

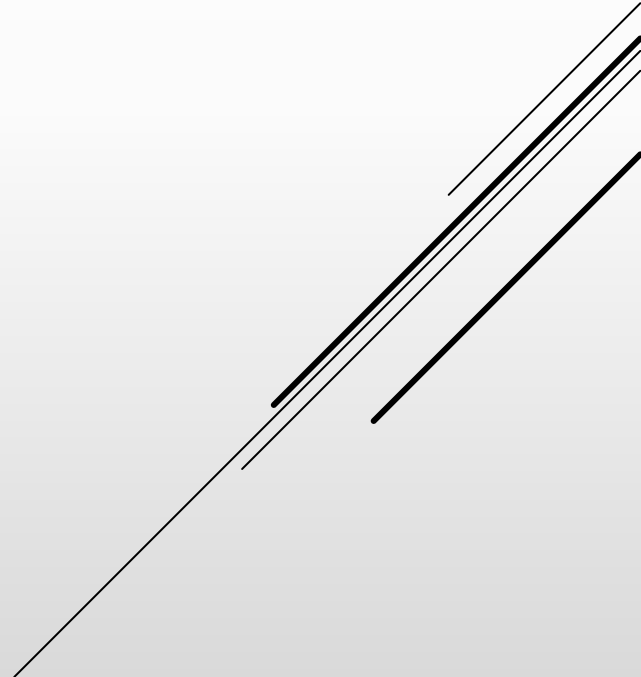


WASTE AND MATERIALS MANAGEMENT STUDY GROUP

August 7, 2025

AGENDA

- ▶ Welcome, May notes
- ▶ DNR updates
- ▶ OFR updates
- ▶ Final DNR efficiencies discussion
- ▶ Aerosol cans as universal waste
- ▶ Landfill Rule Updates
- ▶ Recycling Rule Implementation
- ▶ Topics for next meeting



- ▶ Waste Program Staffing:
 - ▶ Waste Mngt Engineer
- ▶ Upcoming meetings
 - ▶ MRF Stakeholder Meeting 8/26
 - ▶ Council on Recycling Meeting 9/5
 - ▶ Solid Waste Interested Parties 9/23
- ▶ Federal budget - ?
- ▶ State budget
- ▶ Recycling Excellence Awards
 - ▶ <https://dnr.wisconsin.gov/topic/Recycling/Awards.html>

DNR UPDATES

OFR UPDATES

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NR 520.07(5): Projected INFLATION Rate...

- = inflation from last calendar year
- = **average inflation from past 5 calendar years**

NR 520.08(2)(a)4.: Projected INTEREST Rate...

- = projected inflation rate + 2%
- = **projected inflation rate + 1.5%**

Expected effects:

- Reduced fluctuations year-to-year (~7% to 2% inf.) (**~3.8% to 3.6% inf.**)
- Minimize opportunities for future concerns

CHANGES TO SW OFR REGULATIONS (CH. NR 520)

CHANGES TO SW OFR REGULATIONS (CH. NR 520) CONTINUED

- ▶ NR 520.06(3)–(4): FDIC Insurance Limit (Escrows & Trusts)
 - ▶ (\$100,000) **(\$250,000)**
- ▶ NR 520.06(6m): Municipal Financial Test (Alternative Method)
 - ▶ Emergency Rule (~November 2024): Municipalities may now use the method, similar to the “net worth test” allowed for companies
 - ▶ Permanent Rule (In Approval Process): reflect comments received (e.g. annual submissions are now due ~July 31)



Increased efficiencies in
processing OFR calculations



More attention on OFR
data QA/QC



Increased outreach to
regulated facilities

GENERAL OFR UPDATE

- ▶ Request from Landfill Rule Technical Advisory Committee
- ▶ Individual calls or meetings with each Study Group member
- ▶ Common themes:
 - ▶ Focus on training
 - ▶ Better define incompleteness process
 - ▶ Make use of the Study Group
 - ▶ Internal DNR coordination
- ▶ Next steps

DNR PROCEDURAL EFFICIENCIES

UNIVERSAL WASTE AEROSOL CANS

UNIVERSAL WASTE AEROSOL CANS



- ▶ Background on Universal Waste
- ▶ How it is regulated
- ▶ Scenarios

ENVIRONMENTAL IMPACTS OF AEROSOLS



In the UK: aerosol products now emit more harmful VOC air pollution than all the vehicles in country combined.

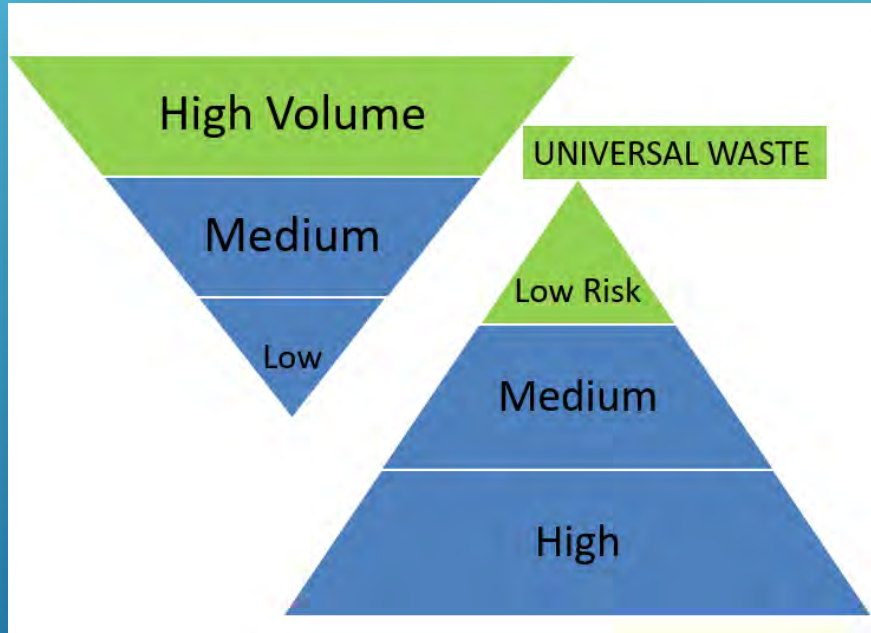
The chemicals now used in compressed aerosols, including household items, are predominantly made up of volatile organic compounds which are linked to the generation of toxics in smog.

When in enclosed spaces, it can damage human health.

When released to the environment can create pollutants that impact human health, wildlife and agriculture.

The volume of usage is cause for concern, with the world's population now using more than 25 billion cans per year.

BACKGROUND ON UNIVERSAL WASTE



All universal wastes are hazardous wastes

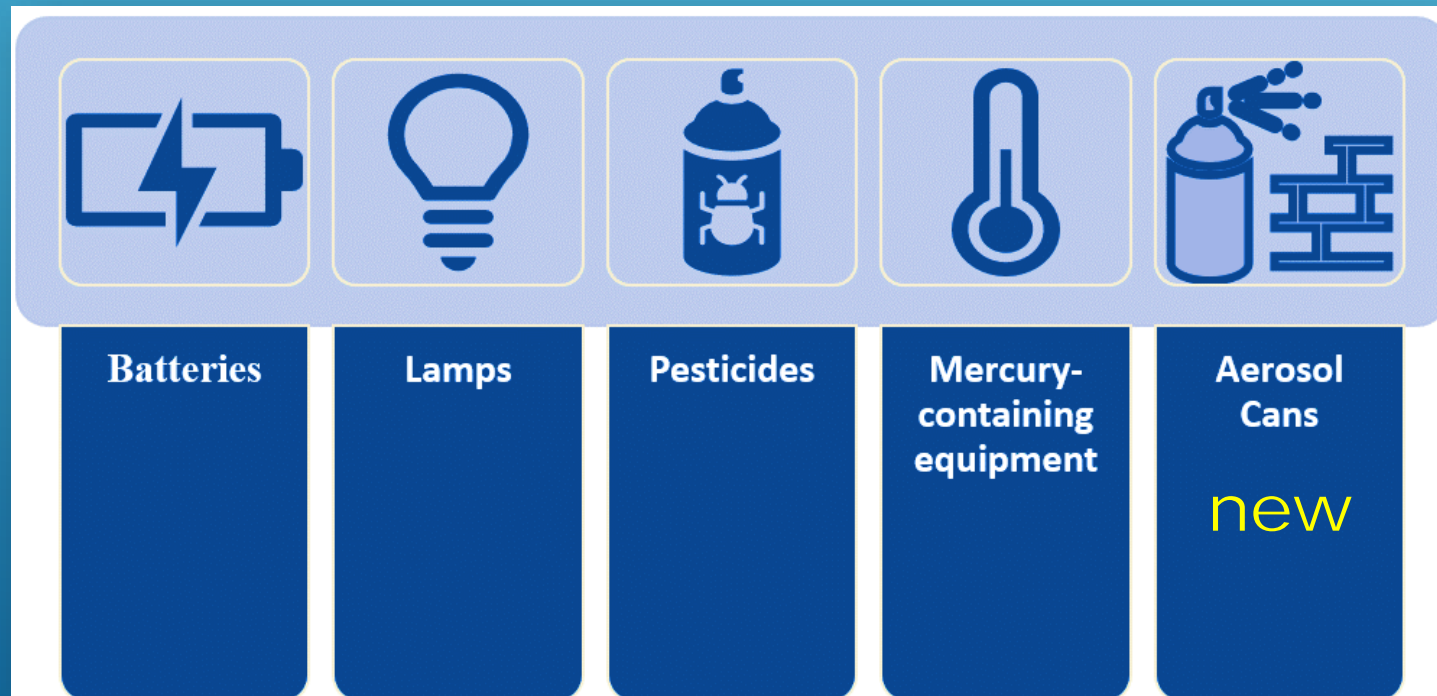
- Typically generated in larger volumes across many types of businesses or industries.
- Can be managed protectively under reduced regulations.
- Collection and management requirements are designed to promote the recycling of these waste streams.

Universal waste regulations, found in ch. NR 673, Wis. Adm. Code, can relieve regulatory burden for the management of wastes that may be hazardous wastes.

BACKGROUND ON UNIVERSAL WASTE

Staying consistent with federal regulations

- U.S. EPA promulgated aerosol cans as a universal waste, effective Feb. 2020
- WI promulgated aerosol cans as a universal waste, effective July 1, 2025

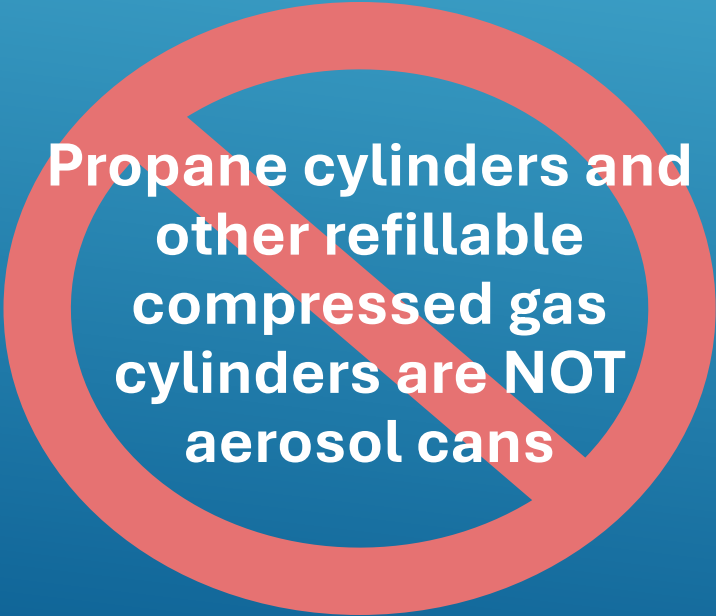


Other Region 5 states that have adopted aerosol cans as a UW: Ohio, Michigan, Indiana, Iowa, Illinois

BACKGROUND ON UNIVERSAL WASTE

Staying consistent with federal regulations

“Aerosol can” means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.



**Propane cylinders and
other refillable
compressed gas
cylinders are NOT
aerosol cans**

HOW IS IT REGULATED

Business-generated

- Businesses must manage these wastes as either hazardous waste or as universal waste
- When managed as a universal waste they must follow all requirements of NR 673 (Labeling, dating, containers standards, preventing and addressing leaks, training staff, tracking shipments, and shipping within one year of generation.)

Household-generated

- Can be disposed of in solid waste stream
- Can be taken to a Household Hazardous Waste/Very Small Quantity Generator (HHW/VSQG) Collection Site for management, operating under subchapter HH of NR 666

“Household waste” means any material, including garbage, trash and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

HOW IS UNIVERSAL WASTE REGULATED

All of the following solid wastes are not hazardous wastes:

Household waste, *including household waste that has been collected, transported, stored, treated, disposed, recovered, such as refuse-derived fuel, or reused, except if the hazardous waste in this waste stream is separated for management at a collection facility regulated under subch. HH of ch. NR 666, Wis. Adm. Code.*

WHAT DOES THIS MEAN?

- If segregated for management at a HHW/VSQG Collection facility, the collected hazardous waste and universal waste must then be managed in accordance with NR 666 requirements.

HOW IS UNIVERSAL WASTE REGULATED


A resource recovery facility managing municipal solid waste may not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under chs. NR 660 to 673, if the facility does all of the following:

Receives only the following:

- a. **Household waste** from single and multiple dwellings, hotels, motels, and other residential sources.
- b. **Solid waste** from commercial or industrial sources that **does not contain hazardous waste**.

AND: the facility does not accept hazardous wastes **and** the owner or operator of the facility has **established** contractual requirements or other appropriate notification or inspection procedures **to assure that hazardous wastes are not received** at the facility.

SCENARIOS: AEROSOL CAN MANAGEMENT

- 1 When you are the generator
 - 2 When you are the HHW/VSQG Collection Facility
 - 3 When you are not an HHW/VSQG or a generator
- 
- A series of three parallel white diagonal lines extending from the bottom right corner towards the center of the slide.

SCENARIOS: AEROSOL CAN MANAGEMENT

1 When you are the **generator**



Any person or site whose act or process produces hazardous waste identified or listed in 40 CFR Part 261, or whose act first causes a hazardous waste to become subject to regulation



An aerosol spray can is a waste when it can no longer be used for its intended purpose.



A small percentage of aerosol cans may not contain hazardous materials; however, the majority consist of contents under pressure that are flammable.

SCENARIOS: AEROSOL CAN MANAGEMENT

1 When you are the generator



OR

Manage as a
universal
waste

Aerosol Cans Management (WA-1784)

SCENARIOS: AEROSOL CAN MANAGEMENT – UNIVERSAL WASTE

1 When you are the generator

Does not count towards your generator status

- Not managed under full hazardous waste regulations
- Not subject to full hazardous waste fees and related costs

Can be sent to another universal waste handler or a destination facility

Does not need a hazardous waste licensed transporter for shipments

Labeling requirements are less restrictive, no indication of hazards

- “used” and waste type (ex: Used Aerosol Cans)
- “universal-waste” and waste type (ex: Universal-Waste-Aerosol Cans)
- “waste” and waste type (ex: Waste Aerosol Cans)

SCENARIOS: AEROSOL CAN MANAGEMENT

2

When you are the HHW/VSQG Collection Facility



When these wastes are collected and/or stored, the collector is classified as a "household and very small quantity generator hazardous waste collection facility" and is regulated under subch. HH of ch. NR 666, Wis. Adm. Code.



1 & 2

EMPLOYEE TRAINING



NR 673.16



Inform all employees who handle or have responsibility for managing universal waste.



Information shall describe proper handling and emergency procedures.



Information shall be appropriate for the types of universal waste at the facility.

1 & 2

UNIVERSAL WASTE CONTAINER REQUIREMENTS



Structurally sound



Compatible with the contents



Lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

① & ② AEROSOL CAN UW CONTAINER REQUIREMENTS

Accumulate in a container that is in good condition, free from leakage and away from heat sources.



If there is evidence of leakage, the cans shall be packaged:

- in a separate closed container or
- overpacked with absorbents
- or immediately punctured and drained.

1 & 2

ONE YEAR ACCUMULATION TIME LIMIT



Must be able to demonstrate the length of time universal waste has been accumulated.

- Date the container
- Date the individual items
- Maintain an inventory system for each item
- Maintain an inventory system for each group of containers
- Place universal waste in a specific area and identifying the earliest date any waste in the area was received or became a waste

① & ② UW Aerosol Can Management

As long as each individual aerosol can is not breached and remains intact, you may:

1. Sort aerosol cans by type.
2. Mix intact cans in one container.
3. Remove actuators to reduce the risk of accidental release.

1 & 2 Puncturing of UW Aerosol Cans

Once punctured the can must be recycled and a waste determination must be made on the contents.



- Ensure the prevention of fires and release of the contents
- Ensure the work is done in a well-ventilated area
- Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets regulatory standards.

1 & 2 Puncturing of UW Aerosol Cans

Conduct a hazardous waste determination on the contents of the emptied aerosol can under s. NR 662.011.

- Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements under chs. NR 660 to 670.
- The handler is considered the generator of the hazardous waste and is subject to ch. NR 662.

Establish or adopt a written procedure to be followed in the event of a spill or leak and provide a spill clean-up kit and promptly clean up all spills or leaks of the contents of the aerosol cans.

3 When you are not an HHW/VSQG or a generator

Example: a Material Recovery Facility (exemption criteria)

- Receives only **Household waste** or **Solid waste** from commercial or industrial sources that **does not contain hazardous waste**
- Does not accept hazardous wastes
- Has **established** contractual requirements or other appropriate notification or inspection procedures **to assure that hazardous wastes are not received**

3 When you are a Material Recovery Facility

What if the MRF receives HHW or exempt (very small quantity generator) hazardous waste aerosol cans AND they meet the exemption criteria?

- The cans and their contents are exempt from hazardous waste regulations
- The cans may be required to be recycled under solid waste regulations

BMP: the contents, if cans are punctured or crushed, should be contained. If not contained, they could generate a release to the environment of a hazardous substance.

3 When you are a Material Recovery Facility

What if the MRF receives HHW or exempt hazardous waste aerosol cans and segregates or separates them for management?

- Same as previous slide (exempt, recycle, etc.), as long as they are meeting the exemption criteria.

However: the facility could elect to then manage the waste aerosol cans as a universal waste (or a hazardous waste).

- The facility is now the generator and all requirements apply.
- Send off site to a UW handler or a licensed facility

3 When you are a Material Recovery Facility

What if the MRF receives HHW or very small quantity hazardous waste aerosol cans and the facility has not met all the exemption criteria?

- The facility would be subject to the hazardous waste regulations, specifically NR666.
- The MRF would notify and operate as a HHW/VSQG Collection Facility.

3 When you are a Material Recovery Facility

What if the facility receives industrial/business hazardous waste aerosol cans, from small or large quantity generators, and there is evidence that the exemption criteria such as established practices to avoid acceptance of these wastes, are not met?

- Technically the facility becomes subject to all hazardous waste regulations.
- Receiving hazardous waste from off-site generators and would be in violation of substantial regulations.

Educate your clients

IN CONCLUSION



- MRFs can manage household and very small quantity generator waste aerosol cans when the facility meets the exemption criteria.
- Aerosol can management regulations require the capture of vapor and liquids during puncturing or crushing. This is also a best management practice for material recovery facilities.
- The rules are designed to promote recycling while being protective of human health and the environment.
- Work with department staff if you have questions.

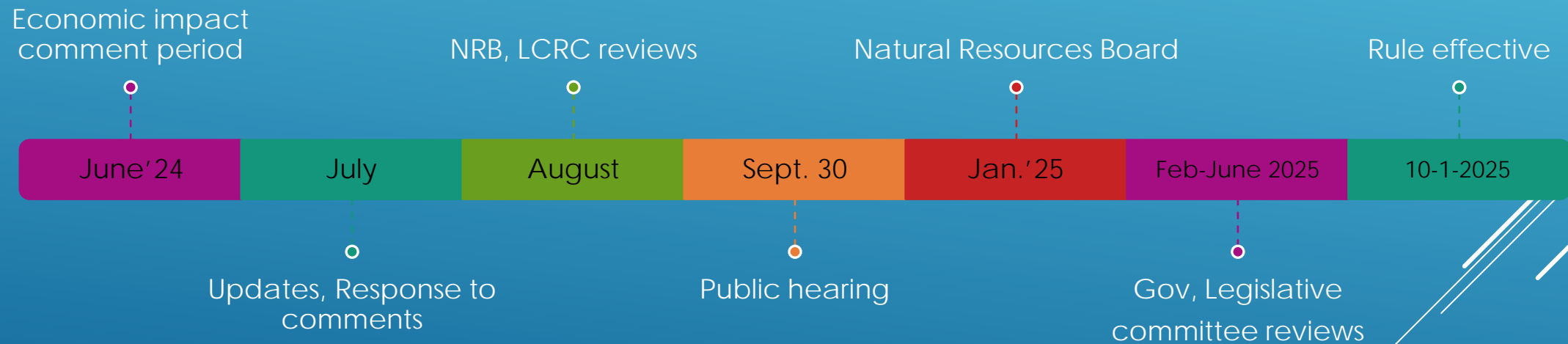
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Cathy Baerwald at catherine.baerwald@wisconsin.gov

- ▶ Landfill rule (WA-11-22) – effective 10/1/25
- ▶ Recycling rule (WA-13-21) – effective 7/1/25
- ▶ Municipal Landfill Owner Financial Responsibility rule (2023 WI Act 107, WA-07-24E, WA-08-24) – emergency rule still in effect, finalizing permanent rule work
- ▶ Non-landfill and E-Cycle rule language in the works

RULEMAKING UPDATES

LANDFILL RULE REVISION



- ▶ Two summary documents available today – highlights
- ▶ Sarah sent out link to submit questions (7/30 email):
 - ▶ <https://www.surveymonkey.com/r/LandfillRule>
- ▶ Updating the checklists, other guidance – what is most helpful?
 - ▶ <https://dnr.wisconsin.gov/topic/Landfills/forms.html>
- ▶ What questions do you have now?
- ▶ What resources would be best to help you with code changes?

LANDFILL RULE

- ▶ Effective date of July 1st
- ▶ Working now and through the summer/fall on outreach to stakeholders
 - ▶ RUs- webinar (July, recorded), direct emails, summary specifically of RU impacts, speaking at WI Towns Association annual conference (Oct. 13)
 - ▶ MRFs- MRF Stakeholder meeting (Aug. 26), direct emails, summary specifically on MRF impacts, OFR specific guidance (OFR does not go into effect until 2027)
 - ▶ Haulers- direct emails, specific guidance on providing RUs tonnage data
 - ▶ Will submit abstract to speak at WIRMC
- ▶ Department will work to educate on new requirements

RECYCLING RULE

- ▶ RU Education
 - ▶ Requires review/distribution annually
 - ▶ Adds oil filters/absorbents, batteries and food waste/compost
 - ▶ Free educational resources from DNR
- ▶ RU Collection
 - ▶ If only monthly curbside, access to a drop-off
 - ▶ If only individual subscription, modify ordinance & compliance assurance plan
 - ▶ Eliminates pounds/person collection standard

RECYCLING RULE - RUS

- ▶ RUs begin implementing new education requirements by Dec. 31, 2025.
- ▶ RUs update recycling ordinances by April 30, 2026. New recycling ordinance template in development.
- ▶ For RUs impacted by collection requirement changes, establish access to a drop-off by Jan. 1, 2026.
- ▶ For RUs only using individual subscription service, update recycling ordinance and compliance assurance plan by April 30, 2026.

RECYCLING RULE - RUS

- ▶ Owner financial responsibility (OFR) for MRFs (starting in June 2027)
 - ▶ MRFs operating at 5,000 tons or more/year
- ▶ 12% minimum glass recycling rate
- ▶ 20% maximum residual rate
- ▶ Changes to the annual MRF self certification
- ▶ New self certification of operation – everyone must submit in advance of annual self-cert and when changes are made
- ▶ Provide RUs/haulers info on acceptable materials annually, review contracted RU education w/in 60 days of request, specify MRF education pubs are for X facility and as of X date
- ▶ Short-term (less than 48 hours) and long-term (48 hours or more) contingency plans
- ▶ Outdoor storage of unbaled materials that contain paper, cardboard and plastic must be in a bunker or similar

RECYCLING RULE- MRFS

- ▶ Containers used for collection of recyclables to be clearly labeled
- ▶ Provide residential recycling tonnage data to RUs by Feb. 1 each year. Data must include the name of the MRFs used to process the materials
- ▶ Notify RUs when a new MRF is used

RECYCLING RULE- HAULERS

- [Recycling Rule Revision: Changes for Responsible Units \[PDF\]](#)
- [Recycling Rule Revision: Changes for Responsible Units July 15 Webinar Recording \[VIDEO 1:00:16\]](#)
- [Recycling Rule Revision: Changes for Responsible Units Webinar Slides \[PDF\]](#)
- [Register for MRF Stakeholder Meeting \(Aug. 26, 9-12\)](#)
- [Summary of All Recycling Rule Changes \[PDF\]](#)
- [Recycling Rule Revision Complete Text \[exit DNR\]](#)

RECYCLING RULE RESOURCES

- ▶ Recycling Rule Revision: Changes for Material Recovery Facilities [PDF] (Sept.)
- ▶ Revised MRF inspection form (end of Aug)
- ▶ New MRF self-certification of operation form (fall)
- ▶ Owner Financial Responsibility: Guidance and Planning doc for MRFs (spring 26)
- ▶ Revised MRF annual self-certification (by Feb. 2026, due 3/30/26)
- ▶ Recycling Rule Revision: Changes for Haulers (including guidance on providing tonnage to RUs) (fall)

RECYCLING RULE RESOURCES IN DEVELOPMENT



- ▶ Any questions?
- ▶ Topics for next meeting
- ▶ Nov. 6

Thank you!

NEXT MEETING