

Chapter NR 180

WASTE MANAGEMENT FUND

NR 180.16 Waste management fund

NR 180.16 Waste management fund. (1) All owners or operators of licensed land disposal sites shall contribute to the waste management fund established by s. 25.45, Stats., for each ton of solid waste received and disposed of at the site from May 21, 1978, until the site is closed and no longer receives waste, except as otherwise provided in s. 144.44 (3), Stats.

(2) The owner or operator of a licensed land disposal site shall certify on a form provided by the department the amount of solid waste received and disposed of during the preceding reporting period. The department shall specify the term of the reporting period on the certification form. The certification form shall be completed and returned to the department with the appropriate fee within 30 days after mailing of the form by the department to the owner or operator.

(3) (a) For all sites with an approved plan of operation under s. 144.44 (3), Stats., the owner may choose to be responsible for the long-term care of the site for either 20 years or 30 years after site closure. The fees to be paid into the fund shall be as follows for specific waste types:

| <u>Waste type</u> | <u>Rate of payment</u> | |
|--|------------------------|-----------------|
| | <u>20 Years</u> | <u>30 Years</u> |
| 1. Municipal solid waste | 3.5¢/ton | 1.5¢/ton |
| 2. Ashes and sludges from electric and process steam generating facilities | 3.5¢/ton | 1.5¢/ton |
| 3. Pulp or paper mill sludges produced by waste treatment or manufacturing processes | 3.5¢/ton | 1.5¢/ton |
| 4. Manufacturing process solid waste from foundries | 3.5¢/ton | 1.5¢/ton |
| 5. Sludges produced by municipal wastewater treatment plants | 3.5¢/ton | 1.5¢/ton |
| 6. All other solid wastes not designated as hazardous | 3.5¢/ton | 1.5¢/ton |

(b) For sites initially licensed between May 21, 1975 and May 20, 1978 for which the owner successfully applies before May 21, 1980 for a determination by the department that the site's design and plan of operation comply substantially with the requirements necessary for plan approved under s. 144.44 (3), Stats., the owner may choose to be responsible for the long-term care of the site for either 20 years or 30 years after site closure. The fees to be paid into the fund shall be as specified in par. (a).

(4) For all land disposal sites and facilities not approved as set forth in sub. (3), the fees to be paid shall be those indicated under the 30 year rate of payment in sub. (3) (a).

(5) Only sites with an approved plan of operation under s. 144.44 (3), Stats., or sites initially licensed between May 21, 1975 and May 20, 1978 for which the owner successfully applies before May 21, 1980 for a determination by the department that the site's design and plan of operation comply substantially with the requirements necessary for plan approval under s. 144.44 (3), Stats., are eligible for use of the money accumulated in the waste management fund. The owner or operator of any land disposal site or facility licensed and in existence on May 21, 1978 may, but shall not be required to seek approval of the site's plan of operation under s. 144.44 (3), Stats. The monies in the waste management fund shall be expended exclusively as set forth in s. 144.441, Stats.

(6) (a) The department may reduce or waive the fees specified in sub. (3) for mining operations if the owner or operator of a site for the land disposal of mining wastes successfully demonstrates that the reclamation bonding and other requirements of ss. 144.81 to 144.94, Stats., are sufficient to accomplish the purposes of the waste management fund. Such demonstration may be made at a hearing conducted as provided in s. 227.022, Stats., as an uncontested case.

(b) The owner or operator of a site for the land disposal of mining waste who requests a reduction or waiver shall make such application in writing. Upon receipt of the application, the department shall mail copies to those listed in s. 144.836 (3) (b) 1., Stats., accompanied by a statement that unless written objection is filed with the department within 30 days after the mailing of the application, the department may take action to grant the application without public hearing. If timely objection is filed, or the applicant requests it, the department shall set the application for a contested public hearing pursuant to s. 227.01 (2), Stats. Notice of such hearing shall be given pursuant to the provisions of s. 144.836 (3) (b) 1. and 2., Stats., except the hearing may be scheduled with 30 days notice.

(c) The decision following the hearing shall be in writing accompanied by findings of fact and conclusions of law. The burden of proof to establish that the reclamation bonding and other requirements are sufficient to accomplish the purposes of the waste management fund shall be on the owner or operator.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.