

Summary of Recycling Rule Revisions (WA-13-21)

(See [Wisconsin Legislature: CR 23-065 Rule Text](#) for full text)

In November 2020, the Legislative Audit Bureau (LAB) conducted an audit of the state recycling program. One LAB recommendation was to “update provisions in administrative rules pertaining to effective recycling programs,” as the rules were last updated in 2005.

As a result, the Department of Natural Resources has gone through the rulemaking process to revise administrative code governing statewide materials recycling and “effective recycling programs.” These rule revisions affect local governments designated as responsible units for recycling (RUs), materials recovery facilities (MRFs) that process residential recyclables, waste haulers, and waste storage and transfer facilities that handle recyclable materials.

The code revisions reflect operational changes within the recycling industry and the DNR. They also seek to streamline requirements, reduce reporting obligations, and ensure a level playing field among facilities that provide processing and recycling services. The information below is a high-level summary of the revisions.

Changes for local government responsible unit (RU) recycling programs

- RU education: specifies educational materials be reviewed for accuracy and provided annually. Adds batteries and food waste/composting to the list of topics RUs must educate residents on (public outreach materials available for use at no cost from DNR).
- Collection: additional documentation requirements added for RUs that meet recycling collection standards by having residents contract individually for recycling pick-up. Additional recycling drop-off location requirement for RUs that only offer monthly curbside collection to residents.
- Multi-family complexes/apartments (5 or more units): provides specific options for how to provide “adequate” recycling.
- Eliminates static pounds per person collection standard.

Changes for materials recovery facilities (MRFs)

- Starting in 2027, requires MRFs processing more than 5,000 tons/year to have owner financial responsibility (OFR) in place to cover facility closure and cleanup costs should the operator abandon or be unable to properly close a facility. OFR is already required for other solid waste processors.
- Establishes a minimum glass recycling rate of 12% unless the facility can provide justification of lower rate or creates a glass recycling improvement plan.
- Sets maximum residual rate of 20% (i.e., no more than 20% of the material a MRF receives may be sent for disposal) unless the facility can provide justification of a higher rate or establishes a residual rate improvement plan.
- Reduces the amount of information MRFs need to provide on their annual report to the DNR.
- Requires MRFs to provide the RUs and haulers they work with information about materials accepted and to review contracted RUs’ educational materials within 60 days of a request. If the MRF produces/provides its own educational material (not required), it must specify that the guidelines apply to its facility only (as recycling guidelines vary from facility to facility).
- Specifies that material delivered directly from RUs must be inventoried as residential material on annual report.

- Requires MRFs to develop short-term (<48 hrs) and long-term (≥48 hrs) contingency plans for use in case of shutdown.
- Requires MRFs to prevent litter from unbaled paper, plastic or other easily airborne materials.

Changes for haulers, transfer and storage facilities

- Haulers must provide RUs recycling tonnage and name(s) of MRF(s) used by Feb. 1 each year for the previous year (current requirement is supplying data within 4 weeks of a written request).
- Haulers must notify RUs if using a new MRF.
- Haulers must ensure containers used for recycling are clearly labeled.
- Transfer and storage facilities must keep segregated recyclables separate from solid waste and maintain cleanliness of recyclable material.
- Transfer and storage facilities must prevent litter from unbaled paper, plastic or other easily airborne material.

The rule revision generally revises, clarifies and removes obsolete language from chs. NR 500, 502, 542 and 544, Wis. Adm. Code. It also codifies guidance and existing practices related to beneficial reuse of glass and for facilities requesting residual disposal fee exemptions at landfills.

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