



CR 90-254

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. SW-77-90 was duly approved and adopted by this Department on May 23, 1991. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 23rd
day of July, 1991.

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Bruce B. Braun
Bruce B. Braun, Deputy Secretary

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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD CREATING RULES

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IN THE MATTER of creating ch.
NR 543 of the Wisconsin
Administrative Code pertaining to
establishing and modifying state
priorities for the development of
markets for recycled materials

SW-77-90

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 159.03(1)(a) and 227.11(2)(a), Stats.

Statutes interpreted: s. 159.03(1)(b), Stats.

Chapter NR 543, Wis. Adm. Code, is created to establish the criteria and process for setting priorities for grants, loans and rebates to businesses in Wisconsin to stimulate recycling of post consumer waste. These grants, loans and rebates are administered by the Department of Development under the recycling law (1989 Wisconsin Act 335).

SECTION 1. Chapter 543 is created to read:

Chapter NR 543
STATE MARKET DEVELOPMENT PRIORITIES
FOR RECYCLED AND RECYCLABLE MATERIALS

NR 543.01 PURPOSE. The purpose of this chapter is to establish a priority system for the development of markets for recyclable materials derived from postconsumer waste as provided in s. 159.03(1)(b), Stats.

NR 543.02 APPLICABILITY. Priorities developed under this chapter apply to loans, grants and rebates under s. 159.25, 560.12, 560.65 or 560.835, Stats., and promotion activities under s. 560.08(2)(km), Stats.

Note: Grants, loans and rebates are required to be consistent with priorities in effect on January 1.

NR 543.02 DEFINITIONS. The following definitions are applicable to the terms used in this chapter unless the content requires otherwise.

- (1) "Department" means the department of natural resources.
- (2) "Postconsumer waste" has the meaning given in s. 159.01(7), Stats.

NR 543.04 PRIORITY FACTORS. (1) In establishing and modifying state priorities for the development of markets for materials derived from postconsumer waste, the department shall give preference to market development efforts that do any of the following, as specified in s. 159.03(1)(b) 1 to 3, Stats.:

(a) Strengthen or expand an existing market for a material for which the demand is insufficient to utilize the projected supply or for which the price is low relative to the costs of separating the material from solid waste, processing the material or transporting the material to the market.

(b) Create a new market for a material that provides a higher price for the material or a lower separation, processing or transportation cost than existing markets.

(c) Use solid waste that is not separated for recycling as a substitute for nonrenewable fuels to generate steam or electricity if done in a state-approved program that protects the public health and welfare and the environment.

(2) In establishing and modifying state priorities for the development of markets for materials derived from postconsumer waste, the department may give preference to:

(a) Postconsumer wastes which are banned from landfilling under s. 159.07(1m) to (3), Stats., and for which projected supply significantly exceeds demand.

(b) Postconsumer wastes that constitute a relatively large portion of the municipal waste stream.

(c) Specific grades or types of postconsumer waste for which projected supply significantly exceeds demand.

(d) Postconsumer wastes which have been granted a statewide variance under s. 159.11(2m), Stats.

(e) Materials in locations with excessive cost for shipping materials to available markets.

(3) In establishing and modifying state priorities for the development of markets for materials derived from postconsumer waste, the department may not give preference to:

(a) Postconsumer waste receiving adequate private or other investment to stimulate market demand.

(b) Postconsumer waste markets which may be more effectively stimulated with public information or other activities not funded under s. 560.12, 560.65 or 560.835, Stats.

NR 543.05 PRIORITY PROCESS. The state priorities for development of markets derived from postconsumer waste shall be established by the department and may be modified as needed. The following procedures apply to the establishment and modification of priorities:

(1) The department shall consult with the council on recycling created by s. 15.347(17), Stats.

(2) The department may hold a public hearing prior to establishing or modifying the priorities.

(3) The department shall notify the department of development and the council on recycling of the establishment or modification of the priorities.

The foregoing rules were approved and adapted by the State of Wisconsin Natural Resources Board on May 23, 1991.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro), Stats.

Dated at Madison, Wisconsin

July 22, 1991.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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