

Chapter NR 180

SOLID WASTE MANAGEMENT

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NR 180.01 Purpose. The purpose of these rules is to help ensure that efficient, nuisance-free, and environmentally acceptable solid waste management procedures are practiced in Wisconsin. The rules are adopted pursuant to ss. 144.01, 144.025, 144.04, 144.045, 144.26, 144.54, and 227.014, Stats. (1977), ss. 144.43 to 144.47, Stats., (as affected or created by ch. 34, laws of 1979) and s. 26, ch. 377, laws of 1977.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.02 Applicability. (1) These rules govern all solid waste disposal sites and facilities as defined by s. 144.43 (5), Stats. (as created by ch. 34, laws of 1979), except hazardous waste sites and facilities and except that metallic mining operations as defined in s. 144.81 (5), Stats., not licensed by the department and not mining prior to June 3, 1978, shall be exempt from the provisions of this chapter until May 21, 1980. These rules shall be applicable to all metallic mining operations after May 20, 1980 if the department has not adopted specific rules for the identification and regulation of metallic mining wastes pursuant to s. 144.43 (1m), Stats., by that date. When the department adopts rules pursuant to s. 144.43 (1m), Stats., the rules shall be applicable to metallic prospecting and mining operations in this state to the exclusion of this chapter except where this chapter or portions thereof are specifically adopted under s. 144.43 (1m), Stats. If prior to May 21, 1980, an application to mine is submitted, this chapter shall be applicable to that application until this chapter is superceded by rules adopted pursuant to s. 144.43 (1m), Stats.

(2) The provisions of this chapter are not applicable to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., nor to sites used solely for the disposal of liquid municipal or industrial wastes which have been approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., except for sites used for the ultimate disposal of solid waste.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

Register, April, 1986, No. 364

NR 180.04 Definitions. The following special definitions are applicable to the terms used in this chapter:

(1) "Air curtain destructor" means a solid waste processing facility that combines a fixed wall, open pit and mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(2) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(3) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to prepare the site for long-term care and to make it suitable for other uses.

(4) "Closure plan" means a written report and supplemental engineering plans detailing those actions that will be taken by the owner or operator to effect proper closure of a solid waste disposal site or facility.

(5) "Closing" means the time at which a solid waste disposal site or facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for any required long-term care and make it suitable for other uses.

(6) "COD" means chemical oxygen demand.

(7) "Collection and transportation service" means a solid waste disposal operation which utilizes containers, vehicles or other means for the collection and transportation of solid waste.

(8) "Completeness" means a determination by the department that the minimum submittal requirements as established by this chapter for a plan or report have been met.

(9) "Construct" means to engage in a program of on-site construction, including but not limited to site clearing, grading, dredging or landfilling.

(10) "Construction observation report" means a written report submitted under the seal of a registered professional engineer advising that a solid waste disposal site or facility has been constructed in substantial compliance with a department approved plan of operation.

(11) "Containerized storage site or facility" means a mechanical or nonmechanical storage container, site or facility designed and operated for storage and containment of solid waste.

(12) "Critical habitat areas" mean any habitat determined by the department to be critical to the continued existence of any endangered species listed in ch. NR 27.

(13) "Demolition material" means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition material typically consists of concrete, bricks, bituminous concrete, wood, masonry and plaster, alone or in combinations.

(14) "Department" means the department of natural resources.

(15) "Design capacity" means the total volume in cubic yards of solid waste to be disposed of in a land disposal site or facility including the

(a) Plan review fees shall be charged on the basis of the maximum design capacity of the site, cell or module for which plans have been submitted. As an example, a feasibility report may be submitted for a 1 million cubic yard site requiring a review fee as specified for greater than 500,000 cubic yards; the plan of operation, however, may be submitted over a period of time in several modules. Each plan of operation review would be charged on the basis of the maximum design capacity of the module submitted.

(b) License fees shall be based on the total design capacity of the site being licensed including already deposited solid waste at the site. For sites which have not had a plan approval, the department shall make a reasonable estimate of the maximum design capacity of the site and shall charge a fee accordingly. For most township operated sites, the fee shall be as specified in the 0-50,000 cubic yard category.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80; r. and recr. table 1, Register, March, 1984, No. 339, eff. 4-1-84; am. (1) (a) and (b), Register, May, 1985, No. 353, eff. 6-1-85.

NR 180.055 Requirements for certified or registered laboratory. (1) Microbiological and radiological samples shall be analyzed by the state laboratory of hygiene or at a laboratory approved or certified by the department of health and social services. Other laboratory test results submitted to the department under this chapter shall be performed by a laboratory certified or registered under ch. NR 149. The following tests are excluded from this requirement:

- (1) Physical tests of soil,
- (2) Physical tests of wastes,
- (3) Air quality tests,
- (4) Gas tests,
- (5) Field pH tests,
- (6) Field conductivity tests,
- (7) Product quality testing,
- (8) Nutrient testing of soils and waste,
- (9) Turbidity tests,
- (10) Water elevation,
- (11) Temperature,
- (12) Leachate-liner compatibility testing.

Note: The requirement in this section to submit data from a certified or registered laboratory is effective on August 28, 1986.

History: Cr. Register, April, 1986, No. 364, eff. 8-28-86.

Table 1
FEE SCHEDULE

NR 180	Facility Type	License Required	Plan Review Required	Plan Review Fees (1) (2)				License Fees				
				Initial Site Report (3)	Feasibility Report	Plan of Operation	Site Construction Documentation	Closure Plan	0-6 months	6-12 months	12-18 months	18-24 months and 2 yr renewals
.07	STORAGE FACILITY											
	Containerized	No	No									
	Non-containerized	Yes	Yes		300	300	150		75	150	225	300
.08	Collection and Transportation	Yes	No						40	80	120	160
.09	Transfer Facility	Yes	Yes			300	150		75	150	225	300
.10	Processing Facility(4)(5)	Yes	Yes		300	300	150		75	150	225	300
.11	Incineration(4)(5)	Yes	Yes		300	300	150		75	150	225	300
.12	Air Curtain Destructor	Yes	Yes			300	150		75	150	225	300
.13	LAND DISPOSAL FACILITY (6)	Yes	Yes									
	Landfill < 50,000 yds	Yes	Yes	700	1500	1500	150	150	100	200	300	400
	Landfill 50,000-500,000 yds	Yes	Yes	700	3000	2500	200	900	400	800	1200	1600
	Landfill > 500,000 yds	Yes	Yes	700	4500	2500	400	1200	1125	2250	3375	4500
	Surface Impoundment	Yes	Yes		1500	1500	400	150	375	750	1125	1500
	Plan Modification(7)	No	Yes		600	600		150				
.14	Land Spreading Plan	Yes	Yes			500			100	200	300	400
	Other(8)	Yes	Yes		150	150	150		75	150	225	300
.20	Exemption Request	No	Yes			150						

(1) The plan review fees specified in Table 1 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may revise or supplement a report or plan deemed incomplete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 1 for resubmittal of a plan which has been previously denied or withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.

(3) For an Initial Site Report submittal which includes more than one site, the applicant shall pay a separate fee, as shown in Table 1, for each site.

(4) If an applicant chooses not to submit a feasibility report for a processing facility or incinerator, but rather makes the initial submission of the plan of operation, the fee for review of the plan of operation as given in Table 1 shall be increased by the amount of the fee indicated under feasibility in Table 1.

(5) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(6) The applicant shall pay a maximum 2-year license fee of \$1600 for landfills which are licensed to accept only wastewater treatment plant sludge, ash, foundry waste, wood waste, demolition waste and other wastes of a similar nature not requiring daily cover pursuant to s. NR 180.13 (10) (a) 8.

(7) A plan modification, as referred to in Table 1, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department.

(8) Submittals termed as "Other" in Table 1 include such submittals as reports and plans required under s. NR 180.18, plans for woodburning facilities and plans for one-time disposal under s. NR 180.13 (2) (b) 2.