

Report to  
Legislative Council Rules Clearinghouse  
NR 600-679 Wis. Adm. Code  
Natural Resources Board Order No. WA-12-21

Wisconsin Statutory Authority

Sections 227.11(2)(a), 227.14(1m), 287.03(1)(a), 289.05, 289.06, 289.21, 289.24, 289.30, 289.31, 289.33, 289.41, 289.43, 289.61, 289.63, 291.001, 291.05 and 291.07, Stats.

Federal Authority

42 USC § 6926; 40 CFR 271

Comparison of Adjacent States

Minnesota, Illinois, and Michigan have state-managed hazardous waste programs and have adopted aerosol cans as a universal waste.

EPA's Region 7 office administers and enforces the RCRA hazardous waste management requirements in Iowa. Aerosol cans are considered universal waste in Iowa.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

The universal waste regulations in ch. NR 673, Wis. Adm. Code, are a set of alternative hazardous waste management standards that can operate in lieu of regulation under chs. NR 660 through 670, Wis. Adm. Code, and establish a streamlined hazardous waste management system as a way to encourage environmentally sound collection and management of these wastes while allowing for recycling and recovery where possible.

This rule adds hazardous waste aerosol cans to the universal waste program. Aerosol cans are used for dispensing a wide array of products including paints, solvents, pesticides, and personal care products and frequently contain flammable propellants such as propane or butane which can cause the aerosol can to demonstrate a hazardous characteristic. The addition of aerosol cans to the universal waste regulations allows for alternative management standards and aligns the state with federal regulations.

Under the Universal Waste Rule, destination facilities are those facilities that treat, store, dispose of, or recycle universal wastes. Universal waste destination facilities are subject to all currently applicable requirements for hazardous waste treatment, storage, and disposal facilities (TSDFs) and must receive a RCRA license for such activities. Destination facilities that recycle universal waste and that do not store that universal waste prior to recycling in accordance with s. NR 661.0006(3)(b), Wis. Adm. Code, may be exempt from licensing under s. NR 673.60(2), Wis. Adm. Code. The proposed rule language clarifies these existing obligations in order to facilitate compliance and answer questions raised by the regulated community.

In addition to addressing aerosol cans, the proposed rule also clarifies the handling of universal waste lamps. According to the Environmental Protection Agency, intentionally breaking or crushing universal waste lamps

is not considered recycling and is a form of treatment. Wisconsin is clarifying lamp regulation language to align with the federal requirements.

Agency Procedures for Promulgation

The department will hold a virtual hearing on May 8, 2024, at 10:00 a.m. The hearing will be followed by Natural Resources Board adoption, expected in September 2024, followed by a request for the governor's approval and legislative review.

Description of any Forms (attach copies if available)

No new forms are proposed in this rule. Some forms will require minor updates.

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