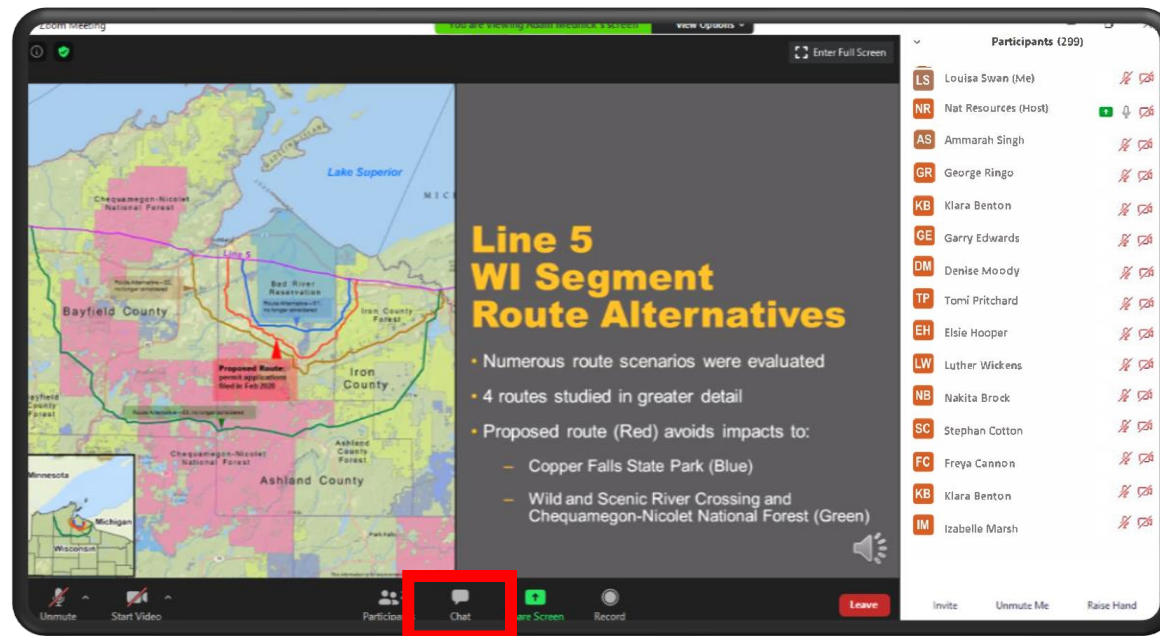
Jennifer Semrau

May 8 and 10, 2023

# Meeting Logistics (Zoom)

## Written Comments

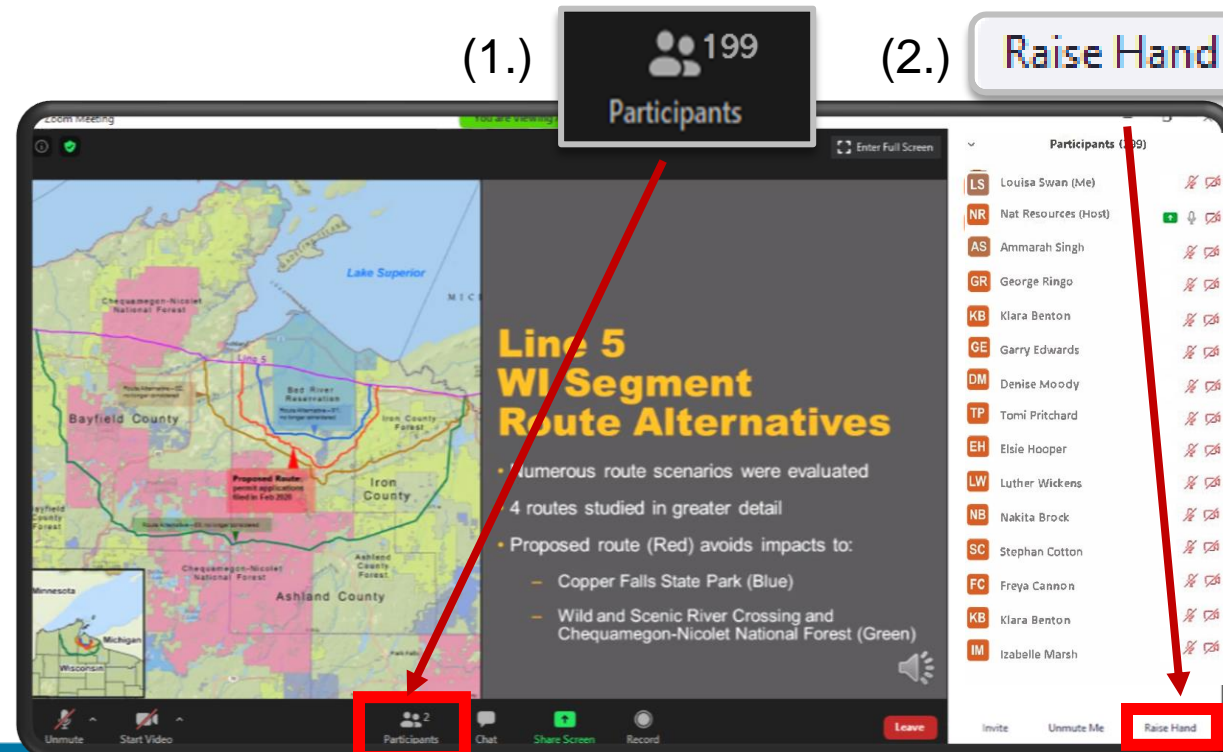
1. Click Chat
2. Submit your written comment or question



# Meeting Logistics (Zoom)

Verbal Comments

1. Click Participants
2. Raise Hand



# Overview

- Scope includes NR 500, 502, 520, 542, 544- **Focus today on RU Revisions**
- Rule writing through June 2023
- Soliciting feedback throughout
  - MRF-specific feedback session, May 3 ([Slides](#))
  - RU-specific feedback sessions, May 8 and 10
- 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"><b>PHASE I – Scope Statement Approval</b></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"><b>PHASE II – Rule Preparation</b></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"><b>PHASE II – Economic Impact Analysis</b></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"><b>PHASE V – Legislative Review</b></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"><b>PHASE IV – Rule Approval</b></p>	<p>31. Rule referred to and reviewed by JCRAR.</p>
<p>5. LRB publishes the scope statement in the Register. <b>Scope statement 30-month expiration starts on day of publication.</b></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"><b>PHASE VI – Promulgation</b></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"><b>PHASE III – External Reviews</b></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?

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How Responsible Units (RUs) are defined  
(each local government, unless alternative RU established)

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

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How the recycling grant is distributed

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

# RU Education

- Presently – RUs are required to have an information and education program addressing lead acid batteries, major appliances, oil, yard waste, tires, paper/cardboard, cans/bottles for residential, multi-family and non-residential properties
- Proposal
  - Eliminate requirements for “program start up” and “consumer and youth education”
  - Clarify/modify that “current program information” means reviewing annually for accuracy.
  - Add education requirements for additional materials accepted by your MRF (may not be materials in s. 287.07), electronics and food waste/compost.

# RU Education

- Goals
  - Ensure recycling information is accurate and up-to-date; reduce contamination rates at MRFs.
  - Reduce the amount of food waste, yard waste and other organic materials going to landfills (food waste comprises over 20% of landfilled municipal solid waste).
- Specifics
  - RUs should review website or printed materials for accuracy each year; could use your MRF as a resource.
  - Can utilize DNR resources on electronics and food waste/composting.



# Multi-family Recycling Specifications

- Presently – Owners/designated agents at multi-family properties need to provide “*adequate, separate containers*” for recycling. They also need to notify tenants in writing at time of renting/leasing and semi-annually thereafter on how to recycle.
- Proposal
  - Provide specifications on what is “adequate” as the following:
    - Pairing every trash container with a recycling container AND EITHER
    - 20 gallons per week per dwelling unit of recycling container space OR
    - Ratio of trash to recycling container volume is 2:1 (or greater recycling volume)

# Multi-family Recycling Specifications

- Goals
  - Provide clarity to a gray area... what is “adequate?”... which aids in RU enforcement of their recycling ordinance.
  - Improve recycling access to residents of multi-family properties and reduce ‘token’ recycling efforts.
- Specifics
  - RUs would need to modify their recycling ordinance.
  - RUs would not be required to proactively enforce (do not need to notify multi-family properties).

# RU Annual Report Timeframe

- Presently – RU Annual Report is due 4/30. Grant application is due 10/1. The Annual Report deadline is code (can be changed); the grant application deadline is statute (can not be changed).
- Proposal
  - Modify the RU Annual Report deadline to coincide with the Grant Application deadline.
  - Both electronic forms would be due at the same time.
  - The RU Annual Report would no longer be due 4/30 and instead be due 10/1.

# RU Annual Report Timeframe

- Goals
  - Reduce RU confusion which arises each April and Sept (confusion over needing to complete grant app or annual reporting, thinking it was just completed).
  - Reduce RU staff time necessary to devote to these submittals.
  - Move RU Annual Report from spring election season.
- Considerations
  - RUs would still need to report on planned, future expenses/tonnage for grant application (for next year), while reporting on previous year's actual expenses/tonnage from previous year.
  - For example, in Sept. of 2026, RU would need to report on actual expenses/tonnage of 2025 and planned expenses/tonnage of 2027.
  - Elections may result in new staff person, elected in April, completing report for year they were not with the community (and may not be familiar).
  - Time between year-end and reporting on year-end activities would increase significantly.

# 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
<b>TOTAL</b>	<b>83.7</b>	<b>108.2</b>

**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 Standard

- Proposal – Total pounds/person metric (not broken out by individual recyclable material). Would continue with urban and rural standards, as well as existing multi-member blended and WTE standards.
- Question - should collection standard be increased, decreased or stay the same?
  - Why increase? Strive to improve WI's recycling program, divert more recycling
  - Why decrease? Material light-weighting, less newspapers/magazines
- Specifics
  - Grant funding amount is NOT directly tied to tonnage collected or meeting collection standard (RU must have “effective recycling program”).

# Hauler Tonnage Data Reporting to RUs

- Presently – Haulers are required to provide contracted RUs with recycling tonnage data within 4 weeks of a written request.
- Proposal
  - Require haulers to provide residential (single family and 2-4 unit) recycling tonnage information to all RUs, with or without a contract by Feb. 1.
  - Data would include name of Material Recovery Facility(ies) used.
  - If scale weights unavailable (mixed loads), estimated weights acceptable.
  - Haulers would also be required to notify RUs of any change MRF(s) used within one week.

# Hauler Tonnage Data Reporting to RUs

- Goals
  - Ease the recycling data collection process for RUs, make it automatic.
  - Reduce the work (phone calls and emails) for RUs and haulers in trying to attain this information.
- Specifics
  - RUs would receive one recycling tonnage figure, not broken out by material.
  - RUs would maintain this information and submit to the department on the annual report.
  - If a RU is notified that the hauler is using a new MRF, the RU is responsible to ensure the MRF is self-certified (RUs must use self-certified MRF). List of self-certified MRFs is available [online](#).



# General Questions/ Discussion?

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