

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

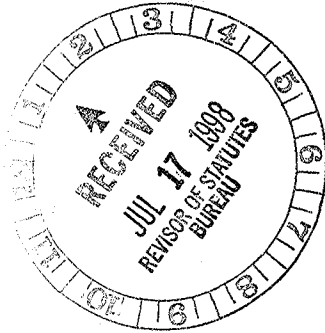
Tommy G. Thompson, Governor
George E. Meyer, Secretary

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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WA-20-98 was duly approved and adopted by this Department on May 27, 1998. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 16th day of July, 1998.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING AND RECREATING, AMENDING, CREATING, AND RENUMBERING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 520.15 Table 2; to amend NR 500.06(1), 500.08(3)(a), 502.07(7)(j), 502.08(2)(i), 502.13 (title), 504.09(1)(e), 507.12 (title), 507.26(3)(a) note, 509.07(4) (title), 512.07, 512.09(2) Table 1, 520.04(1)(d)1, 520.04(1)(e), 680.45(1)(a); to create NR 500.06(5), 500.065, 507.29(1)(b) note, 512.19, 514.04(3), 620.15(1)(d), 680.06(2m), 680.24(1m), 680.31(4) and 680.45(4)(b); and to renumber NR 514.04(3) to (5) relating to solid and hazardous waste management activities

WA-20-98

Analysis prepared by the Department of Natural Resources

Statutory authority: ss. 227.11(2)(a), 289.05, 289.06(1), 289.24(1)(c), 289.34, 289.61, 291.05, 291.07, 291.23, 291.25 (2) and (4), and 299.05 (as created by 1997 Wisconsin Act 27), Stats.

Statutes interpreted: ss. 289.24(1)(c), 289.34, 291.23, 291.25 (2) and (4), and 299.05 (as created by 1997 Wisconsin Act 27), Stats.

This order amends the solid and hazardous waste management rules in chs. NR 500, 502, 504, 507, 509, 512, 520, 620, and 680. The proposed revisions include: incorporation of s. 289.34, Stats. (the "bad actor" law), the permit guarantee law enacted as part of the biennial budget (1997 Wis. Act 27), and s. 289.24(1)(c), Stats., language in the NR 500 Series; fee clarifications for municipal solid waste combustors; and corrections of editorial and typographical errors.

Section 1. NR 500.06(1) is amended to read:

NR 500.06(1) LICENSE FEE The appropriate fee as specified in s. NR 520.04 in check or money order payable to the department. ~~The fee shall be sent to the department's district or area office as appropriate.~~ License Except as provided in s. NR 500.065, license fees are not transferable, proratable or refundable.

Section 2. NR 500.06(5) is created to read:

NR 500.06(5) NONCOMPLIANCE WITH PLANS OR ORDERS. A submittal for initial licensing of a new or expanded solid waste disposal facility shall contain the following information:

(a) Identification of all persons owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant, including shareholders of a corporation which is an applicant and partners of a partnership which is an applicant.

(b) Identification of all other Wisconsin solid or hazardous waste facilities for which the applicant or any person identified in par. (a), is named in, or subject to an order or plan approval issued by the department.

(c) Identification of all other Wisconsin solid or hazardous waste facilities which are owned by persons, including corporations and partnerships, in which the applicant or person identified in par. (a) owns or previously owned a 10% or greater legal or equitable interest or a 10% or greater interest in the assets.

(d) A statement indicating whether or not all plan approvals and orders relating to all facilities identified in pars. (b) and (c) are being complied with.

Note: If noncompliance with an order or plan approval occurs while the applicant has or had a 10% or greater legal or equitable interest in the facility and is continuing, the Department is prohibited from licensing the new or expanded solid waste disposal facility, unless the applicant provides proof of financial responsibility under s. 289.34(3), Stats., to assure that compliance is achieved.

Section 3. NR 500.065 is created to read:

NR 500.065 License issuance. (1) INITIAL APPLICATIONS. The department shall make a determination on an initial application for a solid waste facility license within 65 business days of receipt of all of the information specified in s. NR 500.06. If a determination is not made on the application within 65 business days, the department shall refund the license application fee paid by the applicant.

(2) RENEWALS. The department shall make a determination on a license renewal application for a solid waste facility license within 65 business days of receipt of all of the information specified in s. NR 500.06. or by the end of the current license period, whichever occurs later. If a determination is not made within these time constraints, the department shall refund the license renewal application fee paid by the applicant.

Section 4. NR 500.08(3)(a) is amended to read:

NR 500.08(3)(a) Facilities for the disposal of nonhazardous dredged material consisting of less than 3000 cubic yards from Lake Michigan, Lake Superior, the Wisconsin river, the Sheboygan river, the Milwaukee river, the Brule and ~~Menomonee~~ Menominee rivers, the Fox river, the Mississippi river, or from any inland lakes or ponds treated with arsenicals provided the facility complies with the performance standards specified in s. NR 504.04 (4).

Section 5. NR 502.07(7)(j) is amended to read:

NR 502.07(7)(j) Sewage solids, sludge, asbestos 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~~ Infectious or hazardous waste may not be accepted under any circumstances.

Section 6. NR 502.08(2)(i) (intro.) is amended to read:

NR 502.08(2)(i) (intro.) Except for those facilities which are otherwise exempt under this subsection, facilities where solid wastes are processed for reuse or recycling by being incorporated into a structural material such as concrete or asphalt or converted into a consumer product ~~which is~~, or used as a raw material in a commercial or industrial process are exempt from licensing and all other requirements of this chapter, provided the solid waste generator or processor obtains written approval from the department to use the waste for these purposes in accordance with the following:

Section 7. NR 502.13 (title) is amended to read:

NR 502.13 (title) Municipal solid waste combustors.

Section 8. NR 504.09(1)(e) is amended to read:

NR 504.09(1)(e) Temporary and permanent sediment control measures shall be designed to settle 0.015 mm size particles for all storms up to and including the 25 year, 6 hour storm. The surface area for sediment basins shall be calculated using the ~~average~~ rainfall intensity over the 25 year, 6-hour storm event for the landfill. Principal ~~spillway~~ spillways, ~~emergency spillway~~ and outlet protection for sediment basins shall be designed to pass a 25 year, time of concentration storm event. Emergency spillways for sedimentation basins shall be designed to pass a 100 year, time of concentration storm event. The design of the dewatering structures for sediment basins shall be selected such that the basin is dewatered in no less than 3 days. An analysis shall be performed to document compliance with this requirement.

Section 9. NR 507.12 (title) is amended to read:

NR 507.12 (title) Other monitoring device design and installation.

Section 10. The NOTE following NR 507.26(3)(a) is amended to read:

Note: ~~Note:~~ The specific data formats for electronic monitoring result submittals may be obtained from the department of natural resources, bureau of waste management, ~~sw/3~~ wa/3, p.o. box 7921, Madison, Wisconsin, 53707.

Section 11. A NOTE Following NR 507.29(1)(b) is created to read:

Note: For proposed facilities, the information required in par. (b) may be submitted with the plan of operation.

Section 12. NR 509.07(4) (title) is amended to read:

NR 509.07(4) (title) HYDROGEOLOGY.

Section 13. NR 512.07 is amended to read:

NR 512.07 General facility information. The feasibility report shall identify the project title; name, address and phone number of the primary contacts including the proposed landfill's owner, operator and any consultants; present property owner; proposed landfill location by quarter-quarter section; total acreage of the property and proposed limits of filling; proposed landfill life, design capacity and date of closure; municipalities and industries to be served; anticipated waste types and characteristics; anticipated volumes of each major waste stream and any seasonal fluctuations taking into account waste reduction, reuse, recycling, composting and the recovery of energy from solid waste; anticipated cover frequency; mode of operation; anticipated sub-base base and final grades; preliminary design concepts; need for the landfill; ~~and~~ the alternatives to land disposal, including any proposed waste reduction and recovery services; and how the proposed facility relates to any applicable solid waste management plan approved under s. 289.10, Stats.

Section 14. NR 512.09(2) Table 1 is amended to read:

NR 512.09(2)

Table 1

Non-Fine Coarse-Grained Soil Environments			
Piezometers	Water Table Observation Wells	Borings	Area
2	5	10	First 5 or less acres
-	1	2	Each additional 5 or less acres
1	-	-	Each additional 10 or less acres
Fine-Grained Soil Environments			
Piezometers	Water Table Observation Wells	Borings	Area
4	5	10	First 5 or less acres
-	<u>1</u>	<u>2</u>	<u>Each additional 5 or less acres</u>
2	<u>1</u> -	<u>2</u> -	Each additional 10 or less acres

Section 15. NR 512.19 is created to read:

NR 512.19 Noncompliance with plans or orders. The feasibility report shall identify all persons owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant, including shareholders of a corporation which is an applicant and partners of a partnership which is an applicant. The feasibility report shall also identify all other Wisconsin solid or hazardous waste facilities for which the applicant or any identified person is named in, or subject to an order or plan approval issued by the department. In addition, the feasibility report shall identify all other Wisconsin solid or hazardous waste facilities which are owned by persons, including corporations and partnerships, in which the applicant or any identified person owns or previously owned a 10% or greater legal or equitable interest or a 10% or greater interest in the assets and include a statement indicating whether or not all plan approvals and orders relating to all identified facilities are being complied with.

Note: If noncompliance with an order or plan approval occurs while the applicant has or had a 10% or greater legal or equitable interest in the facility and is continuing, the Department is prohibited from licensing the new or expanded solid waste disposal facility, unless the applicant provides proof of financial responsibility under s. 289.34(3), Stats., to assure that compliance is achieved.

Section 16. NR 514.04(3) to (5) are renumbered NR 514.04(4) to (6).

Section 17. NR 514.04(3) is created to read:

NR 514.04(3) NONCOMPLIANCE WITH PLANS OR ORDERS. The plan of operation shall identify all persons owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant, including shareholders of a corporation which is an applicant and partners of a partnership which is an applicant. The plan of operation shall also identify all other Wisconsin solid or hazardous waste facilities for which the applicant or any identified person is named in, or subject to an order or plan approval issued by the department. In addition, the feasibility report shall identify all other Wisconsin solid or hazardous waste facilities which are owned by persons, including corporations and partnerships, in which the applicant or any identified person owns or previously owned a 10% or greater legal or equitable interest or a 10% or greater interest in the assets and include a statement indicating whether or not all plan approvals and orders relating to all identified facilities are being complied with.

Note: If noncompliance with an order or plan approval occurs while the applicant has or had a 10% or greater legal or equitable interest in the facility and is continuing, the Department is prohibited from licensing the new or expanded solid waste disposal facility, unless the applicant provides proof of financial responsibility under s. 289.34(3), Stats., to assure that compliance is achieved.

Section 18. NR 520.04(1)(d)1 is amended to read:

NR 520.04(1)(d)1 In addition to the fee specified in ~~par. (a)~~ Table 3, owners or operators of landfills shall pay a license fee surcharge to the department based upon the number of tons or equivalent volume of solid waste disposed of at each landfill during each quarterly reporting period.

Section 19. NR 520.04(1)(e) is amended to read:

NR 520.04(1)(e) ~~License~~ Except as provided in s. NR 500.065, license fees for solid waste facilities are not refundable.

Section 20. Table 2 following NR 520.15(3) is repealed and recreated to read:

TABLE 2

FEE SCHEDULE -- ALL FACILITIES EXCEPT LANDFILLS AND SURFACE IMPOUNDMENTS

<u>Facility Type</u>	<u>License Required</u>	<u>Plan Review Fee</u> ^{(1) (2)}	<u>Construction Documentation Review Fee</u>	<u>License Fee</u>
Exemption Request	No	\$ 500	N/A	N/A
Beneficial Reuse	No	\$ 500	\$ 500	N/A
Collection & Transportation	Yes	N/A	N/A	\$ 100
Each Additional Truck		N/A	N/A	\$ 30 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$ 600	\$ 300	\$ 150
Large (>100 tons/day)	Yes	\$1,500	\$ 600	\$ 500
Processing Facility ⁽³⁾	Yes	\$3,000	\$1,000	\$ 500
Storage Facility	Yes	\$1,500	\$1,000	\$ 500
Incinerator Facility ⁽³⁾	Yes	\$7,000	\$1,000	\$7,000
Air Curtain Destructor	Yes	\$ 300	\$ 150	\$ 150
Woodburning Facility	Yes	\$ 150	N/A	\$ 150
One Time Disposal	No	\$ 600	N/A	N/A
Municipal Waste Combustor				
Small	Yes	\$1,500	\$ 600	\$ 600
Large (>10 tons/day)	Yes	\$7,000	\$1,000	\$7,000
Land Spreading Facility				
Exempt	No	\$ 600	N/A	N/A
Non-Exempt	No	\$1,500	N/A	N/A
Infectious Waste Transport.	Yes	N/A	N/A	\$ 250
Each Additional Truck		N/A	N/A	\$ 20
Infectious Waste Annual Report	No	N/A	N/A	\$ 50 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$ 600 ⁽⁶⁾	N/A	N/A

(1) The plan review fees specified in Table 2 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.

(3) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(4) The department may waive the additional license fee for trucks used only once or twice a year for spring/fall clean-up operations by municipalities.

(5) This is an annual filing fee.

(6) If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee must also be submitted.

Section 21. Sections NR 620.15(1)(d), 680.06(2m), 680.24(1m), and 680.31(4) are created to read:

NR 620.15(1)(d) If the department fails to approve or deny an application for issuance or renewal of a hazardous waste transportation service license within 65 business days after a complete application is received by the department or by the date of expiration of the current license, whichever occurs later, the department shall refund fees paid by the applicant for the hazardous waste transportation service license.

NR 680.06(2m) NONCOMPLIANCE WITH PLANS OR ORDERS. A feasibility report, plan of operation, feasibility report and plan of operation report and an application for initial licensing of a new or expanded hazardous waste facility shall contain the following information:

(a) Identification of all persons owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant, including shareholders of a corporation which is an applicant and partners of a partnership which is an applicant.

(b) Identification of all other Wisconsin solid or hazardous waste facilities for which the applicant or any person identified in par. (a), is named in, or subject to an order or plan approval issued by the department.

(c) Identification of all other Wisconsin solid or hazardous waste facilities which are owned by persons, including corporations and partnerships, in which the applicant or person identified in par. (a) owns or previously owned a 10% or greater legal or equitable interest or a 10% or greater interest in the assets.

(d) A statement indicating whether or not all plan approvals and orders relating to all facilities identified in pars. (b) and (c) are being complied with.

Note: If noncompliance with an order or plan approval occurs while the applicant has or had a 10% or greater legal or equitable interest in the facility and is continuing, the Department is prohibited from issuing a favorable determination of feasibility, approving a plan of operation, and licensing the new or expanded hazardous waste facility, unless the applicant provides proof of financial responsibility under s. 289.34(3), Stats., to assure that compliance is achieved.

NR 680.24(1m) If the department fails to approve or deny an application for a hazardous waste facility interim license within 130 business days after a complete application is received by the department, the department shall refund fees paid by the applicant for the hazardous waste facility interim license.

NR 680.31(4) If the department fails to approve or deny an application for issuance of a hazardous waste facility operating license within 65 business days after a complete application is received by the department, the department shall refund fees paid by the applicant for the hazardous waste facility operating license.

Section 22. NR 680.45(1)(a) is amended to read:

NR 680.45(1)(a) The plan review fee or license fee specified in Tables XII or XIII shall accompany all license applications, plans, reports and other documents submitted to the department for approval. Plan Except as provided in ss. NR 620.15(1)(d), 680.24(1m), 680.31(4), and 680.31(4) and sub. (4)(b), plan review fees are not transferable, proratable or refundable.

Section 23. NR 680.45(4)(b) is created to read:

NR 680.45(4)(b) If the department fails to approve or deny an application for renewal of a hazardous waste facility operating license within 90 days after receiving the application or by the date of expiration of the current license, whichever occurs later, the department shall refund fees paid by the applicant for renewal of the hazardous waste facility operating license.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 1998.

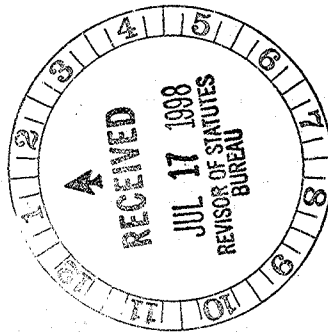
The rules shall take effect the first day of the month following publication as provided in s. 227.22(2). Stats.

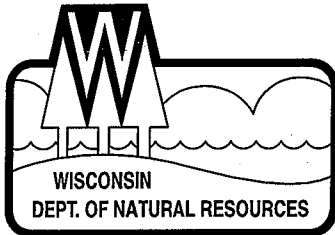
Dated at Madison, Wisconsin July 16, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
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July 15, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WA-20-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer
Secretary

Enc.

