

Self-Certification of Materials Recovery Facilities Revisions to s. NR 544.16, Wis. Adm. Code



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Purpose and Background

This guidance summarizes revisions to s. NR 544.16, Wis. Adm. Code, which went into effect on July 1, 2005, specifying requirements for material recovery facilities (MRFs) that serve as a component of a responsible unit's (RU's) recycling program. This guidance is not intended to represent all provisions of the code and does not include technical edits to the code which do not affect program or service operations. A complete version of s. NR 544.16 can be found at <http://www.legis.state.wi.us/rsb/code/nr/nr544.pdf>.

The recycling rule revisions summarized here reflect changes that were adopted as part of the 2005 recycling rule revisions and reflect input from RU officials and local governments, MRF operators, waste management company representatives and others in the recycling community statewide.

Materials Recovery Facility Definition

A MRF is now defined in s. NR 544.03(12) as a facility which processes the recyclable materials¹ specified in s. 287.07(3) and (4), Wis. Stats., not mixed with other wastes, for reuse or recycling. Pulp or paper mills which use recycled fiber or paper are excluded from the definition of a MRF. Prior to the revisions to ch. NR 544, facilities that processed only one of the recyclable materials were not included in the definition of a MRF. Under the revised rule, MRFs that process only one of the recyclable materials are now defined as "single commodity" MRFs and are exempted from MRF self-certification requirements only if they meet the general requirements for a MRF, i.e., operating in a nuisance-free manner, maintaining recyclables in a marketable condition and keeping adequate records.

General Materials Recovery Facility (MRF) Requirements

The owner/operator of a MRF that serves as a component of a responsible unit's effective recycling program must operate the facility in a nuisance-free and environmentally sound manner, maintain records documenting that not less than 75% of the volume of recyclable materials accepted were recycled or transported from the facility within 12 months of receipt (unless otherwise approved by the department), maintain recyclables in marketable condition (s. NR 544.16 (1)(a-c) and comply with all self-certification requirements listed under s. NR 544.16.

Updates to the Self-Certification Process

1. MRFs serving as a part of a RU's effective recycling program must be self-certified with the department according to the requirements in s. NR 544.16(2). This requirement also includes MRFs which receive material indirectly (e.g., a hauler takes all material to a primary MRF and some is transferred to another secondary processing center).
2. The MRF must submit the completed self-certification form to the department prior to serving the RU. Once initial self-certification is approved by the department to serve one RU, the MRF may serve additional RUs without seeking further certification. The owner/operator filling out the self-certification form must state which RUs they will serve,

¹ "Recyclable materials" refers to the materials banned from Wisconsin landfills under s. 287.07 (1m) to (4), Wis. Stats., namely: newspaper; magazines; cardboard; food and beverage containers made of glass, plastics #1 or 2, aluminum, steel or bi-metals; tires; yard waste; appliances; motor oil; lead acid batteries; and office paper.

indicate whether the materials will be processed single stream, dual stream or both, and must certify that RUs will receive reporting information as required by s. NR 544.16(3)(a)(17).

3. The MRF must notify the department of any changes that occur in processing materials within the year (e.g., switching to a single stream collection system).
4. Single commodity MRFs are exempt from self-certification requirements unless the department determines that self-certification is necessary for compliance with requirements listed in s. NR 544.16 (1) (a-c).
5. The department will maintain a list of all self-certified MRFs.

Self-Certification Renewal

Previously, once a MRF was self-certified, annual renewal was only required if there had been a change in their operation or facility. Under the revised rule, all self-certified MRFs must renew their certification each year by March 30 (s. NR 544.16 (4)). The purpose of an annual certification renewal is to ensure that the department is informed of any significant operational or location changes that have occurred in the past year.

New reporting requirements

The department is required under ss. 287.19 and 287.21 to provide statewide technical assistance and education to the public, including maintaining current estimates of materials recovered from solid waste for reuse or recycling. Operating under the authority granted in s. 287.27 (2) and (4) and s. NR 544.16 (4) (b) to (d), the department now requires reporting of all materials collected for processing, including materials not defined by rule as a “recyclable material” that the MRF received from both the residential and the non-residential sectors.

Reporting requirements for the reporting year include an inventory, expressed in tons, of materials received for processing. Reporting requirements include the following items.

- Total weight of materials received
- Total weight of materials shipped offsite
- Total weight of materials processed, categorized by source (residential or commercial) and by material type (paper, containers and all other recyclable materials).

Invalidation of Self-Certification

The department may invalidate a self-certification if there are significant discrepancies between what is reported and what is actually found during a department inspection. A self-certification may also be invalidated if the MRF fails to submit information required either to the department or to RUs. A MRF can return to good standing and be re-certified if the department determines that the facility is in compliance and has put in place appropriate policies and procedures to remain in compliance with the requirements in s. NR 544 (3). If the department determines it is necessary to invalidate a MRF’s self-certification, the MRF must notify the RUs they serve of the change in status and of re-certification if this is granted.

Reporting

Web-based renewal of self-certification will be available starting in January 2006, and will be the standard reporting format unless a hard copy form is specifically requested.

Contact 608/266-2111 or DNRWasteMaterials@Wisconsin.gov for further information.

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