

## Chapter NR 543

### STATE MARKET DEVELOPMENT PRIORITIES FOR RECYCLED AND RECYCLABLE MATERIALS

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**Note:** As a result of the repeal of s. 287.25, 2009 Stats., by 2011 Wis. Act 32, this chapter is unenforceable and will be repealed by future rulemaking.

**Note:** Chapter NR 543 was created as an emergency rule effective December 6, 1990. Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1997, No. 500.

**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, Stats.

**Note:** 1993 Wis. Act 75 repealed s. 159.03, Stats., which related to the development of markets for recyclable materials derived from postconsumer waste.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91.

**NR 543.02 Applicability.** Priorities developed under this chapter apply to loans, grants and rebates under s. 287.25, Stats., and promotion activities under s. 560.08 (2) (km), Stats.

**Note:** 1993 Wis. Act 75 repealed s. 560.08 (2) (km), Stats.

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

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; correction made under s. 13.93 (2m) (b) 7., Stats., Register January 2006 No. 601; corrections made under s. 13.92 (4) (b) 7., Stats.

**NR 543.03 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. 287.01 (7), Stats.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91.

**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.:

**Note:** 1993 Wis. Act 75 repealed s. 159.03, Stats.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. 287.07 (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. 287.11 (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 or 560.65, Stats.

**Note:** Sections 560.12 and 560.65, Stats., were repealed by 2007 Wis. Act 20.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register January 2006 No. 601.

**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.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91.