

Chapter NR 546

NEWSPAPER RECYCLING FEE

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NR 546.01 Purpose. The purpose of this chapter is to establish rules under s. 159.31, Stats., for the implementation and administration of the newspaper recycling fee.

History: Cr. Register, October, 1993, No. 454, eff. 11-1-93.

NR 546.02 Applicability. This chapter applies to all newspaper publishers.

History: Cr. Register, October, 1993, No. 454, eff. 11-1-93.

NR 546.03 Definitions. In this chapter:

(1) "Actual recycled content" means the average of the recycled content of all newsprint used by a newspaper publisher to print newspapers during the year, expressed as a decimal.

(2) "Central printer" means a facility that prints publications for one or more publishers.

(3) "Circulation" means the number of paid subscribers plus street sales or the number distributed at no cost.

(4) "Department" means the department of natural resources.

(5) "Newspaper" has the meaning specified in s. 159.31 (1) (a), Stats.

(6) "Overissues" means newspapers, magazines and other printed publications that are printed for distribution or sale, but which are returned undistributed or unsold or which otherwise fail to reach consumers.

(7) "Postconsumer waste" has the meaning specified in s. 159.01 (7), Stats. This term includes overissues unless the department determines under s. NR 546.12 that existing markets for recyclable magazines, newspapers or both are not sufficient to absorb the supply of materials collected by responsible units under s. 159.09 or 159.11, Stats.

(8) "Publisher" means a person involved in and financially responsible for the commercial production and issuance of printed information.

(9) "Recycled content" has the meaning specified in s. 159.31 (1) (b), Stats.

(10) "Recycling status" means the target recycled content for the year minus the actual recycled content for the year.

the total statewide recovery rate for magazines falls below 15% of generation or 11,000 tons, the department shall issue an advisory of potential insufficient markets in 1995 and beyond.

(3) The department shall take into account economic fluctuations in the paper and publishing industries in determining the status of overissues under this section.

(4) Procedures. The following procedures shall apply to all determinations under sub. (1):

(a) If circumstances warrant a determination of insufficient market demand for newspapers, magazines or both under sub. (1), the department shall make the determination on or before July 1, beginning in 1996 and subsequent years.

(b) The definition of postconsumer waste shall exclude overissues of magazines, newspapers and other printed publications for the calendar year following the determination of insufficient market demand.

(c) The department shall consult with paper and printing industry representatives, trade groups, municipal recycling officials and environmental advocates prior to making a determination under sub. (1).

(d) The department may hold a public hearing prior to making a determination under sub. (1).

(e) The department shall issue all decisions under sub. (1) in writing accompanied by the determinations of fact and conclusions of law upon which the decision is based.

(f) The department shall notify newspaper publishers of the decision under sub. (1) within 30 days and shall provide other notice to interested persons as the department considers necessary.

(5) Actions following determinations of insufficient markets. The following actions shall be taken after a determination of insufficient markets has been made under sub. (1):

(a) *Convening of task force.* If the department determines under sub. (1) that existing markets for newspaper, magazine paper or both are insufficient, the department shall convene an emergency task force. The task force shall be made up of an equal number of representatives from affected industries, trade groups, municipal recycling officials, and environmental groups. The department, based on the task force's input, shall develop an action plan to resolve the condition of insufficient markets.

(b) *Task force action plan.* The action plan shall give top priority to maintaining the success of responsible unit collection programs. The action plan shall include the following:

1. A detailed assessment of the market problem.
2. Actions that industry, local governments and the state should take to resolve the market problem.
3. A method for evaluating the results of the plan.
4. Action plan evaluation. The department shall monitor implementation of the action plan under subd. 3. and evaluate its effectiveness. Based on that evaluation, if the action plan has successfully eliminated

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the condition of insufficient markets, the department may rescind the determination under sub. (1) and the definition of postconsumer waste shall include overissues of magazines, newspapers, and other printed publications beginning on January 1 following the department's determination. If the action plan has not eliminated the condition of insufficient markets, the definition of postconsumer waste shall continue to exclude overissues.

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