

Washington, D.C. 20402

b. Has been issued an operating license as a hazardous waste facility under chs. NR 600 to 685, or has an interim license, variance, waiver, or exemption from licensing under s. NR 630.04 (1) to (16).

(b) If the generator sends the hazardous waste to an on-site hazardous waste facility or an off-site hazardous waste facility within Wisconsin which the generator owns or operates, the generator shall comply with the requirements of chs. NR 600 to 685, except as provided in subs. (4) and (5) and s. NR 630.04 (1) to (16).

(c) Except as provided in s. NR 620.04, generators may offer hazardous waste for transportation only to a person who has obtained a transportation service license from the department in accordance with ch. NR 620.

(4) ACCUMULATION OF WASTES BY GENERATORS FOR 90 DAYS OR LESS.

(a) *On-site accumulations.* A generator who accumulates hazardous waste on-site, in containers or tanks, without a storage license, for 90 days or less shall comply with the requirements of this subsection:

1. Within 90 days, all waste shall be either:

a. Shipped off-site to a facility which meets the requirements of sub. (3) (a) 2.; or

b. Treated, stored or disposed of in an on-site hazardous waste facility or an on-site recycling facility that has received an operating license, interim license, variance or waiver, or is exempt from licensing under s. NR 630.04 (1) to (16) and is approved to accept the waste under the operating license, interim license, variance, waiver or exemption.

2. If the waste is placed in containers, the generator shall comply with the container requirements in ss. NR 640.08 to 640.12, 640.14 and 640.15. In addition, the generator is exempt from the closure and long-term care requirements of s. NR 685.05, except subs. (1) and (8), and ss. NR 685.06 and 685.07. The generator shall meet the following requirements:

a. The generator shall comply with the packaging, labeling, marking and placarding requirements in s. NR 615.09.

b. The generator shall inspect all areas where containers are stored as well as all containers used for storing hazardous waste at least weekly for evidence of leakage, corrosion or deterioration of the containers or discharge confinement structures, such as dikes.

c. The generator shall record the inspections under subpar. b. in an inspection log or summary. These records shall be kept for at least 3 years from the date of the inspection. At a minimum, these records shall include the date and time of inspection, the name of the inspector, a notation of the observation made, and the date and name of any repairs or other remedial actions.

d. If a container is not in good condition or if the contents of the storage container begin to leak, the hazardous waste in the container shall be recontainerized in a storage container in good condition.

e. A container holding hazardous waste shall always be closed during storage except when it is necessary to add or remove waste.

f. A container holding hazardous waste may not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

g. Containers holding ignitable or reactive waste shall be located at least 50 feet from the generation site's property line.

h. Storage containers holding hazardous waste which is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks or surface impoundments shall be separated from them by means of a dike, berm, wall or other device.

i. Hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material, unless s. NR 630.17 (2), is complied with.

j. The container shall be made or lined with materials which will not react with, and are otherwise compatible with the hazardous waste to be stored.

3. If the waste is placed in tanks, the generator shall comply with the tank system requirements of ch. NR 645, except the provisions of ss. NR 645.06, 645.15, 645.16 and 645.17 (1) (a) 3. In addition, a generator is exempt from the closure and long-term care requirements of s. NR 685.05, except subs. (1) and (8), and ss. NR 685.06 and 685.07. The generator shall meet the following requirements:

a. The generator shall inspect all tanks used for storing hazardous waste at least weekly for evidence of leakage, or corrosion or deterioration of the tank or discharge confinement structures, such as dikes.

b. The generator shall inspect tanks used to store hazardous waste once each operating day to ensure that discharge control equipment, such as the waste feed cutoff, is in good working order, to ensure that the tank is being operated according to its design by gathering data from monitoring equipment, such as pressure or temperature gauges, and to ensure that the level of the waste in the tank complies with subpar. f.

c. The generator shall record the inspections under subpar. a. in an inspection log or summary. These records shall be kept for at least 3 years from the date of the inspection. At a minimum, these records shall include the date and time of inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

d. Incompatible waste may not be placed in the same tank unless s. NR 630.17 (2) is complied with.

e. Storage tanks which contain volatile waste shall be operated in compliance with all appropriate air management rules contained in chs. NR 400 to 499, regarding the control of organic compound emissions.

f. Uncovered tanks shall be operated to ensure at least 2 feet of freeboard.

g. Hazardous waste may not be placed in a tank if the waste could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.

Note: A material that does not initially meet the definition of hazardous waste in s. NR 605.04 can become a hazardous waste after it is spilled or leaked. This would be true if:

1) The spilled or leaked material will not be used without treatment, for its originally intended purpose, and;

2) that material is listed in s. NR 605.09 and has not been excluded from the lists under s. NR 605.10, or it exhibits any of the characteristics of hazardous waste identified in s. NR 605.08.

For example, a spilled or leaked commercial chemical product having a generic name listed in s. NR 605.09 (3) (b), table IV or (c), table V, would be hazardous waste if it was not going to be used, without treatment, for its originally intended purpose.

(6) TREATMENT WITH ABSORBENT MATERIAL BY GENERATORS. A generator who combines absorbent material with a waste generated on-site in a container for the purpose of eliminating free liquids without a hazardous waste treatment license shall comply with the requirements of this subsection:

(a) The requirements of s. NR 630.17 (2) for ignitable, reactive and incompatible wastes;

(b) The requirements of sub. (4) (a) 2. d. for containers not in good condition;

(c) The requirements of sub. (4) (a) 2. j. for container materials;

(d) The generator shall combine absorbent material with a waste generated on-site only at the time that the waste is first placed in a container;

(e) The treatment shall be performed in such a way as to not allow any spillage of waste or treated waste. If spillage is unavoidable, the treatment shall take place in an area where all spilled waste can be contained and collected for immediate placement in the container in which the treatment is taking place.

(f) The generator shall manage any hazardous waste which is treated in accordance with the requirements of this chapter.

(7) STORAGE AND TREATMENT LICENSE REQUIREMENTS FOR GENERATORS. (a) A generator may accumulate hazardous waste on-site in containers or tanks for 90 days or less without a storage license if the generator meets the requirements of sub. (4).

(b) A generator may accumulate hazardous waste on-site in a tank used for spill or leak containment without a storage license if the generator meets the requirements of sub. (5).

(c) A generator who accumulates hazardous waste on-site in containers or tanks for 90 days or less without a storage license and who does not meet the requirements of sub. (4) or (5) is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in ch. NR 630 and the licensing requirements for storage facilities in ch. NR 680.

(d) A generator may combine absorbent material with a waste generated on-site without a treatment license if the generator meets the requirements of sub. (6).

(e) A generator who combines absorbent material with a waste generated on site without a treatment license and who does not meet the re-

quirements of sub. (6) is an operator of a hazardous waste treatment facility and is subject to the treatment facility requirements in ch. NR 630 and the licensing requirements for treatment facilities in ch. NR 680.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (4) (a) 5. and (5) (c), Register, August, 1992, No. 440, eff. 9-1-92; correction in (4) (a) 3. made under s. 13.93 (2m) (b) 7, Stats., Register, August, 1992, No. 440; correction in (4) (a) 3. made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1993, No. 447.

NR 615.06 Hazardous waste determination. A person who generates a solid waste shall use the following procedure to determine if that waste is a hazardous waste:

(1) The generator shall first determine if the solid waste is excluded from regulation under s. NR 605.05.

(2) The generator shall then determine if the solid waste is listed as a hazardous waste in s. NR 605.09.

(3) For purposes of compliance with ch. NR 675 or if the waste is not listed as a hazardous waste in s. NR 605.09, the generator shall determine whether the waste is identified in s. NR 605.08 by either:

(a) Testing the waste according to the methods in s. NR 605.08; or

(b) Applying knowledge of the hazardous characteristic of the solid waste considering the materials or the processes used.

(4) If a generator changes any processes in a way that could affect the characteristics of any solid waste produced, the generator shall again follow the hazardous waste determination procedures of this section.

(5) A generator shall keep records of any test results, waste analyses or other determinations made in accordance with the requirements of this section for at least 3 years from the date that the waste was last sent to an on-site or off-site storage, treatment or disposal facility. Upon written notice from the department to the generator, the period of retention may be extended beyond 3 years. The notice shall specify the records or types of records that are to be retained.

(6) If the waste is determined to be hazardous, the generator shall refer to chs. NR 600 to 685 for possible exclusions pertaining to the management of the generator's specific waste.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (3) (intro.), Register, August, 1992, No. 440, eff. 9-1-92.

NR 615.07 Identification numbers. (1) A generator may not treat, store, dispose of, recycle, transport or offer for transportation, hazardous waste without an identification number.

(2) A generator who has not received an identification number may obtain one by applying to EPA using the notification form specified in s. NR 600.05.

(3) A generator may not offer hazardous waste to transporters or to storage, treatment, disposal or recycling facilities that have not received an identification number.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 615.08 Manifest system. (1) Any generator who transports, or offers for transportation, hazardous waste for off-site storage, treatment, Register, March, 1993, No. 447

name, hazard class and ID number for each hazardous waste as identified in 49 CFR Parts 171 to 177, October 1, 1990;

Note: The publication containing the CFR references may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

b. The estimated frequency or rate at which waste is to be exported and the period of time over which waste is to be exported.

c. The estimated total quantity of the hazardous waste in units as specified in the instructions to the Wisconsin uniform hazardous waste manifest form (4400-66);

d. All points of entry to and departure from each foreign country through which the hazardous waste will pass;

e. A description of the means by which each shipment of the hazardous waste shall be transported, such as mode of transportation vehicle including air, highway, rail or water and type of container, such as drums, boxes and tanks;

f. A description of the manner in which the hazardous waste shall be treated, stored or disposed of in the receiving country, such as land or ocean incineration, other land disposal, ocean dumping or recycling;

g. The name and site address of the consignee and any alternate consignee; and

h. The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in each country and the nature of its handling while there;

(b) Except for changes to the primary exporter's telephone number, the mode of transportation used, such as air, rail or water, and decreases in the quantity indicated on the manifest, when the conditions specified on the original notification change, including any quantity of hazardous waste that exceeds the estimate specified in the original notification, the primary exporter shall meet the requirements of this subdivision;

1. The primary exporter shall provide the department and EPA with a written renotification of the change.

2. The shipment may not take place unless;

a. The primary exporter obtains the consent of the receiving country to the changes as well as the consent to the charge from all points of entry and departure located in transit countries, except for changes to par. (a) 2. d. and h., and

b. The primary exporter receives an EPA acknowledgment of consent reflecting the receiving country's consent to the changes.

c. Upon request by the department or EPA, a primary exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

Note: In conjunction with the department of state, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of sub. (1). Where a

claim of confidentiality is asserted with respect to any notification information required by sub. (1), EPA may find the notification not complete until any claim is resolved in accordance with s. NR 2.19.

Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA acknowledgement of consent to the primary exporter for purposes of sub. (1p). Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

(1c) When a shipment cannot be delivered for any reason to the designated or alternate consignee the primary exporter shall comply with the requirements of this subsection:

(a) The primary exporter shall renotify the department and EPA of the change in the conditions of the original notification to allow shipment to a new consignee in accordance with sub. (1) (b) and obtain an EPA acknowledgement of consent prior to delivery; or

(b) 1. The primary exporter shall instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

2. The primary exporter shall instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

(1e) The primary exporter shall require that the foreign consignee confirm in writing the delivery of the hazardous waste to the facility in the foreign country and to describe any significant discrepancies between the manifest and the shipment. A copy of the manifest signed by the foreign consignee may be used for this purpose.

(1g) The primary exporter shall meet the requirements under s. NR 615.08 for the manifest, except that:

(a) In place of the name, site address and identification number of the designated facility, the name and address of the foreign consignee shall be used.

(b) In place of the name, site address and identification number of a licensed alternate facility, the primary exporter may enter the name and site address of any alternate consignee.

(c) The primary exporter shall identify the point of departure from the United States through which the hazardous waste shall travel before entering a foreign country, and shall identify the point of departure in box 15 of the manifest, special handling instructions and additional information.

(d) The primary exporter shall obtain and use the Wisconsin uniform manifest form if Wisconsin supplies the manifest and requires its use.

(1i) The primary exporter shall have consent of the receiving country to accept the hazardous waste.

(1k) The primary exporter shall require a copy of the EPA acknowledgement of consent that accompanies the hazardous waste shipment. The EPA acknowledgement of consent shall be attached to the manifest or shipping paper for exports by bulk shipment by water vessel. The EPA acknowledgement of consent for exports by rail shall accompany the hazardous waste shipment but need not be attached to the manifest.