

# RECYCLING RULE REVISION UPDATE

December 5, 2023



# RECYCLING RULEMAKING

Since we last met:

- Draft Fiscal Estimate & Economic Impact Analysis and Draft Rule (Board Order)
- Solicitation of information for economic impact analysis- Oct. 2-23
- Notified
  - Via direct email RUs, MRFs, haulers, transfer and storage operations
  - Via direct email to members of AROW, COR, WMM Study Group
  - Via email to EDs/Primary Contact (with request to notify members) of SWANA, WCSWMA, NWRA, WAA, WTA, WCA, LWM
  - Via GovDelivery e-newsletter recipients of Recycling Updates, Council on Recycling, Solid Waste News and Waste & Materials Management Study Group

# RESULTS OF EIA COMMENT PERIOD

- 1 EIA comment received (NWRA)
- NWRA indicated it does not support OFR for MRFs
  - Stated OFR language is “very vague”... “provides no criteria or methodology for determining” OFR
  - Indicated exemption for MRFs of less than 5,000 tons did “not make sense” as smaller MRFs have less financial resources than larger MRFs
  - Stated OFR “creates an unnecessary and burdensome increased insurance risk” resulting in increased premiums or no coverage at all
- Comment demonstrated we did not do sufficient job of explaining that OFR criteria for MRFs is not in NR 544.16 because it is in NR 520 and the importance of evaluating and minimizing fiscal effects on small businesses
- Do not intend to remove OFR requirement from draft rule at this time

# RESULTS OF EIA COMMENT PERIOD

- Various rule language (non-EIA) questions received
- Most responses involved explaining rule language in more detail
- 1 revealed need for additional clarification
  - NR 502.06(4)er- pertains to haulers providing *residential* tonnage to RUs [not ALL s. 287.07(4) materials]
- Intend to make clarification changes to draft rule language and plain language summary

# NEXT: PUBLIC HEARING

- Public Hearing January 17, 2pm via [Zoom](#)/Conference Call
- Minimum 30-day notice published in Administrative Register
- Stakeholders notified December 4<sup>th</sup>
- Those wishing to provide verbal comments should pre-register via Zoom link above
- Written comments accepted through 11:59 pm on Jan. 24
- Public hearing notice and proposed rule language at [Proposed Permanent Administrative Rules | Wisconsin DNR](#)

# QUESTIONS?

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