

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

The Wisconsin Natural Resources Board proposes an order to amend NR 520.04(5) and to repeal and recreate NR 520.04(1)(d), and Table 2 and 3 relating to adjusting solid waste licensing and plan review fees.

WA-45-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 289.61 and 227.11(2)(a), Stats.

Statutes interpreted: s. 289.61, Stats.

This order amends the solid waste management rules in ch. NR 520. The proposed revisions adjust the plan review and license fees to address projected deficits in the Program Revenue account beginning in Fiscal Year 2004.

SECTION 1. NR 520.04(1)(d) is repealed and recreated to read:

NR 520.04(1)(d)1. In addition to the license fee specified in 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.

2. The amount of the surcharge payable under subd. 1. shall be determined by multiplying the number of tons or equivalent volume of solid waste disposed of during each quarterly reporting period by a tonnage rate established in subd. 3.

3. The tonnage rate shall be 9.0 cents/ton through March 31, 2004, 12.0 cents/ton effective April 1, 2004, 14 cents/ton effective July 1, 2004, and 15.0 cents/ton effective July 1, 2005 and beyond.

4. Owners or operators of landfills shall submit quarterly reports on forms supplied by the department accompanied by the amount of the surcharge calculated under this section within 30 days after the end of each successive reporting period.

Note: The forms will be mailed to the landfill owners or operators by the Department on a quarterly basis.

5. Beginning in calendar year 2004, the department shall hold a public meeting annually in September to review the status of and projections for the waste management program revenue account. In addition, beginning in fiscal year 2005, if the account balance at the end of the previous fiscal year is greater than 8% of the expenditure level of the program revenue account, authorized in s. 20.370(2)(dg), Stats., the department shall submit to the natural resources board proposed rule revisions with appropriate justification for the modification of the surcharge payable under this paragraph to more closely align revenues with expenditures in accordance with s. 289.61(3), Stats. The proposed rule revisions shall be submitted within 180 days after the date of the public meeting.

SECTION 2. NR 520.04(5) is amended to read:

NR 520.04(5) CONSTRUCTION INSPECTION FEES. A construction inspection fee of ~~\$500.00 per inspection as specified in Table 2 or 3, as applicable,~~ required under s. NR 500.09 shall be paid to the department by the applicant at the time of the submittal of a construction documentation report or as specified in the plan approval. A maximum of 10 inspections per major phase of construction may be required.

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

TABLE 2

PART A

Fee Schedule - All Facilities Except Landfills and Surface Impoundments - through September 30, 2004

Facility Type	License Required	Plan Review Fee ⁽¹⁾ ⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$500	N/A	N/A
Beneficial Reuse	No	\$500	\$500	N/A
Collection and 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 Combuster				
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

PART B

Fee Schedule - All Facilities Except Landfills and Surface Impoundments – October 1, 2004 and Later

Facility Type	License Required	Plan Review Fee ⁽¹⁾ ⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$550	N/A	N/A
Beneficial Reuse	No	\$550	\$550	N/A
Collection and Transportation	Yes	N/A	N/A	\$110
Each Additional Truck		N/A	N/A	\$33 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$660	\$330	\$165
Large (>100 tons/day)	Yes	\$1,650	\$660	\$550
Processing Facility ⁽³⁾	Yes	\$3,300	\$1,100	\$550
Storage Facility	Yes	\$1,650	\$1,100	\$550
Incinerator Facility ⁽³⁾	Yes	\$7,700	\$1,100	\$7,700
Air Curtain Destructor	Yes	\$330	\$165	\$165
Woodburning Facility	Yes	\$165	N/A	\$165

One Time Disposal Municipal Waste Combuster	No	\$660	N/A	N/A
Small	Yes	\$1,650	\$660	\$660
Large (>10 tons/day)	Yes	\$7,700	\$1,100	\$7,700
Land Spreading Facility				
Exempt	No	\$660	N/A	N/A
Non-exempt	No	\$1,650	N/A	N/A
Infectious Waste Transport	Yes	N/A	N/A	\$275
Each Additional Truck		N/A	N/A	\$22
Infectious Waste Annual Report	No	N/A	N/A	\$55 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$660 ⁽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 4. Table 3 following NR 520.15(3) is repealed and recreated to read:

TABLE 3

**PART A
FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – THROUGH SEPTEMBER 30, 2004**

Facility Type	Plan Review Fees ⁽¹⁾⁽²⁾							License Fees			
	License Required	Plan Review Required	Pre-feas, or Initial Site Report ⁽³⁾ NR 509/510	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	License Transfer
Landfills and Surface Impoundments											
1. 50,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$1500	\$6000	\$1500
2. <500,000 yd ³ ,	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$3500	\$6000	\$3500
3. >500,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$7000	\$6000	\$7000
Plan Modification ⁽⁴⁾ ₍₁₁₎	No	Yes	N/A	\$1500	\$1500 ⁽⁷⁾	N/A	N/A	\$150	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1000	\$500	\$200	N/A	\$1500 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7000	\$500	\$1000	N/A	\$3500 ⁽¹⁰⁾	\$6000	N/A

PART B
FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – October 1, 2004 and Later

Plan Review Fees ⁽¹⁾⁽²⁾

License Fees

Facility Type	License Required	Plan Review Required	Pre-feas, or Initial Site Report ⁽³⁾ NR 509/510	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	License Transfer
Landfills and Surface Impoundments											
1. 50,000 yd3	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$1650	\$6600	\$1650
2. <500,000 yd3,	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$3850	\$6600	\$3850
3. >500,000 yd3	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$7700	\$6600	\$7700
Plan Modification ⁽⁴⁾ <small>(11)</small>	No	Yes	N/A	\$1650	\$1650 ⁽⁷⁾	N/A	N/A	\$165	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1100	\$550	\$220	N/A	\$1650 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7700	\$550	\$1100	N/A	\$3850 ⁽¹⁰⁾	\$6600	N/A

(1) The plan review fees specified in Table 3 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 3 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 determines that the total review time is not likely to exceed 4 hours.

(3) For an initial site report submittal which includes more than one location, the applicant shall pay a separate fee, as shown in Table 3, for each location.

(4) A plan modification, as referred to in Table 3, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department. This fee also applies to a submittal which proposes to change the design management zone (DMZ) or requests recalculation of indicator preventive action limits (PAL's) as defined in ch. NR 140.

(5) This review fee also applies to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.

(6) These review fees apply to each facility construction documentation report submitted.

(7) This fee also applies to any facility which requests an exemption to the groundwater standards contained in ch. NR 140.

(8) This fee is a one-time payment only for the term of the licensee's long-term care responsibility.

(9) This fee applies to each phase of construction to a maximum of 10 inspections.

(10) Operation inspection fee.

(11) No review fee is owed for plan modifications submitted and approved under s. NR 514.09 Expedited Plan Modifications.

SECTION 5. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 6. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 13, 2003..

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____

Scott Hassett, Secretary

(SEAL)