

Chapter NR 615

LARGE QUANTITY GENERATOR STANDARDS

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NR 615.01 Purpose. The purpose of this chapter is to specify the requirements that apply to the generators of large quantities of hazardous waste.

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

NR 615.02 Applicability. Except as otherwise provided, this chapter applies to generators of greater than or equal to 1,000 kilograms (2,205 pounds) of non-acute hazardous waste in a calendar month. This chapter also applies to generators of less than 1,000 kilograms (2,205 pounds) of non-acute hazardous waste in a calendar month and who do not meet the requirements in s. NR 610.07 or 610.08. This chapter applies to generators of acute hazardous waste that do not meet the requirements in s. NR 610.09. Except as otherwise provided, this chapter does not apply to solid waste generators that generate only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 293.01 (9), Stats.; or
- (3) A combination of wastes described in subs. (1) and (2).

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; **correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509, eff. 6-1-98.**

NR 615.03 Definitions. The definitions in s. NR 600.03 apply to this chapter.

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

NR 615.04 Exemptions. (1) SMALL AND VERY SMALL QUANTITY GENERATORS. Any generator who generates or accumulates hazardous waste in quantities less than those specified in ss. NR 610.07 (1), 610.08 and 610.09 is exempt from the requirements of this chapter, except as otherwise provided in ch. NR 610.

(2) PESTICIDE CONTAINER RINSATE. Farmers who generate waste pesticide containers which are a hazardous waste and who triple rinse each emptied pesticide container in accordance with s. NR 605.06 (5) and dispose of the pesticide rinsate on their own farm in accordance with the prescribed dosage rate, in a manner which is consistent with the disposal instructions on the pesticide label and which shall not contaminate the waters of the state or create a hazard to persons or property, including fish and wildlife, are not required to comply with the requirements of ss. NR 600.04, 620.15 and chs. NR 630 to 685 or any of the requirements of this chapter except s. NR 615.06.

(3) WASTE LEAD ACID BATTERIES. A person who generates, transports or stores waste lead-acid batteries that are destined for off-site recycling is exempt from the requirements of this chapter if:

- (a) The waste lead-acid batteries shall be managed to protect public health, safety, welfare and the environment.
- (b) Handling techniques shall be used to prevent the waste lead-acid batteries from being damaged or broken.
- (c) Any hazardous waste generated during the management of waste lead-acid batteries such as acid from any spills or dis-

charges, lead plates or battery cases shall be sent to a facility which is approved to accept this waste.

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

NR 615.05 General requirements. (1) GENERAL. (a) All generators of solid waste shall determine if their waste is hazardous using the procedures specified in s. NR 615.06.

(b) Except as provided in s. NR 615.04 (1), a generator of solid waste which is determined to be a hazardous waste under s. NR 605.07 shall comply with the requirements of this chapter.

(c) Except as provided in s. NR 620.14, the owner or operator of a hazardous waste facility who initiates a shipment of hazardous waste from that facility shall comply with the requirements of this chapter, regardless of whether the waste was originally generated at that facility.

(2) INFORMATION ON HAZARDOUS CHARACTERISTICS. A generator shall inform the owner or operator of a storage, treatment or disposal facility of the known hazardous characteristics of the waste prior to offering the hazardous waste to a transporter for delivery to the storage, treatment or disposal facility to enable the owner or operator of the storage, treatment or disposal facility to comply with the requirements of chs. NR 600 to 699 or with the conditions of the license issued under the provisions of ch. NR 680.

(3) STORAGE, TREATMENT AND DISPOSAL AND TRANSPORTATION. (a) Except as provided in s. NR 615.04, all generators shall either:

1. Store, treat, dispose or recycle all hazardous waste in an on-site hazardous waste facility or recycling facility which has received an operating license, interim license, variance or waiver, or is exempt from licensing under sub. (4) or (5), or under s. NR 630.04; or

2. Ensure delivery to an off-site hazardous waste facility or recycling facility which:

a. For facilities located outside of Wisconsin, is permitted by the EPA, is exempt from permitting or has interim status under 42 USC 6925 (e); or

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

(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.

(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 633.09, 640.08 to 640.12, 640.14 and 640.15. In addition, the generator is exempt from the closure and longterm care requirements of s. NR 685.05, except s. NR 685.05 (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 615.10.
 - 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 633.07, 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 s. NR 685.05 (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.
- h. Ignitable or reactive waste may not be placed in a tank unless the waste is treated, rendered or mixed before or immediately after placement in the tank so that the resulting waste mixture or dissolution of material no longer meets the criteria of ignitable or reactive waste in s. NR 605.08 (2) or (4); unless compliance with s. NR 630.17 (2) is ensured; or unless the waste is stored or treated in such a way that it is protected from any condition which may cause the waste to ignite or react; or the tank is used solely for emergencies.
- i. The owner or operator of a facility which stores ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks in ch. ILHR 10.
- j. Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow, such as a waste feed cutoff system or a bypass system to a stand-by tank.
4. On drip pads and the generator complies with ch. NR 656 and maintains the following records at the facility:
 - a. A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - b. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.
5. The date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container or tank.
6. The generator shall comply with the contingency plan and emergency procedures in s. NR 630.22, the personnel training requirements in s. NR 630.16, the preparedness and prevention requirements in s. NR 630.21 and the waste analysis requirements in s. NR 675.07 (1) (i).
7. The identity and location of all stored hazardous waste shall be known throughout the entire accumulation period.
8. The storage of hazardous waste shall be conducted in such a manner that no discharge of hazardous waste occurs.
9. As provided in s. NR 600.07, the department may require a generator to comply with all or part of the requirements of chs. NR 630 to 685, if the department determines that there is a potential for discharge of the hazardous waste or hazardous constituents or determines that a discharge has occurred at the generation site.
10. While being accumulated on site, each container and tank shall be labeled or marked clearly with the words "Hazardous Waste".
11. The generator complies with the requirements for owners or operators in ch. NR 630 and ss. NR 675.07 (1) (d) and 680.22.

(b) *Extension of 90-day period.* A generator who accumulates hazardous waste for more than 90 days in containers or tanks is an operator of a hazardous waste storage facility and is subject to the facility requirements of s. NR 600.04 and chs. NR 630 to 685 and the licensing requirements of s. NR 620.15 and ch. NR 680, unless the generator has been granted an extension to the 90-day period. An extension may be granted by the department if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the department on a case-by-case basis. Extensions:

1. Shall be applied for in writing. Written requests shall be submitted to the department and shall state the unforeseen, temporary and uncontrollable circumstances that caused the generator to apply.

2. Shall be issued in written form.

3. May be revoked by the department at any time if it is determined that revocation is appropriate to protect human health and the environment.

(c) *Satellite accumulation.* A generator without a storage license may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in s. NR 605.09 (2) (a), table II or (b), table III, or identified in s. NR 605.09 (3) (b), table IV in containers at or near any point of generation under the control of the generator of the waste where wastes initially accumulate if the following requirements are met:

1. 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.

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

3. 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.

4. The container shall be made or lined with materials which shall not react with and are otherwise compatible with the hazardous waste to be accumulated.

5. The generator shall mark the containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

6. A generator who accumulates either hazardous waste or acutely hazardous wastes listed in s. NR 605.09 (2) (a), table II or (b), table IV in excess of the amounts allowed under this paragraph at or near the point of generation shall immediately mark each container holding this excess accumulation with the date the excess amount began accumulating, and with respect to that amount of excess waste, comply within 3 days with all other provisions of par. (a) or other applicable provisions of chs. NR 600 to 685. During the 3-day period, the generator shall continue to comply with subs. 1. to 5.

7. Any hazardous waste removed from the accumulation area shall be managed in accordance with par. (a) or other applicable provisions of chs. NR 600 to 685.

(5) 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.

(6) 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 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) 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.

(c) A generator may combine absorbent material with a waste generated on-site without a treatment license if the generator meets the requirements of sub. (5).

(d) A generator who combines absorbent material with a waste generated on site without a treatment license and who does not meet the requirements of sub. (5) 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; renum. (4) (a) 4. to 9., (6) and (7) to be (4) (a) 5. to 10., (5) and (6) and am. (6) (b) to (d), cr. (4) (a) 4., 11., am. (4) (c) (intro.) and 6., r. (5) and (7) (b), Register, May, 1995, No. 473, eff. 6-1-95; am. (3) (a) 1., 2. b., and (b), (4) (a) 2. (intro.), 2.a., 3. (intro.) and (c) (intro.), Register, May, 1998, No. 509, eff. 6-1-98.

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 690 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; am. (6), Register, May, 1998, No. 509, eff. 6-1-98.

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, disposal or recycling shall prepare a uniform manifest form before the waste is transported.

Note: The department shall not provide the Wisconsin uniform manifest form for use by generators for shipments of only non-hazardous solid waste, except for the shipment of PCBs. The uniform manifest form should not be used for shipments of only non-hazardous solid waste, except for PCBs.

(2) (a) If the state to which the shipment is consigned and manifested, supplies the uniform manifest form and requires its use, then the generator shall use that manifest form.

(b) If the consignment state does not supply the uniform manifest form but Wisconsin supplies a manifest form and requires its use, then the generator shall use the Wisconsin uniform manifest form.

(3) A generator shall specify on the manifest one designated facility, which if in Wisconsin has received an operating license, interim license, variance, waiver or is exempt from licensing under s. NR 630.04 (1) to (16) and is approved to accept the waste shipment under the operating license, interim license, variance, waiver or exemption. If the designated facility is outside of Wisconsin, the generator shall specify on the manifest a facility which has an EPA permit, interim status or is exempt from permitting under the resource conservation and recovery act, or a permit or approval from an authorized state, to handle the waste described on the manifest.

(4) A generator may also specify on the manifest one alternate facility which meets the requirements of sub. (3) in accordance with sub. (2) and which is licensed to handle the generator's waste in the event an emergency prevents delivery of the waste to the primary designated facility. If the alternate facility is located in a different state than the designated facility under sub. (3), and the state in which the alternate facility is located supplies a uniform manifest form and requires its use, the generator shall provide the transporter with a second uniform manifest form from the alternate facility state which is completed in accordance with sub. (8) or (9). When the second uniform manifest is completed, the generator shall void the original manifest.

(5) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(6) The generator shall initiate the use of the manifest. The generator shall fill out all required information and sign and date the manifest by hand. After the transporter signs and dates the manifest, the generator shall retain one copy, shall, within 5 business days, send a copy to the department and a copy to the consignment state, if the consignment state is not Wisconsin and shall give the remaining copies to the transporter to accompany the hazardous waste shipment.

Note: An employee of the generator need not be an authorized representative to sign a manifest on behalf of the generator.

(7) The generator shall maintain on file the copy of the manifest retained in accordance with sub. (6) and the copy received from the operator of the designated facility to which the hazardous waste is shipped. These copies shall be retained for a period of 3 years from the date that the waste was accepted by the initial transporter, and shall be available at reasonable times for inspection by the department. 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.

(8) If the generator uses the Wisconsin uniform manifest form, the form shall contain, at a minimum, the following information, in accordance with the instructions included in the manifest form:

(a) The manifest document number which is the EPA 12 digit identification number assigned to the generator plus a unique 5 digit document number assigned to the uniform manifest form by the generator for recording and reporting purposes.

(b) The generator's name and mailing address.

(c) The generator's phone number.

(d) The identification number, name and phone number of each transporter.

(e) The EPA identification number, phone number, name and address of the designated facility and the alternative facility, if applicable.

(f) The U.S. DOT description of the waste including the proper shipping name, hazard class and identification number required by 49 CFR 172.101, 172.102, 172.202 and 172.203, October 1, 1993.

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

Superintendent of Documents
U. S. Government Printing Office
P.O. Box 371954
Pittsburgh, PA 15250-7954
(202) 783-3238

(g) The number and type of containers used to transport the waste.

(h) The total quantity of the waste with the appropriate unit of measure (weight or volume).

(i) Any special handling instructions or any other additional information.

(j) One primary hazardous waste number corresponding to the name of the waste being shipped, selected using the following criteria where more than one waste number may correspond to the name of the waste:

1. If the waste displays the characteristic of reactivity in s. NR 605.08 (4), and is not listed in s. NR 605.09, the number shall be D003.

2. If subd. 1. does not apply, the waste displays a characteristic in s. NR 605.08, and is not listed in s. NR 605.09, the number selected shall be based on the prevalent hazardous waste characteristic displayed.

3. If more than one hazardous waste number listed in s. NR 605.09 may describe the waste, the number selected shall be the one for which the basis for listing is the reactivity characteristic, if it exists.

4. If subd. 3. does not apply, the number selected shall be the one which has more than one characteristic as a basis for listing, if it exists.

5. If subds. 3. and 4. do not apply, the number selected shall be based on the preponderant source of the waste mixtures.

(k) Certification that the uniform manifest form is accurately filled out, that the material is properly described, packaged, marked, labeled and in proper condition to be transported or has been received and accepted in accordance with chs. NR 600 to 685 and the generator has complied with the waste minimization requirements of s. NR 615.09 (1).

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

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(L) Any additional description for the materials and any handling codes for the wastes listed.

(9) If the generator uses a manifest from the consignment state, the generator shall complete the manifest in accordance with the consignment state's requirements and shall, at the time the generator provides a copy of the manifest to the department in accordance with sub. (6), provide the department with the following information:

(a) The transporter's phone number.

(b) The designated facility's phone number.

(c) One primary hazardous waste number corresponding to the name of the waste being shipped, selected based on the criteria specified in sub. (8) (j).

(d) Any additional description for the materials and any handling codes for the wastes listed.

(10) A generator subject to sub. (9) who uses a manifest from a consignment state that is not Wisconsin shall send a photocopy of the copy received from the operator of the facility to which the hazardous waste is shipped, to the department within 5 business days of receiving the copy from that facility.

(11) For bulk shipments of hazardous waste within the United States solely by water, the generator shall send 3 copies of the manifest dated and signed in accordance with this section and s. NR 615.08 to the owner or operator of the designated facility or the last transporter to handle the waste in the United States. Copies of the manifest are not required for each transporter.

(12) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator shall send at least 3 copies of the manifest dated and signed in accordance with this section to:

(a) The next non-rail transporter, if any; or

(b) The designated facility if transported solely by rail; or

(c) The last rail transporter to handle the waste in the United States if exported by rail.

(13) In the case of exports, a transporter may not accept hazardous waste from a primary exporter or other person if:

(a) The transporter knows the shipment does not conform to the EPA acknowledgement of consent; and

(b) Unless, in addition to a manifest signed in accordance with the provisions of this section, the waste is also accompanied by an EPA acknowledgement of consent which, except for shipment by rail, is attached to the manifest, or shipping paper for exports by water.

(14) In the case of exports, a transporter shall provide a copy of the manifest to the U.S. customs official at the point the waste leaves the United States, and shall ensure that a copy of the EPA acknowledgement of consent accompanies the hazardous waste.

(15) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

Note: See s. NR 620.07 (8) and (9) for special provisions for rail or water (bulk shipment) transporters.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (4) and (8) (f), Register, August, 1992, No. 440, eff. 9-1-92; am. (8) (f), (k), (12) (intro.), cr. (15), Register, May, 1995, No. 473, eff. 6-1-95.

NR 615.09 Waste minimization. (1) HAZARDOUS WASTE MINIMIZATION CERTIFICATION. In signing a manifest in accordance with s. NR 615.08 (8) (k) the generator, unless exempted under s. NR 610.07, shall certify that:

(a) The generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and

(b) The proposed method of treatment, storage or disposal is that practicable method currently available to the generator 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 organizations 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) HAZARDOUS WASTE MINIMIZATION REPORTING. A generator as part of the annual activity report required under s. NR 615.12 or a primary exporter under the reporting requirements of s. NR 615.12 shall provide:

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

(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 615.10 Pre-transport requirements. (1) PACKAGING. Before transporting hazardous waste or offering hazardous waste for transportation, every generator shall package the hazardous waste to be shipped in accordance with U. S. DOT regulations on packaging in 49 CFR Parts 173, 178 and 179, October 1, 1993.

(2) LABELING AND MARKING. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall label and mark each package in accordance with applicable U. S. DOT regulations on hazardous materials in 49 CFR Part 172, October 1, 1993.

(a) Before placing hazardous waste in an accumulation area pursuant to s. NR 615.05 (4) (a) or placing hazardous waste in an on-site storage facility pursuant to s. NR 615.05 (3) (a) 1., a generator shall mark each container in accordance with par. (b), with the words "HAZARDOUS WASTE", or with other words that identify the contents of the container as hazardous waste.

(b) Before transporting, or offering hazardous waste for transportation off-site, a generator shall mark each container used to transport hazardous waste with the following words: "HAZARDOUS WASTE - state and federal law prohibits improper disposal. If found contact the nearest police department, division of emergency government, or department of natural resources. Generator's name and address Manifest document number".

In addition to placing the manifest document number on the container in the space indicated, a generator shall also place the state manifest document number on the container in the space indicated, if the manifest has such a number. For the purpose of this section, "state manifest document number" means the document number printed on the manifest in item A by the state that provides the manifest.

(3) PLACARDING. Before transporting hazardous waste, or offering hazardous waste for transportation off-site, a generator shall offer the initial transporter the appropriate placards required by U. S. DOT regulations for hazardous materials in 49 CFR Part 172, Subpart F, October 1, 1993.

Note: The publications containing the CFR references may be obtained from:
Superintendent of Documents
U.S. Government Printing Office
P.O. Box 371954

Pittsburgh, PA 15250-7954
(202) 783-3238

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) to (3), Register, August, 1992, No. 440, eff. 9-1-92; renum. from 615.09, am. (1), (2) (intro.), (3), Register, May, 1995, No. 473, eff. 6-1-95.

NR 615.11 Reporting. (1) ANNUAL ACTIVITY REPORT. (a) Except as provided in par. (b), a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit an activity report to the department by March 1 of each year. The activity report shall be submitted on department forms, shall cover generator activities during the previous calendar year and shall, at a minimum, include the following information:

1. The identification number, name and address of the generator;
2. The calendar year covered by the report;
3. The identification number, name and address for each off-site waste treatment, storage or disposal facility in the United States to which hazardous waste was shipped during the calendar year;
4. The name and identification number of each transporter used during the calendar year for shipments to a treatment, storage or disposal facility within the United States;
5. A description, hazardous waste number from s. NR 605.09, U. S. DOT hazard class and quantity of each hazardous waste shipped off-site. This information shall be listed by identification number of each offsite facility to which hazardous waste was shipped;
6. A waste minimization report as specified in s. NR 615.09 (2).
7. A certification signed by the generator or the generator's authorized representative as specified in s. NR 620.15 (2), 680.41 or 680.05 (2), 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, true, 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: Reporting for exports of hazardous waste is not required on the activity report forms. A separate annual export report requirement is in s. NR 615.12.

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

(b) Any generator who treats, stores or disposes of hazardous waste on-site, except for waste managed solely in an on-site accumulation area in accordance with s. NR 610.08 (1) (L) or 615.05 (4), shall submit an activity report covering those wastes in accordance with s. NR 630.40.

(c) A generator shall retain a copy of each activity report for a period of at least 3 years from the due date of the report. 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 to be retained.

(2) EXCEPTION REPORT. (a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter or owner or operator of the designated facility to determine the status of the hazardous waste.

(b) A generator shall submit an exception report to the department if a copy of the manifest with the handwritten signature of the owner or operator of the designated facility is not received by the generator within 45 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. A legible copy of the manifest for which the generator does not have confirmation of delivery; and

2. A cover letter signed by the generator, or an authorized representative, explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(c) Generators shall keep a copy of each exception report for a period of at least 3 years. 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 to be retained.

(3) ADDITIONAL REPORTS. The department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in s. NR 605.09.

(4) ENVIRONMENTAL REPAIR FEE. Generators shall pay an environmental repair fee as specified in s. NR 685.09 (2) (b).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; r. and recr. (1) (a) 6., r. (1) (a) 7., renum. (1) (a) 8. to be (1) (a) 7., cr. (4), Register, May, 1995, No. 473, eff. 6-1-95.

NR 615.12 Exports of hazardous waste. When shipping hazardous waste outside the United States, the primary exporter shall:

(1) The primary exporter shall notify the department and the EPA administrator in writing 60 days before the initial shipment of hazardous waste to each country in each calendar year. This notification may cover export activity that extends over a 12 month or lesser period. Notices sent to the EPA administrator shall be sent to:

Office of Enforcement and Compliance Assurance
Office of Compliance, Enforcement Planning, Targeting,
and Data Division (2222A)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Hand-delivered notifications should be sent to:
Office of Enforcement and Compliance Assurance,
Office of Compliance, Enforcement Planning, Targeting,
and Data Division (2222A),
Environmental Protection Agency,
Ariel Rios Bldg.,
12th St. and Pennsylvania Ave., NW.,
Washington, D.C.

In both cases, the phrase "Attention: Notification of Intent to Export" shall be prominently displayed on the front of the envelope.

(a) The notification shall be in writing, signed by the primary exporter, and include the information in this paragraph:

1. Name, mailing address, telephone number and EPA ID number of the primary exporter;
2. By consignee, for each hazardous waste type the notification shall include:

a. A description of the hazardous waste and the hazardous waste number from ss. NR 605.08 and 605.09, U.S. DOT proper shipping name, hazard class and ID number for each hazardous waste as identified in 49 CFR Parts 171 to 177, October 1, 1993;

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 change 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 acknowledgment 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 acknowledgment 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.

(1m) The hazardous waste shipment shall conform to the terms of the receiving country's written consent as reflected in the EPA's acknowledgement of consent.

(1p) The primary exporter shall add the following statement to the end of the first sentence of the certification in box 16, generator's certification on the Wisconsin uniform hazardous waste manifest form, 4400-66: "and conforms to the terms of the attached EPA acknowledgement of consent".

(1r) The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. customs official at the point the hazardous waste leaves the United States.

(1t) Primary exporters of hazardous waste shall file with the department and the EPA no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous waste exported during the previous calendar year. Reports shall include the following:

(a) The identification number, name and mailing and site address of the exporter;

(b) The calendar year covered by the report;

(c) The name and site address of each consignee;

(d) By consignee, for each hazardous waste exported, a description of the hazardous waste, the hazardous waste number from ss. NR 605.08 and 605.09, U. S. DOT hazard class, the name and EPA ID number, where applicable, for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;

(e) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to s. NR 615.12 (1) and (2), a waste minimization report as specified in s. NR 615.09 (2).

(f) A certification signed by the primary exporter which states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

(g) Reports shall be sent to both the Environmental Protection Agency (EPA) and the department. Reports sent to EPA shall be sent to the following address: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or hand-delivered to: Office of Enforcement and Compliance Assurance,

Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, Ariel Rios Bldg., 12th St. and Pennsylvania Ave., NW., Washington, D.C. Reports shall also be sent to: Wisconsin Department of Natural Resources, Bureau of Solid and Hazardous Waste Management, P.O. Box 7921, Madison, WI 53707.

(1u) The primary exporter shall keep a copy of each notification of intent to export for a period of at least 3 years from the date the hazardous waste was accepted by the initial transporter;

(1w) The primary exporter shall keep a copy of each EPA acknowledgment of consent for a period of at least 3 years from the date the hazardous waste was accepted by the initial transporter;

(1x) The primary exporter shall keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least 3 years from the date the hazardous waste was accepted by the initial transporter; and

(1z) The primary exporter shall keep a copy of each annual export report for a period of at least 3 years from the due date of the report.

(2) The generator shall file an exception report with the department and the EPA pursuant to s. NR 615.11 (1) (b), if:

(a) The generator has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

(b) Within 90 days from the date the hazardous waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.

(c) The waste is returned to the United States.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; corrections made under s. 13.93 (2m) (b) 1., Stats., Register, August, 1992, No. 440; am. (1) (intro.), (a) 2. a., (1t) (g), Register, August, 1992, No. 440, eff. 9-1-92; am. (1) (a) 2. a., (1t) (e) (intro.), r. (1t) (e) 1., 2., Register, May, 1995, No. 473, eff. 6-1-95; **am. (1) (intro.) and (1t) (g), Register, May, 1998, No. 509, eff. 6-1-98.**

NR 615.13 Imports of hazardous waste. (1) Except as provided in sub. (2), any person who imports hazardous waste

from abroad into Wisconsin shall comply with the requirements of this section.

(2) When importing a hazardous waste, all the requirements of s. NR 615.08 for the manifest shall be met except that:

(a) In place of the generator's name, address and identification number, the name and address of the foreign generator and the importer's name, address and identification number shall be used.

(b) In place of the generator's signature on the certification statement, the U.S. importer or agent thereof shall sign and date the certification and obtain the signature of the original transporter.

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

NR 615.14 International agreements. (1) Any person who exports or imports hazardous waste subject to the manifest requirements of ss. NR 610.08 (1) (d) and 615.08, or subject to the universal waste management standards of ch. NR 690, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD) for purposes of recovery is subject to 40 CFR part 262 subpart H. The requirements of ss. NR 615.12 and 615.13 do not apply.

(a) For the purposes of this section and 40 CFR part 262 subpart H, the designated OECD countries consist of Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States.

(b) For the purposes of this section and 40 CFR part 262 subpart H, Canada and Mexico are considered OECD member countries only for the purpose of transit.

(2) Notwithstanding sub. (1), ss. NR 615.12 and 615.13 apply to both of the following:

(a) Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery.

Note: Purposes other than recovery include incineration and disposal.

(b) Any person who exports hazardous waste to or imports hazardous waste from Mexico or Canada for any purpose.

History: Cr. Register, May, 1998, No. 509, eff. 6-1-98.