STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis	2. Date
☒ Original ☐ Updated ☐ Corrected	DRAFT October 13, 2026

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Chs. NR 660-679 – Environmental Protection – Hazardous Waste Management

4. Subject
Revisions to chs. NR 660 to 679 relating to technical corrections, clarifications, and minor modifications to hazardous waste regulations, and repeal of superseded ch. NR 187 household hazardous waste grant program regulations. (WA-09-25)

5. Fund Sources Affected	6. Chapter 20, Stats. Appropriations Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	NA

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☒ Specific Businesses/Sectors
☒ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
The proposed rule will lead to no additional implementation and compliance costs to businesses, local governmental units and individuals. There will be no additional costs to implement the rule. The proposed hazardous waste management regulations are technical corrections and clarifications to existing rules. No new requirements are proposed. The proposed rules will maintain consistency with federal rules and ensure Resource Conservation and Recovery Act (RCRA) program authorization for Wisconsin through the U.S. Environmental Protection Agency (EPA). There is no anticipated economic impact from the repeal of the grant program under ch. NR 187, Wis. Adm. Code, from the Wisconsin hazardous waste code. These regulations are already in effect under ch. ATCP 34, Wis. Adm. Code, and there will be no change in implementation of the Clean Sweep program. Overall, the rule is not anticipated to have any regulatory cost for small businesses.

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
The rule will correct errors and align Wisconsin code with federal language. The technical corrections include clarifications without changing the intent of Wisconsin code. The state technical corrections are not more stringent than federal regulation and consist of fixing missing words and text in the code, typos and spelling misprints, and citation errors. Technical corrections would impact chs. NR 660 to 679, Wis. Adm. Code.

This rule will also repeal ch. NR 187, a grant program that is duplicative of ch. ATCP 34. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) currently administers the household hazardous waste grant program under ch. ATCP 34, Wis. Adm. Code.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
The adoption of the technical corrections and clarifications of chs. NR 660 to 679, Wis. Adm. Code, could, in principle, affect all regulated classes of generators; transfer, storage and disposal facilities; and entities managing universal waste and used oil as defined below, although the extent of the impacts are expected to be negligible:

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- Hazardous waste generators as defined in s. NR 660.10(50), Wis. Adm. Code, which include large quantity, small quantity, and very small quantity generators.
- Collection facilities established to collect or store household hazardous waste and very small quantity generator waste as defined in ss. NR 666.900 and 666.901, Wis. Adm. Code.
- Universal waste handlers as defined in ss. NR 660.10(134) and 673.09(12), Wis. Adm. Code, which include commercial and municipal entities that transport, handle, or manage universal waste.
- Entities managing used oil as defined in ss. NR 660.10(138) and 679.01(12), Wis. Adm. Code, which include commercial and municipal entities which generate, transport, handle or manage used oil.
- Disposal facilities as defined in s. NR 660.10(27), Wis. Adm. Code, which include hazardous waste treatment, storage and disposal facilities.

General categories of potentially affected entities are grouped in the following North American Industry Classification System (NAICS) codes:

- Hazardous waste treatment and disposal (NAICS 562211)
- Hazardous waste collection (NAICS 562112)
- Solid waste landfills (NAICS 562212)
- Other Nonhazardous Waste Treatment and Disposal (562219)
- All Other Miscellaneous Waste Management Services (562998)

Stakeholders will be contacted for comments during the EIA comment solicitation period.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

Local government units will be contacted to participate in the development of the EIA during the EIA comment solicitation period through the Hazardous Waste Decoded GovDelivery newsletter.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The economic impact is expected to be minimal (less than $50,000). Most of the corrections are minor in nature and should not result in significant changes to current practices. There is no anticipated economic impact on the repeal of ch. NR 187 since this is a duplicative rule.

- Specific Businesses and Business Sector (Private Businesses)
  The adoption of the technical corrections and clarifications are expected to have minimal or non-existent impact on all regulated classes of generators; transfer, storage and disposal facilities; and universal waste and used oil managers. These clarifications would include labeling options and how electronic nicotine delivery system (ENDS) retailers are defined. No regulatory changes are included with these corrections and modifications.

  The repeal of ch. NR 187 is anticipated to have no effect on businesses since the grant program is still in effect and managed under DATCP.

- Impacts on Public Utility Rate Payers
  Public utility rate payers would not be impacted by the rule changes.

- Impacts on Local Governmental Units

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Impacts on local governments would be minimal and will have little to no effect on municipalities since the changes are corrections and clarifications and not changes in requirements.

No effect is anticipated for local government units from the repeal of ch. NR 187 because grants are managed through DATCP and not the department.

- Fiscal Impact and Impact on State Economy
  No fiscal impact or impact on the state economy is expected.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The rule will correct errors, make clarifications, and align Wisconsin code with federal language. The alternative to the proposed updates and corrections would be to not make any corrections or clarifications to the rule, or to make only selected changes. This would risk creating inconsistencies with the federal hazardous waste regulations and create confusion in state language.

The repeal of ch. NR 187 will help alleviate confusion on which agency implements the household hazardous waste collection grant program and which regulations apply. Because the department no longer offers grants for the collection of household hazardous waste, the department proposes the repeal of ch. NR 187.

16. Long Range Implications of Implementing the Rule

Proposed rule corrections will clarify requirements for entities affected by hazardous waste regulations. This will help to ensure hazardous waste is properly managed. Aligning Wisconsin code to federal language will help ensure regulations are followed uniformly and will alleviate confusion for regulated entities. The removal of ch. NR 187 will alleviate confusion on which agency manages the household hazardous waste collection grant program. The proper management of hazardous waste will reduce its exposure to the environment and is therefore expected to improve public health and safety in the long run.

17. Compare With Approaches Being Used by Federal Government

The federal government has already adopted the technical corrections in the federal Generator Improvements Rule, Hazardous Waste Pharmaceuticals Rule, and Definition of Solid Waste Rule.

Additional clarifications in this rule will explain requirements and modify definitions to align with federal interpretations.

Chapter NR 187 does not contain any federal requirements because household hazardous waste is exempt from federal regulations.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

USEPA Regulations: "Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule"
Promulgated August 9, 2023. Checklist 246:

- Illinois, Michigan, and Minnesota have not adopted this rule however, all states with hazardous waste programs are required to adopt the Hazardous and Solid Waste Amendments (HSWA) requirements.
- Iowa does not have a state hazardous waste program. USEPA Region 7 administers and enforces RCRA hazardous waste regulations.
- Technical corrections to s. NR 666.505, Wis. Adm. Code, are made pursuant to HSWA authority, so these portions took effect in all states at the time of the federal promulgation of December 7, 2023.
- In Illinois and Minnesota, used antifreeze is not considered a used oil. A proper waste determination must be made before disposal. In Michigan, used antifreeze can be managed as a universal waste.

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- ENDS are regulated as pharmaceuticals in Michigan but are carved out of the definition as a healthcare facility and defines facilities that distribute or sell ENDS as ENDS retailers. Minnesota and Illinois require ENDS to be disposed of as pharmaceutical wastes, and may also be regulated under the Drug Enforcement Agency depending on what substances the ENDS contains.

USEPA Regulations: "Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections"
Promulgated December 11, 2024. Checklist 249:

- Illinois, Michigan, and Illinois have not adopted this rule however, all states with hazardous waste programs are required to adopt the HSWA requirements.
- Iowa does not have a state hazardous waste program. USEPA Region 7 administers and enforces RCRA hazardous waste regulations.
- The technical correction to s. NR 662.016(2)(a), Wis. Adm. Code, is made pursuant to HSWA authority and took effect in all states on the federal promulgation date of February 10, 2025
- The remainder of this rule is neither more nor less stringent than the current standards; however, the EPA strongly recommends that all states adopt the technical corrections to avoid any confusion or misunderstanding by the regulated community and the public.

Repeal of superseded ch. NR 187 household hazardous waste grant program regulations. Similar to Wisconsin's grant program that will continue to be run under DATCP, Minnesota, Illinois, Iowa, and Michigan, all provide grant programs that assist municipalities with promoting safe handling and disposal of household hazardous waste. Details of the program vary by state. More information is included in the board order analysis of the rule.

19. Contact Name	20. Contact Phone Number
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This document can be made available in alternate formats to individuals with disabilities upon request.