

Chapter NR 502

**SOLID WASTE STORAGE, TRANSPORTATION, TRANSFER,
INCINERATION, AIR CURTAIN DESTRUCTORS,
PROCESSING, WOOD BURNING, ONE TIME DISPOSAL
AND SMALL DEMOLITION FACILITIES**

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NR 502.01 Purpose. The purpose of this chapter is to help ensure that efficient, nuisance-free and environmentally accepted solid waste management procedures are practiced in Wisconsin and to outline the requirements regarding licensing and operational requirements for solid waste storage, transportation, transfer, incinerators, air curtain destructors, processing, woodburning, one time disposal and small demolition facilities. This chapter is adopted under ss. 144.43 to 144.47, and 227.11, Stats.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.02 Applicability. (1) Except as otherwise provided, this chapter governs all solid waste storage, transportation, transfer, incinerators, air curtain destructors, processing, wood burning, one time disposal and small demolition facilities as defined in s. 144.43 (5), Stats., except hazardous waste facilities as defined in s. 144.61 (5m), Stats., and regulated under ch. NR 181, and metallic mining operations as defined in s. 144.81 (5), Stats., and regulated under ch. NR 182.

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

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.03 Definitions. The terms used in this chapter are defined in s. NR 500.03.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.04 Location and performance standards. (1) **GENERAL.** An applicant for an initial license or for approval of an expansion of an existing facility regulated under this chapter with the exception of collection and transportation services shall demonstrate to the department that the proposed facility will comply with all of the applicable locational standards of this section for which no exemption has been granted.

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(2) LOCATION STANDARDS. No person may establish, construct, operate, maintain or permit the use of property for any facility regulated under this chapter within the following areas:

- (a) Within 1,000 feet of any navigable lake, pond or flowage.
- (b) Within 300 feet of any navigable river or stream.
- (c) Within a floodplain.
- (d) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park, unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the highway or park.
- (e) Within 10,000 feet of any airport runway used or planned to be used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston type aircraft or within other areas where a substantial bird hazard to aircraft would be created. This criterion is applicable only when the facility will be used for handling putrescible waste.

(f) Within 1,200 feet of any public or private water supply well.

(3) PERFORMANCE STANDARDS. No person may establish, construct, operate, maintain or permit the use of property for any facility regulated under this chapter within an area where there is a reasonable probability that the facility will cause:

- (a) A significant adverse impact on wetlands.
- (b) A significant adverse impact on critical habitat areas.
- (c) A detrimental effect on any surface water.
- (d) A detrimental effect on groundwater quality or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140. For the purposes of design, the point of standards application is defined by s. NR 140.22 (1).
- (e) The migration and concentration of explosive gases in any facility structures, excluding any leachate collection system or gas control or recovery system components or in the soils or air at or beyond the facility property boundary in excess of 25% of the lower explosive limit for such gases of any time.
- (f) The emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.05 Storage facility requirements. (1) GENERAL. (a) No person may operate or maintain a solid waste storage facility unless the person has obtained an operating license from the department, unless the facility is exempt under sub. (2) or (4). The operating license for a storage facility is transferable.

(b) All waste shall be stored in containers unless its volume precludes practical containerized storage in which case it shall meet the noncon-

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tainerized storage requirements of this section unless exempted under sub. (2).

(2) EXEMPTIONS. The following storage facilities are exempt from licensing and all requirements of this section:

(a) Garbage cans for household wastes located on the property where the waste is generated.

(b) Containerized storage facilities such as lugger boxes and rolloff containers for solid waste serving apartments, commercial establishments, business establishments and industries which are located on the premises served.

(c) Pit silos used for the storage of by-products from fruit, vegetable or grain processing operations where such by-products are to be used for animal feed.

(d) Facilities for high volume industrial waste or wood residue where the waste is stored at the point of generation for less than 72 hours prior to being transported for disposal or beneficial reuse and the facility is operated and maintained in an environmentally sound and nuisance free manner.

(3) OPERATIONAL REQUIREMENTS FOR CONTAINERIZED STORAGE FACILITIES. No person may operate or maintain a containerized storage facility except in conformance with the following minimum requirements:

(a) Storage containers shall be durable, rust resistant, nonabsorbent, leak-proof, easy to clean and effectively contain the stored waste. If garbage or similar putrescible wastes are stored, the containers shall have close-fitting, fly-tight covers and be constructed of light-weight durable material.

(b) Covers and containers shall be maintained in good condition.

(c) Containers handling municipal solid waste shall be removed and emptied at least once per week, or more often if conditions warrant. Containers handling nonputrescible industrial waste shall be removed and emptied as necessary, but at least once every 90 days.

(d) All weather access shall be provided and maintained.

(e) Effective means shall be provided to control flies, rodents and other vectors.

(f) Objects too large for the containers shall be stored in a nuisance-free manner.

(g) Periodic clean-up and maintenance of the storage container and surrounding area shall be conducted to keep it aesthetically pleasing and nuisance-free. This maintenance shall be the responsibility of the property owner where the containers are located as well as the owner of the containers.

(h) Access restrictions including a lockable gate and attendant may be required by the department to prevent nuisance conditions or if mechanical compaction equipment is part of the facility.

(i) Disposal of solid waste is not allowed at a storage facility.

- (j) No burning of solid waste may be conducted.
- (k) The facility shall be operated and maintained in a sanitary, nuisance-free manner so as to protect the environment and the public health.

(4) **NONCONTAINERIZED STORAGE FACILITIES.** Facilities which meet the following criteria may be exempted in writing by the department from licensing and the plan submittal requirements of this section. All other noncontainerized storage requirements of this section shall apply. Any person intending to establish or construct a noncontainerized storage facility shall contact the department to arrange for an initial inspection. The department shall issue an exemption in writing if the operator demonstrates that the facility meets all the following criteria:

- (a) The solid waste does not include putrescible waste such as garbage and municipal refuse.
- (b) The waste is free of noxious odors and not readily transported by wind or water unless it is stored to prevent such transport.
- (c) The facility exists less than 6 months from the time of initial storage to the removal of all waste.
- (d) The volume of waste stored at the facility does not exceed 2,500 cubic yards at any time during the 6 month period.
- (e) The total volume of waste stored at the facility during the allowable 6 month period does not exceed 5,000 cubic yards.

(5) **PLAN OF OPERATION.** No person may establish or construct a solid waste storage facility or expand an existing facility unless the person has obtained a plan of operation approval from the department. The plan of operation shall specify the intent and objectives of the proposal and indicate methods and procedures to minimize adverse environmental impacts. Unless otherwise approved by the department in writing, the plan shall be submitted in accordance with s. NR 500.04 and shall contain, at a minimum, the following information:

- (a) A legal description of the facility.
- (b) The present ownership of the property.
- (c) The proposed facility size, property boundaries and present land use of the facility and the area within $\frac{1}{4}$ mile of the facility.
- (d) The area served, including population and major industries.
- (e) The consistency of facility development with areawide solid waste plans and land use plans.
- (f) The predominant types of vegetation and wildlife within the proposed facility boundaries.
- (g) A complete materials balance for the storage facility, specifying amounts and characteristics of solid waste.
- (h) The types of vehicles and access routes used to transport solid waste to and from the facility including the estimated traffic flow patterns within the facility, and an estimate of the increased quantities of traffic on access routes to and from the facility.

(i) The estimated quantities and characteristics of wastes containing free liquids resulting from facility operations and methods of their storage or disposal.

(j) The persons responsible for facility construction and operation.

(k) Any additional procedures for the control of dust, odors, fire, wind-blown materials and potential explosions and for the handling of the waste in the case of major facility breakdown.

(l) The tentative operating schedule for the facility.

(m) Provisions for protection of groundwater and surface waters during facility construction and operation.

(n) A discussion of possible operational hazards and necessary safety precautions.

(o) A discussion of design features and logic including the equipment capacity or size. Information shall be included to justify the size and configuration of the receiving area; methods of handling wastes containing free liquids resulting from operations such as floor drains, sewers and water treatment facilities; sizing of surface water drainage control structures; traffic flow patterns; design life of any building and facility equipment; methods of controlling windblown materials; and methods of screening the facility from the surrounding area.

(p) An operations and maintenance manual which specifies the operating and maintenance procedures; operating personnel responsibilities; hours of operation; daily operating schedule; equipment maintenance schedules; methods of controlling explosions, fire, odors and windblown materials; special waste handling procedures; methods of controlling access; daily cleanup procedures; person responsible for operation; facility licensee and owner; record keeping procedures; emergency procedures for handling of freezeup during cold weather; methods to prevent solid waste from burning; and any other pertinent information.

(6) ENGINEERING PLANS. The plan of operation shall include a set of engineering plans and maps which contain the following information unless an exemption is granted in writing by the department:

(a) An existing conditions map, which shows the entire facility and the area within $\frac{1}{2}$ mile. The minimum scale shall be $1" = 400'$. This map shall include the proposed facility boundary, property lines, easements and right-of-way; building foundations, roads, utilities and other structures; topography, drainage swales, surface waters, wetlands, floodplains and similar drainage features; wooded areas; location of soil borings and test pits; features of historical and archaeological significance; and other features as appropriate.

(b) A facility plan which shall include proposed facility access roads and traffic patterns, buildings, scales, utility lines, drainage diversion, screening, means of access control, final topography, areas to be cleared of vegetation, and other design features. The extent of coverage and scale shall be the same as that for the existing conditions map.

(c) A proposed layout plan which shows the receiving, storage and loadout areas. The minimum scale shall be $1" = 20'$. Plan details shall include conceptual design for receiving area configuration and traffic flow

patterns, storage area and equipment configuration, loadout area and equipment configuration, and other design features.

(d) At least one cross section shall be drawn through the receiving, storage and loadout areas indicating existing topography, limits of excavation, proposed final grades and other pertinent design features. More cross sections may be necessary depending on the complexity of the facility design.

(7) CONSTRUCTION DOCUMENTATION REPORT. The department may require the applicant to submit a construction documentation report for any noncontainerized storage facility. When a documentation report is required, it shall be prepared in accordance with the department's plan approval and s. NR 500.05. Operation of the facility may not commence until the report is approved in writing by the department and a license is issued. The department may issue a license prior to facility construction or construction documentation.

(8) LOCATIONAL CRITERIA. Noncontainerized storage facilities shall meet the location and performance standards specified in s. NR 502.04. Exemptions from the requirements of s. NR 502.04 (2) (a), (b), (d), (e) and (f) and (3) (b), (e) and (f) may be granted only upon demonstration by the applicant of circumstances which warrant the exemption. Exemptions from compliance with s. NR 502.04 (3) (a) may be granted only in accordance with the standards in s. NR 1.95. Exemptions from compliance with s. NR 502.04 (3) (d) may be granted only according to the procedures in ch. NR 140. Exemptions from compliance with s. NR 502.04 (2) (c) and (3) (c) will not be granted.

(9) OPERATIONAL REQUIREMENTS FOR NONCONTAINERIZED STORAGE FACILITIES. No person may operate or maintain a noncontainerized storage facility except in conformance with an approved plan of operation and the following minimum requirements:

- (a) All weather access shall be provided and maintained.
- (b) Effective measures shall be taken to control flies, rodents and other vectors.
- (c) Periodic maintenance or clean-up of the facility shall be conducted to keep it aesthetically pleasing and nuisance-free.
- (d) Gates, fencing and an attendant shall be provided as specified by the department.
- (e) Solid waste shall be disposed of at a licensed facility approved by the department.
- (f) Solid waste shall not be burned.
- (g) The facility shall be operated and maintained in a sanitary, nuisance-free manner so as to protect the environment and the public health.

(h) Adequate drainage shall be maintained on and around the facility.

(10) MONITORING. The department may require the owner or operator to perform surface water, groundwater, unsaturated zone or gas monitoring of noncontainerized storage facilities. Monitoring shall be con-

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ducted as specified by the department. Monitoring may be required after facility closure.

(11) **CLOSURE.** Any person who owns or operates a noncontainerized storage facility or who permits the use of property for such purpose shall close the facility in accordance with any plan approval issued by the department and the following minimum practices:

(a) The owner or operator shall notify the department in writing at least 60 days prior to the closing of the facility.

(b) All solid waste shall be removed from the facility in accordance with the conditions of the approved plan of operation. The waste shall be properly utilized or disposed.

(c) The surface of the facility shall be restored in conformity with the approved plan of operation, or restored to its original condition to the extent practicable.

(12) **FINANCIAL RESPONSIBILITY.** The department may require that the owner or operator provide proof of financial responsibility for the removal, transportation and ultimate disposal of the stored material.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.06 Collection and transportation service requirements. (1) **GENERAL.** No person may operate or maintain a collection or transportation service unless the person has obtained an operating license from the department, unless the facility is exempt under sub. (2).

(2) **EXEMPTIONS.** The following collection or transportation services are exempt from all requirements of this section:

(a) Services for the collection and transportation of only salvageable material, gravel pit spoils, quarry materials or earth materials.

(b) Services for the collection and transportation of only ordinary solid waste from a single household or ordinary household solid waste amounting to less than 20 tons per year.

(c) Services for the collection and transportation of sludge from municipal wastewater or water supply treatment plants provided it is handled in accordance with ch. 147, Stats.

(d) Services for the collection and transportation of only waste materials regulated and licensed under s. 146.20, Stats.

(e) Governmental services consisting solely of vehicles used to collect and transport roadside litter from town, village, city, county, state and federal highway right-of-way. Litter shall be disposed of at a licensed disposal facility.

(f) Services for the collection and transportation of dredge material regulated by permit or contract under s. 30.20, Stats.

(g) Services for the collection and transportation of wastes generated by an industrial company which do not travel on public roads and which utilize vehicles owned by the company.

(h) Services for the collection and transportation of whey or waste materials from fruit or vegetable processing operations.

(3) **TRANSPORTATION OF ASBESTOS WASTE.** All services collecting and transporting asbestos shall meet the minimum requirements of the applicable air management rules.

(4) **OPERATIONAL REQUIREMENTS.** No person may operate or maintain a solid waste collection and transportation service except in accordance with the following minimum requirements:

(a) Each vehicle shall have "WDNR" followed by the license number lettered on the driver's door. The letters shall be at least 2 inches high with a minimum ½ inch brush stroke. The lettering shall contrast with the background so it is easy to read.

(b) Solid waste shall be transported only to facilities which are licensed or approved by the department, or to facilities which are exempt from regulation by the department.

(c) Vehicles or containers used for the collection and transportation of solid waste shall be durable, easy to clean and leak-proof, if necessary, considering the type of waste and its moisture content. All vehicles and containers shall be cleaned as frequently as necessary to prevent nuisances or insect breeding and shall be maintained in good repair.

(d) Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents do not fall, spill or leak. Covers shall be provided to prevent littering and spillage. If spillage does occur, the operator shall immediately return spilled materials to the vehicle and shall properly clean the spill area. In the event of a spill of a hazardous substance the department shall be notified under s. 144.76, Stats., and the spill material shall be collected and the environment restored as provided in ch. NR 158.

(5) **EXPANSION OR TERMINATION.** The owner or operator shall notify the department in writing of any expansion or termination of a service or of any change in disposal facilities used at least 30 days prior to the effective date of such action.

(6) **RESPONSIBILITY.** A person generating solid waste shall be responsible for the collection and transportation of the waste to a solid waste disposal facility licensed by the department unless the person contracts with a collection and transportation service licensed by the department for that purpose.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.07 Transfer facilities. (1) **GENERAL.** No person may operate or maintain a solid waste transfer facility unless the person has received an operating license from the department, except as otherwise provided in sub. (2). Any person intending to establish or construct a solid waste transfer facility shall contact the department to arrange for an initial inspection.

(2) **EXEMPTIONS.** Transfer facilities at which waste from individual users or from hand unloaded vehicles not exceeding one ton in capacity are exempt from the plan approval requirements of this chapter and licensing but shall be operated and maintained in conformance with the following practices:

(a) Containers shall be leak-proof and manufactured of nondegradable material such as metal, plastic or concrete.

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(b) Where mechanical equipment is a part of the operation, access shall be limited to those times that an attendant is on duty. Access restrictions and an attendant may be required by the department for a nonmechanical facility.

(c) Containers shall be removed or emptied at least once per week and more frequently if conditions warrant.

(d) The transfer station and adjacent area shall be kept clean and free of litter.

(e) Burning of solid waste may not be conducted.

(f) Effective means shall be provided to control flies, rodents and other insects or vermin.

(g) An all-weather access road and parking area shall be provided and maintained.

(h) If recycling facilities are provided, they shall be clearly labeled and maintained in a nuisance-free manner.

(3) PLAN OF OPERATION. No person may establish or construct a transfer station prior to obtaining approval in writing from the department of a plan of operation for the facility. The plan of operation shall specify the intent and objectives of the proposal and indicate methods and procedures to minimize adverse environmental impacts. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.04 and shall contain, at a minimum the following information:

(a) A legal description of the property and the facility boundaries.

(b) The present ownership of the proposed facility property.

(c) Land use within ¼ mile of the proposed facility.

(d) The operator of the facility.

(e) The size of the facility.

(f) A USGS 7½ minute or 15 minute quadrangle map of the facility property.

(g) The proposed methods of screening waste handling operations from the surrounding area.

(h) A discussion of the consistency of facility development with area-wide solid waste management plans, land use plans or other area-wide plans. Alternatives considered in the project planning phase shall be discussed.

(i) The population and area to be served by the facility and projections for changes in use in the future.

(j) The type and quantity of waste to be handled, and specific waste types which will not be accepted at the facility. The method for screening the incoming waste to eliminate unacceptable material such as asbestos, infectious waste, explosive wastes, hazardous waste or other materials from endangering the operators' safety shall be identified.

(k) The persons responsible for structural improvements, building maintenance and daily operation and control of the facility.

(l) The types of vehicles used to transport solid waste into and out of the facility.

(m) The vehicle traffic routing at the facility and provisions for access to connecting roadways.

(n) The source of the facility's water supply and the method of wastewater treatment.

(o) The methods of volume reduction to be used such as compacting, grinding, compression or tamping.

(p) The design criteria used to select equipment capacity and building configuration and sizing.

(q) Daily clean-up procedures.

(r) The names and locations of all solid waste disposal facilities to which waste from the transfer station may be hauled.

(s) The procedures for alternate routing of waste during inoperable periods at the facility.

(t) The procedures to handle heavy or bulky items and locations for storage of solid waste beyond the end of the working day.

(u) The equipment and procedures designed to control dust, odors, noise, fire and windblown paper.

(v) The proposed life expectancy of the facility.

(w) A detailed discussion of the safety equipment and procedures to be used at the facility.

(4) ENGINEERING PLANS. The plan of operation shall include a set of engineering plans and maps which contain the following information unless an exemption is granted in writing by the department:

(a) An existing conditions map, which shows the entire facility and the area within $\frac{1}{2}$ mile. The minimum scale shall be $1" = 400'$. This map shall include the facility boundary, property lines, easements and right-of-way; building foundations, roads, utilities and other structures; existing topography, drainage swales, surface waters, wetlands, floodplains and similar drainage features; wooded areas; location of soil borings and test pits; features of historical and archaeological significance; and other features as appropriate.

(b) A facility plan which shall include the proposed facility access roads and traffic patterns, buildings, scales, utility lines, drainage diversion, screening, means of access control, final topography, areas to be cleared of vegetation and other design features. The extent of coverage and scale shall be the same as that for the existing conditions map.

(c) A proposed process layout plan which shows the receiving, storage and loadout areas. The minimum scale shall be $1" = 20'$. The plans shall include design details for the receiving area configuration and traffic flow patterns, storage area and equipment configuration, loadout area and equipment configuration, and other design features.

(5) CONSTRUCTION DOCUMENTATION REPORT. The department may require the applicant to submit a construction documentation report for any transfer facility. When a documentation report is required, it shall be prepared in accordance with the department's plan approval and s. NR 500.05. Operation of the facility may not begin until the report is approved in writing by the department and a license is issued. The department may issue a license prior to facility construction or construction documentation.

(6) LOCATIONAL CRITERIA. Transfer facilities shall meet the locational criteria specified in s. NR 502.04 (2) (c) and the performance standards specified in s. NR 502.04 (3). Exemptions from the requirements of s. NR 502.04 (3) (b), (e) and (f) may be granted only upon demonstration by the applicant of circumstances which warrant such exemptions. Exemptions from compliance with s. NR 502.04 (3) (a) may be granted only in accordance with the standards in s. NR 1.95. Exemptions from compliance with s. NR 502.04 (3) (d) may be granted only in accordance with the procedures in ch. NR 140. Exemptions from compliance with s. NR 502.04 (2) (c) and (3) (c) will not be granted.

(7) OPERATIONAL REQUIREMENTS. No person may operate or maintain a transfer facility except in conformance with an approved plan of operation and the following minimum requirements:

(a) A sign shall be prominently posted at the entrance to the facility, which indicates the name, license number, the hours of operation, waste types accepted, necessary safety precautions and any other pertinent information specified by the department.

(b) A building, roofed and enclosed on at least 3 sides or otherwise enclosed to satisfactorily control dust, papers, and other waste materials, shall be provided.

(c) Screening of waste handling operations shall be provided for a transfer facility located within 500 feet of any residence, unless a signed waiver is received from all residents located within 500 feet of the facility.

(d) The facility shall be operated under the direct supervision of responsible individuals who are thoroughly familiar with the requirements and the operational procedures of the transfer facility.

(e) Access shall be restricted except when an attendant is on duty.

(f) There may be no storage of solid waste on the premises for a period greater than 24 hours except in conformance with s. NR 502.05 or unless the waste is contained in vehicles used by a licensed collection and transportation service. Longer storage periods may be authorized by the department for certain industrial and commercial waste depending on the design of the facility.

(g) Unloading of solid waste shall take place only within the enclosed structure and only in approved designated areas.

(h) Solid waste shall be confined to the unloading, loading and handling area.

(i) The transfer facility and adjacent area shall be kept clean and free of litter.

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(j) Sewage solids, sludge or wastes containing free liquids may not be accepted unless special handling plans for these wastes have been submitted to the department and approved in writing. Asbestos, infectious or hazardous waste may not be accepted under any circumstances.

(k) Dust and odor generated by the unloading of solid waste and the operation of the transfer facility shall be controlled at all times.

(l) Burning of solid waste may not be conducted.

(m) Solid waste which is burning or is at a temperature likely to cause fire or is flammable or explosive may not be accepted.

(n) Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

(o) Means shall be provided to control flies, rodents and other insects or vermin.

(p) Provisions shall be made for adequate maintenance of the transfer facility after each day of operation.

(q) Means of communication shall be provided for emergency purposes.

(r) An approved alternative method of waste processing or disposal shall be provided in the event that the transfer facility is rendered inoperable.

(s) Recyclable material may be separated from the incoming waste and stored provided that no fire hazard or nuisance conditions are created.

(8) CLOSURE. Any person who operates or maintains a transfer facility or who permits the use of property for such purpose shall close the facility in accordance with any plan approval issued by the department and the following minimum practices:

(a) The operator shall notify the department and all users of the facility in writing at least 60 days prior to closure.

(b) Access shall be restricted through the use of a fence, gate, plantings or other appropriate means upon closure of the facility.

(c) The operator shall post a sign in a prominent location notifying users of the date at which the facility will close.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.08 Solid waste processing facilities. (1) GENERAL. No person may operate or maintain a solid waste processing facility unless the person has obtained an operating license from the department, except as provided in sub. (2). An applicant intending to establish or construct a solid waste processing facility shall contact the department to arrange for an initial inspection. This section does not apply to incinerators, air curtain destructors or wood burning facilities which are regulated under ss. NR 502.09 to 502.11.

(2) EXEMPTIONS. The following facilities are exempt from licensing and the requirements of this section:

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(b) All facilities operated more than 4 hours per day shall be equipped with a toilet and wash basin or have such facilities available within a reasonable distance.

(12) CONSTRUCTION DOCUMENTATION. The department may require that a registered professional engineer document facility construction and render an opinion whether the facility has been constructed in substantial conformance with the approved plan. When a documentation report is required, it shall be prepared in accordance with the department's plan approval and s. NR 500.05. Operation of the facility may not commence until the report is approved in writing by the department and a license is issued. The department may issue a license prior to facility construction or construction documentation.

(13) MONITORING. Specific monitoring requirements and testing procedures for new, expanded and existing processing facilities will be determined by the department based on a review of the potential for environmental pollution. The department may require the owner or operator of any processing facility or any person who permits the use of property for such purpose to conduct monitoring as follows:

(a) Air quality monitoring.

(b) Product testing and waste characterization. The frequency of testing and parameters to be analyzed will be determined based on a review of the proposal and complexity of the product. The quality control program will correlate with the nature of the solid waste to be processed and final uses proposed for the material.

(c) Groundwater and surface water monitoring. The frequency and type of monitoring and analysis will be determined based on a review of the project.

(d) Periodic assessments of plant operation, process feasibility and marketability analyses of processed materials.

(14) CLOSURE. Any person who maintains or operates a processing facility or who permits the use of property for such purpose shall close the facility in accordance with the following practices unless otherwise specified by the department in writing:

(a) The operator shall notify the department and all users of the facility in writing at least 120 days prior to ceasing to accept solid waste.

(b) A sign shall be placed at the entrance to the facility notifying all users that the facility is no longer accepting solid waste.

(c) Access to the facility shall be restricted through the use of a fence, gate or other appropriate means.

(d) The department may require the continuance of groundwater, surface water and air quality monitoring after closure of the facility.

(e) The operator shall submit to the department for approval at least 120 days prior to facility closure, a plan for facility closure. The department shall review the plan and notify the operator of the acceptability and completeness of the plan. If additional items are needed to properly close the facility the operator shall be notified and appropriate additions shall be made to the closure plan.

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(f) All aspects of facility closure other than monitoring shall be completed within 6 months after ceasing to accept solid waste.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.09 Incinerators. (1) **GENERAL.** Solid waste incineration facilities are exempt from licensing under this section provided that:

(a) A permit has been obtained in accordance with s. 144.391, Stats., if required; and

(b) The facility is located, designed and operated in accordance with subs. (3) and (4); and

(c) Waste characterization is performed in accordance with sub. (5).

(2) **EXEMPTIONS.** (a) Incinerators having a capacity of 500 pounds per hour or less are exempt from all requirements of this section except sub. (5). The facility shall be designed and operated in conformance with emission limitations of state air pollution control regulations.

(b) Incinerators burning only clean wood waste are exempt from all requirements of this section except sub. (5).

(3) **LOCATION CRITERIA.** Incinerators shall meet the locational criteria specified in s. NR 502.04 (2) (c) and the performance standards specified in s. NR 502.04 (3). Exemptions from the requirements of s. NR 502.04 (3) (b), (e) and (f) may be granted only upon demonstration by the applicant of circumstances which warrant such exemptions. Exemptions from compliance with s. NR 502.04 (3) (a) may be granted only in accordance with the standards in s. NR 1.95. Exemptions from compliance with s. NR 502.04 (3) (d) may be granted only in accordance with the procedures in ch. NR 140. Exemptions from compliance with s. NR 502.04 (2) (c) and (3) (c) will not be granted.

(4) **OPERATIONAL REQUIREMENTS.** No person may operate or maintain an incineration facility except in conformance with the following minimum requirements, unless an exemption is granted by the department in writing:

(a) The incinerator shall be situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

(b) Adequate shelter and sanitary facilities shall be available for personnel.

(c) A sign shall be prominently posted at the entrance to the facility which indicates the name, license number, the hours of operation, necessary safety precautions and any other pertinent information.

(d) All incoming solid waste shall be confined to the designated storage area.

(e) Solid waste shall be stored in conformance with s. NR 502.05.

(f) Dust shall be controlled in the unloading and charging areas.

(g) Permanent records shall be maintained including the weights of material incinerated, the quantity of resulting residue, hours of plant operation, combustion temperatures, residence time and other pertinent information.

(h) Appropriate fire-fighting equipment shall be available in the storage and charging areas and elsewhere as needed.

(i) Arrangements shall be made with the local fire protection agency to provide adequate emergency fire-fighting forces.

(j) Means of communication with emergency facilities shall be provided.

(k) Adequate equipment shall be provided to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.

(l) The charging openings as well as all equipment throughout the plant shall be provided with adequate safety equipment.

(m) The incinerator shall be designed and operated such that it will not cause a nuisance because of the emission of noxious odors, gases, contaminants or particulate matter or exceed emission limitations established by state air management rules.

(n) Residue shall be disposed of at a solid waste facility licensed by the department to accept the material or be handled by an alternate method approved in writing by the department. Approval will be issued on a case-by-case basis after review of the information contained in sub. (5).

(o) All wastewater from the incinerator shall be discharged into a sanitary sewer or other system approved in writing by the department.

(p) Upon completion of construction of a new incinerator and at least 10 days prior to initial operation, the department shall be notified to allow inspection of the incinerator both prior to and during any performance tests and initial operation.

(q) Open burning of solid waste shall not be conducted.

(r) An approved alternative method shall be used for solid waste disposal during any time that the incinerator is inoperable.

(s) The incoming waste shall be screened to eliminate unacceptable material from entering the facility such as hazardous waste, asbestos, explosive materials or other materials which may endanger operator safety.

(5) WASTE CHARACTERIZATION. The owner or operator of an incineration facility shall undertake a testing program as follows:

(a) An ash testing program shall be completed within 60 days of construction and shake-down of the incinerator. Representative samples of both fly ash and bottom ash shall be tested for physical characteristics, bulk chemical composition, analysis using the appropriate leaching test and analysis using the EP toxicity test or other test to determine the wastes' regulatory status under federal or state hazardous waste laws. Test methods, the number of tests, detection limits, and parameters to be tested for will be specified by the department.

(b) A long-term ash testing program shall be established. For the first year of operation, quarterly testing of at least one sample of bottom ash and one sample of fly ash shall be performed using approved methods and

procedures. Thereafter, annual sampling and testing shall be performed. The department may specify an alternate testing program.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

NR 502.10 Air curtain destructors. (1) **GENERAL.** No person may operate or maintain an air curtain destructor unless the person has obtained an operating license from the department. Any person intending to establish or construct an air curtain destructor shall contact the department to arrange for an initial inspection.

(2) **PLAN OF OPERATION.** No person may establish or construct an air curtain destructor or expand an existing air curtain destructor prior to obtaining approval in writing from the department of a plan of operation for the facility. The air curtain destructor shall comply with all applicable emission requirements of the state air management rules. The plan of operation shall include at a minimum the following:

(a) A map or aerial photograph of the area showing land use, zoning, homes, industrial buildings and roads within ¼-mile of the facility.

(b) A plot plan of the air curtain destructor facility showing means of restricting access, method of screening the facility from the surrounding area, general layout of equipment, access roads and waste material storage areas.

(c) Construction plans for the burning pit.

(d) Plans and specifications for the blower unit and appurtenances.

(e) A report indicating the type and quantity of waste material to be consumed, planned method of charging, startup procedures, safety features to be used at the facility both during and after burning, proposed pit clean-out procedures and methods to be employed in conforming to the minimum requirements of the state air management rules.

(f) The facility at which the ash residue will be disposed and any alternative facilities available for use when the primary facility is inoperative.

(3) **LOCATIONAL CRITERIA.** Air curtain destructors shall meet the locational criteria specified in s. NR 502.04 (2) (c) and the performance standards specified in s. NR 502.04 (3). Exemptions from the requirements of s. NR 502.04 (3) (b), (e) and (f) may be granted only upon demonstration by the applicant of circumstances which warrant such exemptions. Exemptions from compliance with s. NR 502.04 (3) (a) may be granted only in accordance with the standards in s. NR 1.95. Exemptions from compliance with s. NR 502.04 (3) (d) may be granted only in accordance with the procedures in ch. NR 140. Exemptions from compliance with s. NR 502.04 (2) (c) and (3) (c) will not be granted.

(4) **OPERATIONAL REQUIREMENTS.** No person may construct, operate or maintain an air curtain destructor except in conformance with any approved plan of operation and the following minimum requirements:

(a) The burning pit shall be constructed of a material which will result in a pit of permanent dimensions. Unconsolidated soils are not an acceptable material for construction of the burning pit. Maintenance shall be performed on the pit to keep its dimensions constant to keep the air curtain destructor working properly.

ties to be disposed; anticipated covering frequency; equipment to be used and mode of operation.

(b) Geotechnical information shall be obtained by drilling a minimum of 5 soil borings which extend to 25 feet below the anticipated facility base grade or to bedrock, whichever is less unless an alternative geotechnical program is approved by the department in writing. The borings shall be distributed on a grid pattern throughout the area. A minimum of 3 representative samples shall be taken from each major soil layer encountered during installation of the borings and shall be analyzed for grain size distribution and classified according to the unified soil classification system.

(c) Water table observation wells shall be installed to adequately define the water table surface and hydraulic gradients. At a minimum, 3 water table observation wells shall be installed. The well locations shall be chosen in an effort to place one well upgradient and the other 2 downgradient at the proposed facility.

(d) The results of the subsurface investigations shall be summarized using a series of geologic sections which connect the soil borings performed. Each section shall show present topography, borings, wells, major soil layers, water table and bedrock.

(e) Topographic survey information shall be displayed on a plan sheet showing the proposed fill area, property boundaries, proposed facility boundaries, soil borings performed and wells installed. The minimum scale shall be 1" = 200' with a maximum contour interval of 5 feet. This map may consist of a blow-up of a USGS map, with supplemental information added as appropriate. Drainage patterns shall be shown. In addition, the plan sheet shall show all roads adjacent to or near the proposed facility; homes, water supply wells and wetlands or water courses within ¼ mile of the facility.

(f) A topographic plan sheet showing the proposed base grades and the sequence of filling shall be prepared. A contour interval of 2 feet should be used and all drainage patterns shown.

(g) A topographic plan sheet showing the proposed final grades shall be prepared.

(h) Cross-sections, both north-south and east-west, shall be drawn through the fill area delineating present topography, soils information, groundwater, base grades, and final contours. This information may be shown on the geologic cross-sections required in par. (d) if clarity is not compromised.

(i) An appendix shall be prepared which includes all raw data such as boring logs, soil tests, well construction data and water level measurements; a plat map of the area; a soil conservation service soil map and interpretation and references.

(5) CONSTRUCTION DOCUMENTATION REPORT. The department may require the applicant to submit a construction documentation report for any small demolition waste disposal facility. When a documentation report is required it shall be prepared in accordance with the department's plan approval and s. NR 500.05. Operation of the facility may not begin until the report is approved in writing by the department.

(6) OPERATIONAL REQUIREMENTS. Any person operating a facility for the disposal of less than 50,000 cubic yards of demolition wastes shall meet the operational requirements listed in s. NR 502.12 (5) (c), (d) and (e), and comply with the terms and conditions of the plan approval for the facility.

(7) MONITORING. The department may require installation of groundwater and leachate monitoring wells or other devices, groundwater and leachate sampling and analysis programs, gas monitoring and provisions to protect against detrimental effects of leachate and gas migration from any small demolition waste disposal facility.

(8) CLOSURE REQUIREMENTS. The closure of the facility shall meet the requirements listed in s. NR 502.12 (7), and the terms and conditions of the plan approval for the facility.

(9) EXPANSIONS. Any person who wishes to expand an existing small demolition waste disposal facility shall comply with all provisions of this section. The department shall interpret expansions to include any new facility within 1,000 feet of an existing facility. The department may deny any request for an expansion, if in the department's opinion, the disposal of additional waste may result in a detrimental effect on surface or groundwater or cause or exacerbate an attainment or exceedance of any standard in ch. NR 140. The local geology, hydrology, hydrogeology and typography shall be considered in this decision.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.