

Chapter NR 551

ABANDONED CONTAINER RESPONSE

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NR 551.01 Purpose. The purpose of this chapter is to establish criteria and procedures for developing, establishing and amending a contingency plan to respond to abandoned containers of hazardous substances.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.02 Applicability. This chapter is applicable to department response to abandoned containers of hazardous substances, except for removal of buried containers since this work is beyond the scope of abandoned container response work. Chapters NR 158 and 550 are applicable to response work involving buried containers.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.03 Definitions. (1) "Abandoned container" has the meaning found in s. 144.77 (1), Stats.: "any container which contains a hazardous substance and is not being monitored and maintained."

(2) "Container" means any vessel, tank, bag, box, carton, barrel or drum, which holds or encloses an actual or suspected hazardous substance.

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

(4) "Hazardous substance" has the meaning found in s. 144.01 (4m), Stats.: "any substance or combination of substances including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department."

(5) "Local government" includes municipal police and fire departments, municipal public health agencies, county offices of emergency government, county sheriffs, and emergency medical services.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.04 Contingency plan development. The department shall develop a contingency plan for responding to abandoned containers. The contingency plan shall include guidance on actions to locate, secure, sam-

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ple, analyze, remove, and dispose of abandoned containers of hazardous substances.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.05 Contingency plan amendment and review. The contingency plan shall be amended when necessary to improve response to abandoned containers of hazardous substances. At a minimum, the plan shall be reviewed by the department at least once every 4 years. The department shall maintain records regarding actions taken in response to abandoned containers and these records shall be taken into account in reviewing the contingency plan.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.06 Contingency plan elements. The contingency plan shall include the following:

- (1) Safety measures;
- (2) Site access;
- (3) Site investigation and sampling;
- (4) Hazardous substance analysis;
- (5) Transportation of waste; and
- (6) Disposal of waste.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.07 Criteria for abandoned container response. (1) Factors to be considered when evaluating a potential abandoned container request are as follows:

- (a) Quantity, toxicity, and environmental mobility of the hazardous substance;
- (b) Location of the container and any special threats it presents to public health, safety or the environment;
- (c) Estimated cost of response;
- (d) Identity of the generator or owner of the abandoned containers; and
- (e) Violation of state environmental protection laws, and department authority to issue an administrative order to a responsible party.

(2) Criteria for evaluating abandoned container requests:

- (a) Except in emergency situations where a hazardous substance poses an imminent threat to public health, safety or the environment, abandoned container requests may not be approved when the responsible party is known and has the financial resources to respond to the problem; and
- (b) Costs versus potential risks shall be considered when evaluating abandoned container responses in cases where public health, safety or environmental risk is low.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.
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NR 551.08 Evaluation of disposal options. (1) The department shall evaluate disposal options for hazardous waste disposal. Primary options, listed in order of preference, are:

- (a) Reclamation or recycling;
- (b) Waste treatment which renders a substance nonhazardous prior to disposal;
- (c) Incineration; and
- (d) Land disposal.

(2) If land disposal is the preferred option, the department shall evaluate any disposal site selected by a contractor to determine, on the basis of available information, if the facility complies with current state and federal regulations.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 551.09 Cost recovery. (1) The department is entitled, under the provisions of s. 144.77 (6) (c), Stats., to recover monies expended by the department, to contain, remove or dispose of abandoned containers of hazardous substances, or to take any other emergency action under s. 144.77, Stats., from any persons who caused the containers to be abandoned or are responsible for the containers.

(2) If the persons who caused the containers to be abandoned or are responsible for the containers are identified after a state funded response is complete, the department may act to recover costs.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.