

Chapter NR 630

STORAGE, TREATMENT AND DISPOSAL FACILITY GENERAL STANDARDS

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NR 630.01 Purpose. The purpose of this chapter is specify the general requirements that apply to the storage, treatment and disposal of hazardous waste.

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

NR 630.02 Applicability. This chapter applies to the owners and operators of storage, treatment or disposal facilities. This chapter does not apply to solid waste facilities that store, treat or dispose of only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 144.81 (5), Stats., or
- (3) A combination of wastes described in subs. (1) and (2).

Note: Additional requirements for specific facilities are given in chs. NR 640 to 670.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction made under s. 13.93 (2m) (b) 1, Stats., Register, August, 1992, No. 440; am. (2), r. (3), renum. (4) to be (3) and am., Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.03 Definitions. The definitions in s. NR 600.03 apply to this chapter.

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

NR 630.04 Exemptions. The requirements of this chapter do not apply to the following, except to the extent they are specifically included:

(1) The owner or operator of a wastewater treatment unit that treats waste from on-site. This exemption also applies to a wastewater treatment unit that treats waste from off-site if the owner or operator of a unit that treats waste from off-site complies with pars. (a) to (d). This exemption does not apply to the treatment, storage or disposal of sludges, residues or other hazardous waste produced during the treatment process when this material is removed from the wastewater treatment unit or when the treatment process ceases. This exemption shall apply to the wastewater treatment units which treat waste from off-site if the owner or operator complies with the following requirements:

(a) The notification requirements specified in s. NR 630.10.

(b) The manifest system requirements specified in s. NR 630.30;

(c) The recordkeeping requirements specified in s. NR 630.31 (1) (a) and (b); and

(d) The reporting requirements specified in s. NR 630.40 (1) and (2).

(2) The owner or operator of a POTW which accepts hazardous waste for treatment or recycling, if the owner or operator complies with pars. (a) to (g). This exemption does not apply to the treatment, storage or disposal of sludges, residues or other hazardous waste produced during the treatment process when the material is removed from the POTW treatment units or when the treatment process ceases. To be exempt under this subsection, the owner or operator shall:

(a) Have a WPDES permit;

(b) Comply with the conditions of that permit;

(c) Comply with the notification requirements specified in s. NR 630.11, the manifest system requirements specified in s. NR 630.30, the recordkeeping requirements specified in s. NR 630.31 (1) (a) and (b), the reporting requirements specified in s. NR 630.40 (1) and (2); and

(d) Except for spent pickle liquor that is accepted for recycling, meet all federal, state and local pretreatment requirements which would be applicable to the waste if it were discharged into the POTW through a sewer, pipe or similar conveyance.

(e) Except as provided in par. (f), if a hazardous waste is stored prior to treatment or recycling, the storage shall be in a wastewater treatment unit as specified in sub. (1) or in a storage facility which has received an operating license, interim license, variance or waiver.

(f) If spent pickle liquor is stored prior to recycling, the storage shall be in accordance with par. (e), or shall be in a tank which is approved under s. 144.04, Stats.

(g) If the WPDES permit was issued after November 8, 1984, the POTW shall comply with the corrective action requirements of s. NR 635.17.

(3) The owner or operator of a surface impoundment which has its discharges regulated under ch. 147, Stats.,

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which accepts hazardous waste for treatment, if the owner or operator complies with pars. (a) to (c). This exemption does not apply to the treatment, storage or disposal of sludges, residues or other hazardous waste produced during the treatment process when this material is removed from the impoundment or impoundments or when the treatment process ceases. To be exempt under this subsection, the owner or operator shall:

(a) Have a WPDES permit for the discharge from the impoundment or have the discharge from the impoundment conveyed to a POTW directly through a sewer or pipe or similar conveyance;

(b) Comply with the conditions of the WPDES permit or all the federal, state and local pretreatment requirements which are applicable for direct discharges to a POTW; and

(c) Comply with all the requirements of s. NR 660.19.

(4) A generator accumulating waste on-site in containers, in tanks or on drip pads in compliance with s. NR 615.05 (4), except to the extent that the requirements of s. NR 600.04 and chs. NR 630 to 685 are made applicable in s. NR 615.05 (4).

(5) The owner or operator of a totally enclosed treatment facility.

(6) The owner or operator of a recycling facility, if the owner or operator complies with the requirements specified in ch. NR 625.

(7) The owner or operator of an elementary neutralization unit, if the owner or operator of the elementary neutralization unit complies with the following requirements:

(a) Obtains an identification number as specified in s. NR 630.11.

(b) The security requirements specified in s. NR 630.14 (1).

(c) The inspection requirements specified in s. NR 630.15.

(d) Operation requirements as specified in s. NR 630.17 (2).

(e) Manifest, recordkeeping and reporting requirements specified in ss. NR 630.30, 630.31 and 630.40.

(f) The hazardous waste discharge reporting requirement specified in s. NR 630.22 (2) (c).

(g) At closure, the owner or operator of an elementary neutralization unit shall remove all hazardous waste and hazardous waste residue from the unit and comply with the applicable requirements of chs. NR 600 to 685 for this waste.

(h) Any sludges, residues or other hazardous waste produced during the neutralization process are subject to the applicable requirements of chs. NR 600 to 685 when this material is removed from the elementary neutralization unit or when the neutralization process ceases.

(i) The elementary neutralization unit shall be constructed of sturdy, leakproof material and shall be designed, constructed and operated so as to prevent hazardous waste from being discharged during the operating life of the unit.

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(8) The owner or operator of a facility operating under an interim license except to the extent that the requirements are listed in ss. NR 680.21 (4) and (5) and 680.22.

(9) A small quantity generator accumulating waste on-site in compliance with s. NR 610.08.

(10) A very small quantity generator accumulating waste on-site in compliance with s. NR 610.07.

(11) A generator who combines absorbent material with a waste generated on-site in a container for the purpose of eliminating free liquids, if the generator complies with s. NR 615.05 (6).

(12) A person who stores waste lead-acid batteries that are destined for recycling and who complies with s. NR 625.12.

(13) A licensed transporter accumulating manifested shipments of waste at a transfer facility in compliance with s. NR 620.14.

(14) The owner or operator of a solid waste disposal facility licensed under chs. NR 500 to 522, if the only hazardous waste the facility stores is excluded from regulation under s. NR 600.04 and chs. NR 630 to 685 by s. NR 610.05 (1) and the facility has been approved under s. NR 506.15 (2) to accept small quantities of hazardous waste.

(15) A person who treats used oil filters generated on-site, or received from household do-it-yourself used oil filter generators, to meet the exemption from hazardous waste regulation in s. NR 605.05 (1) (v).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (intro.), Register, August, 1992, No. 440, eff. 9-1-92; am. (2) (intro.), (g), (4), r. (12), renum. (13) to (15) to be (12) to (14) and am. (14), cr. (15), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.05 Environmental and health standards. (1) GROUNDWATER, HUMAN HEALTH AND ENVIRONMENTAL STANDARDS. A hazardous waste facility may not be located, designed, constructed or operated in a manner that the department after investigation or review finds that there is a reasonable probability that management of hazardous waste within the area will have a detrimental effect on groundwater quality or will cause a violation of groundwater standards under ch. NR 140.

(2) **SURFACE WATER, HUMAN HEALTH AND ENVIRONMENTAL STANDARD.** A hazardous waste facility may not be located, designed, constructed or operated in a manner allowing any surface or subsurface discharge from the facility into navigable waters to cause a violation of water quality standards established in chs. NR 102 to 105, or a violation of s. 144.76, Stats., nor in a manner that the department after investigation or review finds that there is a reasonable probability that the management of hazardous waste within the area will have a detrimental effect on surface water quality.

(3) **AIR, HUMAN HEALTH AND ENVIRONMENTAL STANDARD.** A hazardous waste facility shall be located, designed, constructed and operated in a manner preventing air emissions from the facility from causing a violation of standards or regulations in chs. NR 400 to 499.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (2), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.10 Required notices. (1) The owner or operator of a hazardous waste facility that has arranged to receive hazardous waste from a foreign source shall notify the department in writing at least 4 weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) Before transferring ownership or operation of a hazardous waste facility during its operating life, or of a disposal facility during the long-term care period, the owner or operator shall notify the new owner or operator in writing of the requirements of ss. NR 600.04 and 620.15 and chs. NR 630 to 685.

Note: An owner or operator's failure to notify the new owner or operator of the requirements of ss. NR 600.04 and 620.15 and chs. NR 630 to 685 in no way relieves the new owner or operator of obligation to comply with all applicable requirements.

(3) The owner or operator of a hazardous waste facility that receives hazardous waste from an off-site source, except where the owner or operator is also the generator, shall inform the generator in writing that the hazardous waste facility has the appropriate license for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

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

NR 630.11 Identification numbers. A facility owner or operator who does not have an identification number shall obtain one by applying to the department using the notification form specified in s. NR 600.05. The identification number shall be included on the manifest and hazardous waste summary report.

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

NR 630.12 General waste analysis. (1) Before an owner or operator treats, stores or disposes of any hazardous waste, a detailed chemical and physical analysis of a representative sample of the waste shall be obtained from the generator. At a minimum, this analysis shall contain all the information which must be known in order to treat, store or dispose of the waste in accordance with the requirements of chs. NR 600 to 685 or the conditions of an interim license, variance or approved plan of operation.

(2) The analysis may include data developed under chs. NR 605, 610 and 625 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

(3) The analysis shall be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis shall be repeated:

(a) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and

(b) For off-site facilities, when the results of the inspection required in sub. (4) indicate that the hazardous waste shipment received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

(4) The owner or operator of an off-site facility shall inspect and if necessary, analyze in accordance with the waste analysis plan required by s. NR 630.13, each haz-

ardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

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

NR 630.13 Waste analysis plan. (1) **WASTE ANALYSIS PLAN.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which will be carried out to comply with s. NR 630.12. The owner or operator shall keep this plan at the facility. At a minimum, the plan shall specify:

(a) The parameters for which each hazardous waste shall be analyzed and the rationale for the selection of these parameters, and why analysis for these parameters will provide sufficient information on the waste's properties to comply with s. NR 630.12;

(b) The test methods which will be used to test for these parameters;

(c) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

1. One of the sampling methods described in Appendix 1 of ch. NR 605; or

2. An equivalent sampling method, approved by the department.

(d) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date;

(e) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

(f) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in ss. NR 630.17 (2), 645.06 (3) (b) 2., 655.09, 660.13 (5) and (7), 665.09 (15) and 670.11 (2) (a).

(g) For off-site facilities, the waste analysis plan required in sub. (1) shall also specify the procedures which will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan shall describe:

1. The procedures which will be used to determine the identity of each shipment of waste managed at the facility;

2. The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

3. The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

(h) For surface impoundments exempted from land disposal restrictions under s. NR 675.04 (1), the procedures and schedules for:

1. The sampling of impoundment contents;

2. The analysis of test data; and

3. The annual removal of residues which do not exhibit a characteristic of hazardous waste, and which do not meet the treatment standards of ss. NR 675.20 to 675.24 or, where no treatment standards have been established, the annual removal of residues which do not meet the applicable prohibition levels of ss. NR 675.11 to 675.13 or 42 USC 6924 (d).

Note: The publication containing Title 42 USC may be obtained from:

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

(2) **REQUIREMENTS FOR CERTIFIED OR REGISTERED LABORATORY.** 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,
- (i) Leachate-liner compatibility testing.

(3) **BACTERIAL AND RADIOLOGICAL SAMPLES.** 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.

(4) **OTHER FACILITIES.** Other chemical and physical samples shall be analyzed by a laboratory certified or registered under ch. NR 149. The department may require, on a case-by-case basis, facilities to submit analytical test results from a laboratory that has not been certified, registered or approved by the department of health and social services.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (b) 3., Register, August, 1992, No. 440, eff. 9-1-92; am. (1) (g) 1., 2., cr. (1) (g) 3., Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.14 Security. (1) The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator can successfully demonstrate to the department that:

(a) Physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility, and

(b) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of s. NR 600.04 and chs. NR 630 to 685.

(2) Unless exempt under sub. (1), a facility shall have:

(a) A 24-hour surveillance system, such as television monitoring or surveillance by guards or facility personnel

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to continuously monitor and control entry onto the active portion of the facility; or

(b) 1. An artificial or natural barrier, such as a fence in good repair or a fence combined with a cliff, surrounding the active portion of the facility, and

2. A means to control entry, at all times, through gates or other entrances to the active portion of the facility, such as an attendant, television monitor, locked entrance or controlled roadway access to the facility.

(3) Unless exempt under sub. (1), a sign with the legend, "Danger Unauthorized Personnel Keep Out", shall be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to the active portion. The legend shall be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

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

NR 630.15 General inspection requirements. (1) **GENERAL.** The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to, a discharge of hazardous waste or hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) **INSPECTION SCHEDULE.** (a) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, such as dikes and sump pumps, that are important to preventing, detecting or responding to environmental or human health hazards.

(b) The schedule shall be kept at the facility.

(c) The schedule shall identify the types of problems, such as malfunctions or deterioration, which are to be looked for during the inspection.

Note: Examples of what to look for include inoperative sump pump, leaking fitting and eroding dike.

(d) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the items and frequencies called for in chs. NR 630, 640, 645, 655, 660, 665 and 670, where inspection requirements are specified.

(3) **REMEDY.** The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has

already occurred, remedial action shall be taken immediately.

(4) **INSPECTION LOG SUMMARY.** The owner or operator shall record inspections in an inspection log or summary. These records shall be kept for at least 3 years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (2) (d), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.16 Personnel training. (1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of s. NR 600.04 and chs. NR 630 to 685. The owner or operator shall ensure that this program includes all the elements described in the document required under sub. (4) (c).

(a) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

(b) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including where applicable:

1. Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;
2. Key parameters for automatic waste feed cut-off systems;
3. Communications or alarm systems;
4. Response to fires or explosions;
5. Response to groundwater contamination incidents; and
6. Shutdown of operations.

(2) Facility personnel employed at the facility as of August 1, 1981, shall successfully complete the program required in sub. (1) by February 1, 1982. Personnel assigned to the facility or to a new position at the facility after August 1, 1981 shall successfully complete the program required in sub. (1) within 6 months after their date of assignment to a facility or to a new position at a facility. Personnel may not work in unsupervised positions until they have completed the training requirements of sub. (1).

(3) Facility personnel shall take part in an annual review of the initial training required in sub. (1).

(4) The owner or operator shall maintain the following documents and records at the facility:

(a) The job title for each position at the facility related to hazardous waste management, and the name of the employe filling each job;

(b) A written job description for each position listed under par. (a). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company, location or bargaining unit, but shall include the requisite skill, education or other qualifications, and duties of facility personnel assigned to each position.

(c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in par. (a).

(d) Records that document that the training or job experience required under subs. (1), (2) and (3) has been given to, and completed by, facility personnel.

(5) Training records on current personnel shall be kept until closure of the facility. Training records on former employes shall be kept for at least 3 years from the date the employe last worked at the facility. Personnel training records shall accompany personnel transferred within the same company.

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

NR 630.17 General requirements for ignitable, reactive or incompatible wastes. (1) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, spontaneous ignition and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(2) Where specifically required by s. NR 600.04 and chs. NR 610 to 685, the treatment, storage or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes or materials shall be conducted so that it does not:

(a) Generate extreme heat or pressure, fire or explosion or violent reaction;

(b) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;

(c) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(d) Damage the structural integrity of the device or facility containing the waste; or

(e) Threaten human health or the environment.

Note: See Appendix I for examples.

(3) When required to comply with sub. (1) or (2), the owner or operator shall document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests, such as bench scale or pilot scale tests, waste analyses as specified in s. NR 630.13 (1), or the results of the treat-

ment of similar wastes by similar treatment processes and under similar operating conditions.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction in (2) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1995, No. 473.

NR 630.18 Location standards. (1) Except as provided in s. NR 680.06 (3) for facilities operating under an interim license, variance or waiver, a hazardous waste facility may not be located in a floodplain.

(2) A hazardous waste facility may not be located in a wetland.

(3) A hazardous waste facility may not be located in a habitat determined by the department to be critical to the continued existence of any endangered species listed in ch. NR 27.

(4) The department may require that active portions of a facility be located up to 200 feet away from the property line of the facility.

(5) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted may not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.

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

NR 630.20 Additional facility standards. (1) **OPEN BURNING AND DETONATION OF EXPLOSIVES.** Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste which has the potential to detonate and bulk military propellants which cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound. Owners or operators choosing to open burn or detonate waste explosives shall do so in accordance with table VII and in a manner that does not threaten human health or the environment. The department may require distances greater than the minimum distances listed in table VII be used if, based on the specific material being burned or detonated and site specific conditions, it is determined that the burning or detonation may potentially endanger human health or the environment, or create nuisance conditions.

Table VII

Minimum Distance from Open Burning or Detonation of Waste Explosives or Propellants to the Property Line of Property Owned by Other Persons

<u>Pounds of waste explosives or propellants</u>	<u>Minimum distance</u>
0 to 100	204 meters (670 feet)
101 to 1,000	380 meters (1,250 feet)
1,001 to 10,000	530 meters (1,730 feet)
10,001 to 30,000	690 meters (2,260 feet)

(2) **POINT SOURCE DISCHARGES.** All facilities with point source discharges to the waters of the state including discharges from leachate collection systems and surface water run-off collection systems, shall comply with all applicable regulations promulgated under ch. 147, Stats. Additionally, facilities with discharges to municipal sewer systems shall meet applicable pretreatment standards

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and have the approval of the municipal treatment system authority for that discharge.

(3) **SURFACE WATER RUN-ON AND RUN-OFF.** (a) All surface water run-on shall be diverted from active portions of a facility. At a minimum, dikes or equivalent structures shall be designed, constructed and properly maintained to divert all run-on from a 24-hour, 25-year storm.

(b) All surface water run-off from the active portions of the facility shall be collected and confined to a point source before discharge or treatment, as may be required by regulations promulgated under ch. 144 or 147, Stats. At a minimum, facilities shall be designed, constructed and operated to collect all run-off from active portions of the facility anticipated from the 24-hour, 25-year storm.

(4) **GENERATION OR REMOVAL OF WASTE.** Any person who generates or removes a hazardous waste from a hazardous waste facility shall comply with the requirements of ch. NR 615.

(5) **CLOSURE OF NONCOMPLYING PORTIONS OF FACILITIES.** Owners or operators shall close, in accordance with the requirements of s. NR 685.05, all portions of a facility which do not comply with the applicable requirements of s. NR 600.04 and chs. NR 630 to 685.

(6) **WATER QUALITY.** All owners or operators shall comply with applicable requirements of state water quality management plans approved under ch. 147, Stats.

(7) **NONPOINT SOURCE DISCHARGES.** Nonpoint source discharges from hazardous waste facilities into navigable waters may not cause or contribute to the violation of water quality standards specified in chs. NR 102 to 104.

(8) **POTENTIAL FOR DISCHARGE.** Under s. NR 600.07, an owner or operator of a storage or treatment facility may be required by the department to comply with all or part of the requirements of s. NR 600.04 and chs. NR 630 to 685, including the groundwater and leachate monitoring requirements of ch. NR 635, if the department determines that there is a potential for discharge of the hazardous waste or hazardous constituents to the environment.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (8), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.21 Preparedness and prevention. (1) Facilities shall be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to the air, land or surface water which could be harmful to human health or the environment.

(2) All facilities shall be equipped with the following unless it can be demonstrated to the department by the owner or operator that none of the waste handled at the facility could require a particular kind of equipment specified below:

(a) An alarm, a telephone immediately available at the scene of operations, a 2-way radio or similar device capable of summoning emergency assistance from local police departments, fire departments or state or local emergency response teams;

(b) An internal communications system capable of providing immediate emergency instructions, voice or signal, to facility personnel;

(c) Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas or dry chemicals, spill control equipment and decontamination equipment that is applicable to the type of hazardous waste handled at the facility; and

(d) Extinguishing agents with adequate volume and adequate delivery systems.

(3) At any time that hazardous waste is being poured, mixed, spread or otherwise handled, all employees involved in the operation shall have immediate access to an internal or external alarm or emergency communication device, either directly or through visual or voice contact with another employe unless the department has determined that a device is not required under sub. (2). If at any time during operation of the facility there is a sole employe on the premises, that person shall have immediate access to an alarm, a telephone which is immediately available at the scene of operation, a hand-held 2-way radio or a similar device capable of summoning external emergency assistance unless the department has determined that a device is not required under sub. (2).

(4) All facility communication or alarm systems, fire protection equipment, spill control equipment and decontamination equipment where required, shall be tested and maintained to ensure its proper operation in time of emergency.

(5) The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(6) The owner or operator shall attempt to make service arrangements, as appropriate, for the type of waste handled at the facility and the potential need for the services. Where state or local authorities decline to participate in these arrangements, the owner or operator shall document their refusal in the operating record. These arrangements are:

(a) Familiarize police, fire departments and emergency response teams with the layout of the facility, properties of the hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility and possible evacuation routes;

(b) Where more than one police and fire department may respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(c) Agreements with state emergency response teams, emergency response contractors and equipment suppliers; and

(d) Familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of

injuries or illnesses which could result from fires, explosions or discharges at the facility.

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

NR 630.22 Contingency plan and emergency procedures.

(1) CONTINGENCY PLAN (a) The owner or operator of a facility shall develop a contingency plan so as to prevent or minimize human health or environmental damage in the event of fire, explosion or any unplanned sudden or nonsudden discharge of hazardous waste or hazardous waste constituents to air, land, groundwater or surface water. The provisions of the plan shall be implemented immediately in the event of a fire, explosion or discharge of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

(b) A copy of the contingency plan and all revisions of the plan shall be:

1. Kept at the facility office;

2. Sent to all local police departments, fire departments, hospitals and emergency response teams who may be called on to provide emergency services; and

3. Filed with the department.

(c) The plan shall be reviewed and immediately amended, if necessary, whenever:

1. The facility operating license, interim license, variance or waiver is amended;

2. The contingency plan fails in an emergency;

3. The facility changes in its design, construction, operation, maintenance or other circumstances in a way that materially increases the potential for fire, explosion or discharge of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

4. The list of emergency coordinators changes; or

5. The list of emergency equipment changes.

(d) At all times when the facility is in operation there shall be at least one person present with the responsibility of coordinating all emergency response measures. When the facility is not in operation, the facility emergency coordinator shall be present or on call and available to respond to an emergency by reaching the facility in a short period of time. The facility emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations activities at the facility, the location and characteristics of waste handled, the location of manifests within the facility, and the facility layout. In addition, the person shall have the authority to commit the resources needed to carry out the contingency plan.

(e) The contingency plan shall, as a minimum, contain the following:

1. The name, position, address and phone number, office and home, of all persons qualified to act as facility emergency coordinator as described in par. (d), and this list shall be kept up to date. Where more than one person is listed, one shall be designated as the primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. For new facilities, this information shall be supplied to the

department at the time an operating license application is submitted.

2. A description of the facility layout, types of waste handled and its associated hazards, places where facility personnel would normally be working and entrances to and roads inside the facility.

3. An evacuation plan for facility personnel where necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes and alternate evacuation routes.

4. Procedures for emergency shutdown of facility operations, and the actions facility personnel shall take to comply with subs. (1) and (2) in response to fires, explosions or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to the air, land or surface water at the facility.

5. A description of the procedures that will be used to notify local police departments, fire departments, hospitals and emergency response teams of the discharge of hazardous waste, fire or explosion at the facility.

6. A current list of all emergency equipment at the facility, such as fire extinguishing equipment, spill equipment, internal and external alarms, and decontamination equipment where this equipment is required. The list shall include the location, physical description and the capabilities of each item.

7. A description of the arrangements agreed to under s. NR 630.21 (6) by local police departments, fire departments, hospitals, contractors and emergency response teams to coordinate emergency services.

(f) Facility employees shall be familiarized with all emergency procedures, equipment and systems contained in the contingency plan.

(g) If the owner or operator has already prepared a spill prevention, control and countermeasures (SPCC) plan in accordance with 40 CFR 112, July 1, 1990, this plan need only be amended to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of s. NR 600.04 and chs. NR 630 to 685.

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

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

(2) EMERGENCY PROCEDURES. (a) In the event that a facility has, or there is an imminent threat that the facility may have, a discharge of hazardous waste or hazardous substance, a fire, explosion or other emergency which has the potential for damaging human health or the environment, the facility's emergency coordinator shall:

1. Activate internal facility alarms or communication systems to notify all personnel of an imminent or actual emergency situation, where applicable.

2. Telephone the division of emergency government and comply with the requirements of s. 144.76, Stats., ch. NR 158, and if the discharge of hazardous waste is from an underground storage tank system, the reporting requirements of ch. NR 705.

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Note: The division of emergency government's 24-hour toll-free number is 1-800-943-0003.

3. Immediately identify the character, source, amount and areal extent of any discharged materials. This may be done by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

4. Assess possible hazards to human health or the environment which may result from the discharge, fire or explosion. This assessment shall consider both direct and indirect effects of the discharge, fire or explosion such as the effects of any toxic, irritating or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat induced explosions.

5. Immediately notify appropriate authorities, if an assessment indicates that a discharge, fire or explosion could threaten human health or the environment outside the facility, and that evacuation of local areas may be advisable. The emergency coordinator shall be available to help appropriate officials decide whether local areas shall be evacuated. The emergency coordinator shall notify either the division of emergency government or the national response center. The report shall include:

a. Name and telephone number of the person who is reporting;

b. Name and address of the facility;

c. Name and type of incident;

d. Name and quantity of material or materials involved, to the extent known;

e. The extent of injuries, if any; and

f. The possible hazards to human health or the environment, outside the facility.

Note: The division of emergency government's 24-hour telephone number is (608) 266-3232. Collect calls are accepted.

Note: The national response center's toll-free telephone number is (800) 424-8802.

6. Take all reasonable measures necessary to ensure that fires, explosions and discharges do not occur, recur or spread to other hazardous waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing discharge waste, and removing or isolating containers.

7. Monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, where appropriate, if the facility stops operation in response to a fire, explosion or discharge.

8. Provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a discharge, fire or explosion at the facility, immediately after an emergency.

9. Ensure that, in the affected areas of the facility, no waste that may be incompatible with the discharged material is treated, stored or disposed of until cleanup procedures are completed; and all emergency equipment listed in the contingency plan is clean and fit for its intended use before operations are resumed.

(b) The owner or operator shall notify the department and the appropriate local authorities that the facility is in compliance with par. (a) 9. before operations are resumed in the affected areas of the facility.

(c) The owner or operator shall note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the department. The report shall include:

1. Name, address and telephone number of the owner or operator;
2. Name, address and telephone number of the facility;
3. Date, time and type of incident, such as fire or explosion;
4. Name and quantity of materials involved;
5. The extent of injuries, if any;
6. An assessment of actual or potential hazards to human health or the environment, where this is applicable;
7. Estimated quantity and disposition of recovered material that resulted from the incident;
8. A narrative describing the known or suspected causes of the incident and a statement describing the measures taken to investigate the cause. The narrative shall also describe any necessary measures which have been or shall be taken to prevent incidents in the future; and
9. Any amendments to the contingency plan as required in sub. (1) (b) and (c).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (g), Register, August, 1992, No. 440, eff. 9-1-92; am. (2) (a) 2., (b), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.30 Manifest requirements. (1) The operator of a hazardous waste facility is responsible for all the requirements of this chapter, including requiring the generator to initiate a Wisconsin manifest.

(2) No hazardous waste facility operator shall accept a manifested shipment of hazardous waste that does not meet the following requirements:

- (a) The manifest is complete.
- (b) Each container and portable tank containing hazardous waste is properly marked and labeled.
- (c) The manifests, the markings and the labels are consistent.

(3) No hazardous waste facility operator may accept a hazardous waste that the facility operator is not allowed to manage under that hazardous waste facility's license, interim license, variance, waiver or licensing exemption under chs. NR 600 to 685.

(4) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or an employe shall:

(a) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(b) Note any significant manifest discrepancies in the manifest that meets the criteria of sub. (6) on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within 30 days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least 3 years from the date of delivery.

(f) Send a copy of each manifest, which contains all the information required in s. NR 615.08 (8) or (9), as appropriate, to the department within 5 working days. A fee of \$2 shall be charged for each manifest submitted. The department will bill each facility for accumulated manifest review fees.

(5) If a hazardous waste facility receives, from a rail or water bulk shipment transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest, excluding the identification number, generator's certification and signature, the owner or operator, or an employe shall:

(a) Sign and date each copy of the shipping paper to certify that the hazardous waste covered by the shipping paper was received;

(b) Note any significant discrepancies in the shipping paper that meet the criteria of sub. (6) on each copy of the shipping paper;

(c) Immediately give the rail or water bulk shipment transporter at least one copy of the shipping paper;

(d) Within 30 days after the delivery, send a copy of the signed and dated shipping paper to the generator; however, if a manifest is received within 30 days after the delivery, the owner or operator, or an employe shall sign and date the manifest and return it to the generator in lieu of the shipping paper;

(e) Retain at the facility a copy of each shipping paper and manifest for at least 3 years from the date of delivery; and

(f) Send a copy of the shipping paper to the department within 5 working days.

(6) Upon discovering a significant manifest discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter, such as with telephone conversations. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(7) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of ch. NR 615.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1), (4) (f), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.31 Recordkeeping. (1) The owner or operator shall keep a written operating record at the facility. The following information shall be recorded, as it becomes

available, and maintained in the operating record until closure of the facility:

(a) A description of the waste including its common name, hazardous waste number, physical form and quantity;

(b) The method and date of the waste's storage, treatment or disposal at the facility;

(c) The location where each hazardous waste was placed within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste shall be recorded on a map or diagram of each cell or disposal area. For all facilities, this information shall include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(d) Records and results of waste analyses performed as specified in ss. NR 630.12 and 630.13 (1);

(e) Summary reports and details of all incidents that required implementing the contingency plan as specified in s. NR 630.22 (2);

(f) Records and results of inspections as required by s. NR 630.15 (4), although this data need be kept only 3 years;

(g) For off-site facilities, notices to generators as specified in s. NR 630.10 (3);

(h) Monitoring, testing or analytical data, and corrective action where required by ss. NR 640.06, 640.13 (3), 655.08, 660.14 and 665.09 (10), and chs. NR 635 and 645;

(i) Closure, and for disposal facilities, long-term care cost estimates required by s. NR 685.07 (2);

(j) A waste minimization certification statement in accordance with s. NR 630.32 (1);

(k) Records of the quantities and date of placement for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted or a petition pursuant to ch. NR 675, and the notice required by a generator under s. NR 675.05;

(l) For an off-site treatment facility, a copy of the notice required by a generator under s. NR 675.05.

(m) For an on-site treatment facility, the information contained in the notice required by a generator under s. NR 675.05, except for the manifest number;

(n) For an off-site land disposal facility, a copy of the notice and certification required by the owner or operator of a treatment facility under s. NR 675.05, or a copy of the notice and certification required by the generator under s. NR 675.05, whichever is applicable; and

(o) For an on-site land disposal facility, the information contained in the notice required under s. NR 675.05, except for the manifest number, or the information contained in the notice required by a generator under s. NR 675.05, except for the manifest number, whichever is applicable.

(2) All records including plans required under chs. NR 630 to 685 shall be furnished upon request, and made

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available at all reasonable times for inspection, by any officer or employee of the department.

(3) The retention period for all records required under chs. NR 630 to 685 may be extended upon written notice from the department to the owner or operator of the facility, specifying the records or types of records that are to be retained.

(4) A copy of records of waste disposal locations and quantities under sub. (1) (c) shall be submitted to the department and the local municipality upon closure of the facility.

(5) The identity and location of all stored hazardous waste shall be known throughout the entire storage period.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (h), (i), Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.32 Waste minimization. (1) **WASTE MINIMIZATION CERTIFICATION.** A waste minimization certification signed by the owner or operator no less often than annually shall be maintained in the operating record of the facility in accordance with s. NR 630.31. This certification shall state that a program is in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the owner or operator to be economically practicable. This certification shall further state that the proposed method of treatment, storage or disposal is the practicable method currently available to the owner or operator which minimizes the present and future threat to human health and the environment.

Note: EPA Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program, 58 FR 31114, May 28, 1993, states that a generator or TSD should document its program, in writing, and that the program should be signed by the corporate officer who is responsible for ensuring RCRA compliance. While each element may be implemented in different ways depending on the needs and preferences of individual organization or facilities the general elements that each waste minimization program should include are: A) Top management support; B) Characterization of waste generation and waste management costs; C) Periodic waste minimization assessments; D) A cost allocation system; E) Encourage technology transfer; and F) Program implementation and evaluation.

(2) **WASTE MINIMIZATION REPORTING.** Generators who treat, store or dispose of hazardous waste on-site shall include, as part of their annual activity report required under s. NR 630.40 (1):

(a) A description of the effort undertaken during the calendar year to reduce the volume and toxicity of hazardous waste generated.

(b) A description of the changes in volume and toxicity of hazardous waste actually achieved during the calendar year in comparison to previous years to the extent information is available for the years prior to 1984.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 630.40 Reporting. (1) **ANNUAL ACTIVITY REPORT.** The owner or operator shall prepare and submit an annual report to the department by March 1 of each year. The annual report shall be submitted on department forms, shall cover facility activities during the previous calendar year and shall, at a minimum, include the following information:

(a) The identification number, name and address of the facility;

- (b) The calendar year covered by the report;
- (c) For off-site facilities, the identification number of each hazardous waste generator from which hazardous waste was received during the calendar year. For imported shipments, the report shall include the name and address of the foreign generator;
- (d) A description and the quantity of each hazardous waste received during the calendar year. For off-site facilities, this information shall be listed by identification number of each generator;
- (e) The method of treatment, storage or disposal for each hazardous waste;
- (f) The most recent closure and, for disposal facilities, the most recent long-term care cost estimates required by s. NR 685.07 (2);
- (g) A waste minimization report as specified in s. NR 630.32 (2);
- (h) A certification signed by the owner or operator of the facility, or its authorized representative as specified in s. NR 680.05 (2) and 680.41, stating that "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (d) The date that the unmanifested hazardous waste was transported from the point of generation, if known;
- (e) A description, such as by waste code under ss. NR 605.08, 605.09 and 605 - Appendix IV, and
- (f) U.S. DOT shipping name, hazard class and ID number, if known, and
- (g) The quantity of each unmanifested hazardous waste received;
- (h) The method of treatment, storage or disposal for each hazardous waste;
- (i) A brief explanation of why the waste was unmanifested, if known;
- (j) The name and address of the waste's final destination; and
- (k) A certification signed by the owner or operator of the facility, or its authorized representative as specified in s. NR 680.05 (2) or 680.41, stating that "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Note: The forms may be obtained from the Department of Natural Resources, P.O. Box 8094, Madison, Wisconsin 53708 at no charge.

(2) UNMANIFESTED WASTE REPORT. If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in s. NR 620.07, and if the waste is not excluded from the manifest requirement by s. NR 610.05 (1), then the owner or operator shall prepare and submit a report to the department within 15 days of receiving the waste. The report shall, at a minimum, contain the following information:

- (a) The identification number, name and address of the facility;
- (b) The date the facility received the waste;
- (c) The identification number, name and address of the generator and transporter, if available;

(3) ADDITIONAL REPORTS. In addition to submitting the annual activity reports and unmanifested waste reports described in subs. (1) and (2), the owner or operator shall also report the following to the department:

- (a) Discharges, fires and explosions as specified in s. NR 630.22 (2);
- (b) Facility closures specified in s. NR 685.05 (10) (b); and
- (c) As otherwise required by chs. NR 635, 655 and 660, or by a license, variance or plan approval for surface impoundments, waste piles, landfills and other sites or facilities where the department may require additional information.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; r. and recr. (1) (g), r. (1) (h), renum. (1) (i) to be (1) (h), Register, May, 1995, No. 473, eff. 6-1-95.