

**Report to
Legislative Council Rules Clearinghouse
NR , Wis. Adm. Code
Natural Resources Board Order No. WA-33-10**

Wisconsin Statutory Authority

ss. 227.11, 289.05, 289.06, 289.07 and 289.43, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Large segments of the business community, local government and other organizations are increasingly interested in operating in an environmentally sustainable manner. Businesses and institutions that generate unwanted organic materials such as food scraps are seeking outlets for managing these materials that do not involve landfilling. Composting is the traditional way of managing organic discards in a manner that retains the productive value of these materials. However, Wisconsin's regulations governing compost facilities, contained in s. NR 502.12, Wis. Adm. Code, were developed primarily for the management of yard residuals. They do not adequately facilitate composting of mixed food scraps, compostable paper and other routine organic discards. In addition, because Wisconsin's administrative rules do not provide any standards for compost quality, commercial compost producers believe that they are not rewarded (in terms of market price) for manufacturing high-quality compost. This situation led a group of composters and recyclers, under the aegis of the Associated Recyclers of Wisconsin (AROW), to petition the department to promulgate administrative rules establishing compost quality standards for high-quality compost made from source-separated compostable materials. The department received the petition for rulemaking in the form of a letter from AROW dated March 5, 2008.

The proposed rule defines a category of solid wastes called "source-separated compostable materials" that can be composted with relatively little risk to public health and the environment. It establishes the operating procedures, locational restrictions, design elements and other parameters under which these materials can be composted without full-scale plan review by department staff. This represents an expansion of the current system, which applies the same approach to a more limited set of compostable materials such as yard trimmings. In addition, the rule establishes standards for a new category of compost, "Class A compost," which could only be made from source-separated compostable materials. Compost producers choosing to make Class A compost would be subject to testing requirements and their product would have to meet numerical limits on metals, pathogens, inert contaminants and maturity/stability in order to be marketed as Class A compost.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

[see attached mock-up of annual reporting form]

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