

Chapter NR 181

HAZARDOUS WASTE MANAGEMENT

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Subchapter I

General

NR 181.01 Purpose. The purpose of these rules is to establish criteria for identifying the characteristics of hazardous waste and to establish a list of solid wastes identified as hazardous based on the use of the criteria, which shall be used by a solid waste generator, transporter, or owner or operator of a solid waste treatment, storage, or disposal facility to determine if the waste handled is a hazardous waste subject to regulation; to establish minimum standards defining acceptable hazardous waste management practices applicable to owners or operators of facilities which recycle, treat, store, or dispose of hazardous waste; to establish standards for the transportation and labeling of hazardous waste; to establish standards for the review of plans, and the issuance of licenses; and to describe waste management fund contributions and the closure and long-term care responsibilities of the owners or operators of hazardous waste facilities which will be utilized for the protection of health and the environment. These rules are adopted pursuant to ss. 144.01, 144.025, 144.43 through 144.47, 144.60 through 144.74, 144.76, and 227.014, Stats.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81; am. Register, June, 1985, No. 354, eff. 7-1-85.

NR 181.02 Applicability. These rules are applicable to persons who generate, transport, store, treat or dispose of solid waste defined as hazardous waste under s. NR 181.12, with the following exceptions:

(1) The provisions of this chapter are not applicable to the generation, transportation, storage, treatment or disposal of metallic mining wastes resulting from a mining operation as defined in s. 144.81(5), Stats., except that generators of metallic mining wastes are required to comply with s. NR 181.22 to determine whether their wastes are hazardous or nonhazardous.

Note: Metallic mining wastes are regulated under ch. NR 182.

(2) The provisions of this chapter are not applicable to the generation, transportation, storage, treatment or disposal of polychlorinated biphenyls (PCBs) except where this chapter or portions of this chapter are referenced in ch. NR 157, which has been adopted under s. 144.79, Stats., for the regulation of PCBs.

Note: The provisions of this chapter are consistent with, and in some instances identical to, federal regulations found in 40 CFR parts 124, 260 through 265 and 270, July 1, 1983.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81; r. (1), renun. (2) and (3) to be (1) and (2) and am. Register, June, 1985 No. 354, eff. 7-1-85.

NR 181.03 Severability. **History:** Cr. Register, July, 1981, No. 307, eff. 8-1-81; r. Register, June, 1985, No. 354, eff. 7-1-85.

NR 181.04 Definitions. (1) "Above ground tank" means a tank with 90% or more of its storage capacity above the final ground elevation.

(1m) "Active portion" means that portion of a storage, treatment, or disposal facility where operations are being or have been conducted after the effective date of these rules and is not a closed portion.

with such requirements is necessary to protect public health, safety or welfare or the environment, if the department determines that:

(a) Hazardous waste or hazardous waste constituents have been discharged since May 20, 1978 at the generation site or transportation service location; or

(b) Existing control measures are inadequate to prevent such a discharge at the generation site or transportation service location.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

NR 181.09 Review time periods. Except as otherwise provided in this chapter, the department shall review, and approve, deny or deem incomplete, requests for approvals or exemptions within 65 business days after receiving the request.

Note: Saturdays, Sundays and those holidays designated in s. 230.35 (4) (a), Stats., are not included in counting business days. Sixty-five business days is roughly equivalent to 90 calendar days.

Many of the review time periods in this chapter are specified in "days," i.e. calendar days, instead of business days, because ch. 144, Stats., specifies several review time periods in calendar days. It is not possible to specify all the review time periods in this chapter in calendar days, however, because of s. 227.0105, Stats., requires that review time periods which were not established by statute or rule prior to November 17, 1983, be specified in business days.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85.

Subchapter II

Identification of Hazardous Waste

NR 181.11 Applicability. This subchapter identifies those solid wastes which are subject to regulation as hazardous waste under this chapter.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

NR 181.115 Requirements for certified or registered laboratory. (1) Facilities required to submit a waste analysis plan shall use a certified, registered, or approved laboratory. Bacteriological 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 chemical and physical samples shall be analyzed by a laboratory certified or registered under ch. NR 149. The following tests are excluded from this requirement:

- (a) Physical tests of soil,
- (b) Air quality tests,
- (c) Gas tests,
- (d) Field pH tests,
- (e) Field conductivity,
- (f) Turbidity tests,
- (g) Water elevation,
- (h) Temperature,

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(i) Leachate-liner compatibility testing.

(2) The department may require, on a case-by-case basis, other facilities to submit analytical test results from a laboratory certified, registered, or approved under ch. NR 149, HSS 157 or HSS 165.

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.

NR 181.12 Definition of hazardous waste. (1) A solid waste, as defined in s. NR 181.04 (90), is a hazardous waste if:

(a) It is not excluded from regulation as a hazardous waste under sub. (4); and

(b) It meets any of the following criteria:

1. It is listed in s. NR 181.16 and has not been excluded from the lists in s. NR 181.16 under s. NR 181.17.

2. It is a mixture of solid waste and one or more hazardous wastes listed in s. NR 181.16 and has not been excluded under s. NR 181.17; however, the following mixtures of solid wastes and hazardous wastes listed in s. NR 181.16 are not hazardous wastes, except by application of subd. 1. or 3., if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under ch. 147, Stats., including wastewater at facilities which have eliminated the discharge of wastewater, and:

a. One or more of the following spent solvents listed in s. NR 181.16 table II: carbon tetrachloride, tetrachloroethylene, trichloroethylene; provided that the maximum total weekly usage of these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed one part per million; or

b. One or more of the following spent solvents listed in s. NR 181.16 table II: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents; provided that the maximum total weekly usage of these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

c. One of the following wastes listed in s. NR 181.16 table III: heat exchanger bundle cleaning sludge from the petroleum refining industry (hazardous waste no. K050); or

d. A discarded commercial chemical product, or chemical intermediate listed in s. NR 181.16 table IV or V, arising from minimal losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this paragraph, "minimal" losses include those from normal material handling operations, e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other

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devices used to transfer materials; minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment, and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

e. Wastewater resulting from laboratory operations containing toxic (T) wastes listed in s. NR 181.16, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

3. It exhibits any of the characteristics of hazardous waste identified in s. NR 181.15.

4. Except as provided in subd. 5, it is generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate, and:

a. It exhibits any of the characteristics of hazardous waste identified in s. NR 181.15, or

b. It is a waste which is listed under s. NR 181.16, contains a waste listed under s. NR 181.16, or is derived from a waste listed under s. NR 181.16, and it has not been excluded under s. NR 181.17.

5. It is a waste pickle liquor sludge derived from the lime stabilization treatment of spent pickle liquor from the iron and steel industry falling under the standard industrial classification (SIC) codes 331 and 332, and

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