

## Chapter NR 151

## SOLID WASTE MANAGEMENT

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**History:** Prior to May, 1971 similar rules, sections RD 51.01—RD 51.21, were to be found in chapter RD 51. In May, 1971 chapter RD 51 was renumbered to be chapter NR 151. Chapter NR 151 as it existed on June 30, 1973 was repealed, and a new chapter NR 151 was created, Register, June, 1973, No. 211, eff. 7-1-73.

## FOREWORD

The high level of production required to meet the varied needs of an expanding population and high standard of living has resulted in a sharp rise in the amount of waste materials discarded annually. Inefficient and improper methods of waste disposal have caused an increasing pollution of our vital air, land and water resources threatening the utility of our resources and the quality of the environment in which we live. The problems of improper waste disposal endanger the public health, safety and welfare, create public nuisances, result in scenic blight and adversely affect land values. The close interrelationship of air, land and water pollution requires concerted action to prevent the worsening of these problems.

It is the intent of these rules to provide for the handling, processing, and ultimate disposal of solid waste in such a way as to make efficient, nuisance-free, environmentally acceptable waste management a reality in Wisconsin.

The department encourages cooperation of municipalities which may adopt this chapter for use in local laws, ordinances or regulations.

These rules were adopted by the department pursuant to sections 144.43 and 144.44, Wis. Stats.:

**144.43 Solid waste disposal standards.** The department shall, no later than January 1, 1969, prepare and adopt minimum standards for the location, design, construction, sanitation, operation and maintenance of solid waste disposal sites and facilities and shall, following a public hearing, adopt such rules relating to the operation and maintenance of solid waste disposal sites and facilities as it deems necessary.

**144.44 License.** (1) After the department has promulgated minimum standards for the location, design, construction, operation and maintenance of solid waste disposal sites and facilities, no person shall establish, maintain, conduct or operate a solid waste disposal site or facility which does not adhere to such minimum standards. Such sites or facilities shall be licensed annually by the department providing they comply with said standards. The department may charge a reasonable fee for the costs of administering this section.

(2) Nothing in ss. 144.30 to 144.46, Wis. Stats., shall limit the authority of any local governing body to issue licenses and permits for any state-licensed sites or facilities or to adopt, subject to department approval, standards for the location, design, construction, operation and maintenance of solid waste disposal sites and facilities more restrictive than those adopted by the state under this section.

**NR 151.01 Applicability.** The provisions of this chapter govern the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid waste by any person or municipality, and the licensing of solid waste disposal sites and facilities in keeping with sections 144.43 and 144.44, Wis. Stats.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.02 Definitions.** For the purpose of these regulations: (1) **AIR CURTAIN DESTROYER.** An air curtain destroyer is a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(2) **COLLECTING AND TRANSPORTING SERVICE.** A collecting and transporting service is a solid waste disposal operation which utilizes containers and/or vehicles for the collection and transportation of solid waste for disposal purposes.

(3) **COMPOSTING OPERATION.** A composting operation is a solid waste disposal operation for the controlled, accelerated, biological decomposition of solid waste.

(4) **DEPARTMENT.** The department is the department of natural resources.

(5) **GARBAGE.** Garbage means discarded materials resulting from the handling, processing, storage and consumption of food.

(6) **INCINERATOR.** An incinerator is a solid waste disposal operation designed and operated for controlled burning of wastes, to achieve volume and weight reduction.

(7) **LAND DISPOSAL OPERATION.** A land disposal operation is a solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth on a regular schedule.

(8) **NONCOMBUSTIBLE MATERIAL.** Noncombustible material is solid waste which is incapable of supporting combustion in the ambient atmosphere.

(9) **OPEN BURNING.** Open burning is combustion wherein the products are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include the combustion occurring at a properly operated air curtain destroyer.

(10) **POPULATION EQUIVALENT.** Population equivalent is the population equal to the sum of the population of the geographical area based on the most recent census data, or department of administration census data used for tax sharing purposes, plus the seasonal population not included in the census data, plus one person per 1,000 pounds per year of industrial, commercial, and agricultural waste.

(11) **PROCESSED SOLID WASTE.** Processed solid waste is solid waste that has been incinerated, pulverized, shredded, classified, baled, separated, or altered by some means in a solid waste processing plant.

(12) **REFUSE.** Refuse means combustible and noncombustible rubbish, including, but not limited to paper, wood, metal, glass, cloth, and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

(13) **SALVAGEABLE MATERIAL.** Salvageable material is material which is of further usefulness only as raw material for reprocessing or as imperfect stock from which replacement or spare parts can be extracted.

(14) **SALVAGE YARD.** A salvage yard is a solid waste disposal operation at which salvageable materials are stored or sold or at which wrecking, dismantling or demolition of salvageable materials are conducted. A solid waste recycling center is not considered a salvage yard.

(15) **SANITARY LANDFILL.** Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

(16) **SERVE.** To provide or to make available a solid waste disposal operation.

(17) **SOLID WASTE.** Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(18) **SOLID WASTE DISPOSAL.** Solid waste disposal means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

(19) **SOLID WASTE DISPOSAL OPERATION.** A solid waste disposal operation is the operation or maintenance of a solid waste disposal site or facility, for the collection, storage, utilization, processing, or final disposal of solid waste, including, but not limited to, land disposal, incineration, transfer, air curtain destruction, composting, reduction, shredding, compression, processing, and salvage. In house reuse of imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

(20) **SOLID WASTE MANAGEMENT.** Solid waste management is planning, organizing, and implementing programs to effect the storage, collection, transportation, processing, utilization or final disposal of solid wastes.

(21) **SOLID WASTE PROCESSING PLANT.** A solid waste processing plant is a solid waste disposal operation at which solid waste is incinerated, pulverized, shredded, classified, baled, separated or altered by some other means to facilitate transportation, utilization, or disposal.

(22) **SOLID WASTE RECYCLING CENTER.** A solid waste recycling center is a solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass, and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material.

(23) **TOXIC OR HAZARDOUS WASTES.** Toxic or hazardous wastes are solid wastes such as pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.

(24) **TRANSFER STATION.** A transfer station is a solid waste disposal operation used for the loading of solid waste from one vehicle or container to another, generally of larger capacity, prior to transporting to the point of processing or final disposal.

(25) **WETLANDS.** Wetlands are land areas characterized by surface flooding and/or saturated soils during at least part of the growing season such that only moist soil vegetation or shallow water plants can thrive.

(26) **SCRAP METAL PROCESSING FACILITY.** A scrap metal processing facility is a solid waste disposal operation at which metallic salvageable material is separated, shredded, compressed, baled, sheared, or further processed to make it suitable for use as a metal or raw material.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73; cr. (26), Register, September, 1974, No. 225, eff. 10-1-74.

**NR 151.03 General conditions.** All solid waste shall be stored, collected, transported, utilized, processed, and disposed of or reclaimed in a manner consistent with requirements of this chapter. The owner or occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage, collection and transportation of all solid waste accumulated at that premises, business establishment or industry, to a department licensed solid waste disposal operation in accordance with the provisions of this chapter, unless arrangements for such purposes have been made with a collecting and transporting service holding a license from the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.04 Solid waste storage.** (1) The owner and occupant of any premises, business establishment, or industry shall be responsible for the sanitary, nuisance-free storage of all solid waste accumulated at that premises, business establishment or industry.

(2) Garbage and similar putrescible waste shall be stored in:

(a) Durable, rust resistant, nonabsorbent, watertight, rodent-proof and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling, or

(b) Other types of containers acceptable to the municipality and conforming to section NR 151.04 (1).

(3) Refuse shall be stored in durable containers or as otherwise provided in this section. Where garbage and similar putrescible waste are stored in combination with nonputrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

(4) Toxic or hazardous wastes shall be stored in safe locations in separate, closed, containers which are safe for such waste and are identified in accordance with state and federal labeling requirements.

(5) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health.

(6) Objects too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.05 Licenses.** It shall be unlawful for any person to establish, maintain, conduct or operate a solid waste disposal operation, except as provided in sections NR 151.08 (2), NR 151.09 (2), NR

151.11 (1), or NR 151.12 (1), without first obtaining an annual license from the department. The licensing period will begin on October 1 of each year and will terminate on the following September 30. Separate application for an annual license shall be made for each solid waste disposal operation.

(1) Application for initial licensing of a new solid waste disposal operation may be submitted at any time during the licensing year.

(2) A relicensing application shall be submitted to the department by June 1 of each year and shall include a completed application form with the appropriate fee.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.06 Exemptions.** A person may apply for exemptions from any of the requirements of this chapter. Before granting exemptions, the department shall take into account such factors as population of the area being served, amounts of waste generated, location of the disposal operation, nature of wastes, seasonal character of the disposal operation, and other significant factors. All exemptions pertaining to a solid waste disposal operation will be granted in writing by the department. Licenses and exemptions shall be reviewed no less frequently than annually, with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.07 Revocation of a license or exemption.** The department may revoke any license or any exemption granted as part of a license if it finds that the solid waste disposal operation is not operated in accordance with the provision of the license.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.08 Solid waste disposal operation—collection and transportation service.** (1) A collection and transportation service shall not be established or operated until the service has been licensed by the department.

(2) Licensing shall not be required for persons satisfying the following conditions, but the collection and transportation service shall be operated in conformance with the provisions of section NR 151.08 (5).

(a) Only salvaged materials, mine tailings, gravel pit spoils, quarry material, or similar earth materials are transported.

(b) Only solid wastes from a single household or solid wastes amounting to less than 20 tons per year are transported.

(3) Prior to June 1 of each year completed relicensing applications together with an annual fee of \$15 shall be submitted for each collection and transportation service to the appropriate district office. License application for a new collection and transportation service will be accepted at any time. The license fee is not refundable or prorateable.

(4) Any person who maintains or operates a collection and transportation service shall maintain and operate the service in conformance with the following practices:

(a) Solid waste shall be transported only to solid waste disposal operations licensed by the department.

(b) Toxic or hazardous waste shall be transported only by services

authorized to accept such waste and shall be transported only to disposal operations licensed by the department to accept such waste.

(c) Vehicles or containers used for collection or transportation shall be covered, leakproof, durable, and of easily cleanable construction. These shall be cleaned frequently to prevent nuisances or insect breeding, and shall be maintained in good repair.

(d) Vehicles or containers used for the collection and transportation of any solid waste, including toxic or hazardous waste, shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the collector or transporter shall immediately return spilled material to the vehicle or container, and shall properly clean the area.

(5) When possible, toxic or hazardous wastes shall be neutralized or otherwise made harmless prior to collection and transportation.

(6) The department shall be advised of the expansion of the service to include additional municipalities or termination of any collection and transportation service or any changes in the use of disposal sites 30 days prior to the effective date of such action.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.09 Solid waste disposal operation; transfer station.** (1) Solid waste transfer stations will be classified as follows based on their handling, design, capabilities, and use:

Type I—A facility designed and operated to receive solid waste from individual users and from hand unloaded vehicles not exceeding one ton capacity. A solid waste recycling center is considered a type I transfer station.

Type II—A facility designed and operated to receive solid waste primarily from vehicles larger than one ton capacity.

(2) Licensing shall not be required for type I transfer stations, but any person who maintains or operates a type I transfer station or permits use of property for such shall maintain and operate the station in conformance with the following practices.

(a) Containers shall be leakproof and manufactured of rot-proof material. A closeable cover shall not be required unless specifically requested in writing by the department.

(b) Where mechanical equipment is a part of the operation, access shall be limited to those times that attendants are on duty. Access restrictions and/or attendants may be required for a nonmechanical type I facility.

(c) Containers shall be removed or emptied at least once per week and more frequently if conditions warrant.

(d) The transfer station and adjacent area shall be kept clean and free of litter.

(e) No open burning of solid waste shall be conducted.

(f) Effective means shall be provided to control flies, rodents and other insects or vermin.

(g) An all-weather access and parking area shall be provided and maintained.

(3) A type II solid waste transfer station shall not be operated until the station has been licensed by the department.

(4) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each type II transfer station to the appropriate district office. License ap-

plications for a new transfer station will be accepted at any time. The license is transferable to another station of the license holder, but the fee is not refundable or proratable.

(5) A type II solid waste transfer station shall not be established or altered until a minimum of 2 sets of plans and specifications, prepared and submitted to the department by a registered professional engineer, have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed type II transfer station. This fee is not refundable. The plans and specifications shall include the following:

(a) A map or aerial photograph of the area showing the specific location of the transfer station and the land use and zoning within  $\frac{1}{4}$  mile of the station. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, roads, topography and other applicable details. All such details shall be identified and indicated on the map or aerial photograph.

(b) Plot plan of the transfer station including: means of limiting access, such as fencing, gates, natural barriers or other methods; method of screening the station from the surrounding area; general layout of equipment and flow pattern; road access; location of existing and proposed utilities to the transfer station.

(c) Detailed drawings and specifications of all structures, fixed equipment and site.

(d) A report which shall include the following information:

1. Population and area to be served by the station.
2. Anticipated type and quantity of waste to be handled in the station.
3. Types of vehicles used to transport solid waste into and out of the station.
4. Names and locations of all solid waste disposal operations to which waste from the transfer station will be hauled.
5. Persons responsible for the station operations.
6. Methods of treating or disposing of liquid wastes resulting from operation of the transfer station.
7. Appurtenances and procedures intended to: handle heavy or bulky items; store solid waste beyond the end of the working day; control dust, odors, fire, and windblown material; handle solid waste in the case of a major transfer facility breakdown.
8. Methods of volume reduction if used: compacting, grinding, compression or tamping.
9. Daily clean-up procedures.

(6) Any person who maintains or operates a type II transfer station or permits the use of property for such shall maintain and operate the station in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use; necessary safety precautions; and any other pertinent information.

(b) A building roofed and enclosed on at least 3 sides or otherwise enclosed to satisfactorily control dust, papers, and other waste materials shall be provided.

(c) Screening shall be provided for a transfer station located within 500 feet of a residence.

(d) The station shall be operated under the close supervision of responsible individuals who are thoroughly familiar with the requirements and the operational procedures of the transfer station.

(e) Access shall be limited to those times that an attendant is on duty.

(f) There shall be no storage of solid waste in the building or yard for a period greater than 24 hours except in conformance with section NR 151.04 or in licensed collection and transportation units.

(g) Unloading of solid waste shall take place only within the enclosed structure and only in approved designated areas.

(h) Solid waste shall be confined to the unloading, loading and handling area.

(i) The transfer station and adjacent area shall be kept clean and free of litter.

(j) Sewage solids or liquids or other toxic or hazardous wastes in quantities detrimental to the normal operation of the transfer station shall be excluded unless plans for special handling have been submitted to the department and approved in writing.

(k) Dust generated by the unloading of solid waste and the operation of the transfer station shall be controlled at all times.

(l) Odor resulting from the unloading of solid waste and the operation of the transfer station shall be controlled at all times.

(m) No open burning of solid waste shall be conducted.

(n) Solid waste which is burning or is at a temperature likely to cause fire or is of a highly flammable or explosive nature shall not be accepted in the transfer station.

(o) Equipment shall be provided to control accidental fires and arrangements made with the local fire protection agency to immediately acquire services when needed.

(p) Means shall be provided to control flies, rodents, and other insects or vermin.

(q) Provision shall be made for the routine operational maintenance of the transfer station and appurtenances.

(r) If for any reason the transfer station is rendered inoperable, an approved alternate method shall be available for solid waste disposal.

(7) Upon termination of the operation of a transfer station, the operator shall notify the department 30 days prior to the termination date and shall submit any further information as deemed necessary by the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.10 Solid waste disposal operation—solid waste processing plant.** (1) A solid waste processing plant shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year completed relicensing applications together with an annual fee of \$50 shall be submitted for each solid waste processing plant to the appropriate district office. License applications for a new solid waste processing plant will be accepted at any time. The license is transferable to another plant of the license holder, but the fee is not refundable or proratable.

(3) A solid waste processing plant shall not be established or altered until a minimum of 2 sets of plans and specifications prepared



and submitted to the department by a registered professional engineer have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed processing plant. The fee is not refundable. The plans and specifications shall include the following:

(a) A map or aerial photograph of the area showing the specific location of the processing plant and the land use and zoning within  $\frac{1}{4}$  mile of the plant. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, roads, topography and other applicable details. All such details shall be identified and indicated on the map or aerial photograph.

(b) Plot plan of the processing plant including: means of limiting access such as fencing, gates, natural barriers, or other methods; method of screening the plant from the surrounding area; general layout of equipment and flow pattern; road access; location of existing and proposed utilities to the plant.

(c) Detailed drawings and specifications of all structures, equipment and site.

(d) A report which shall include the following information:

1. Population and area to be served by the plant.
2. Anticipated type and quantity of waste to be handled in the plant.
3. Types of vehicles used to transport solid waste into and out of the plant.
4. Names and locations of all solid waste disposal operations to which solid waste from the processing plant will be hauled.
5. Persons responsible for the plant operations.
6. Methods of treating or disposing of any liquid wastes resulting from operation of the processing plant.
7. Appurtenances and procedures intended to: store solid waste beyond the end of the working day; control dust, odors, fire, wind-blown materials; handle refuse in the case of a major processing plant breakdown.
8. Methods of volume reduction or processing—compaction, compression, baling, incineration, shredding, grinding, tamping, separating, classifying or other.
9. Daily clean-up procedures.

(4) Any person who maintains or operates a solid waste processing plant or permits the use of property for such operation shall maintain and operate the plant in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use, necessary safety precautions; and any other pertinent information.

(b) Screening shall be provided for any processing plant located within 500 feet of a residence.

(c) Access to the processing plant shall be limited to those times that attendants are on duty.

(d) A processing plant shall be operated under the close supervision of responsible individuals who are thoroughly familiar with the requirements and operational procedures of the plant.

(e) Solid waste except that in the process line shall be stored in conformance with section NR 151.04.

(f) Unloading of solid waste shall take place only in approved, designated areas.

(g) The processing plant and adjacent area shall be kept clean and free of litter.

(h) Sewage solids or liquids or other toxic or hazardous wastes in quantities considered to be detrimental to the normal operation of the processing plant shall be excluded unless plans for special handling have been submitted to the department and approved in writing. This provision does not preclude the right of a processing plant operator to exclude any material as a part of his operational standards.

(i) Dust generated by the unloading of solid waste and the operation of the processing plant shall be controlled.

(j) Odor resulting from the unloading of solid waste and the operation of the processing plant shall be controlled.

(k) No open burning of solid waste shall be conducted.

(l) Solid waste which is burning or is at a temperature likely to cause fire or is of a highly flammable or explosive nature shall not be accepted in the processing plant.

(m) Equipment shall be provided to control accidental fires and arrangements made with the local fire protection agency to immediately acquire services when needed.

(n) Effective means shall be taken to control flies, rodents, and other insects or vermin.

(o) If for any reason the processing plant is rendered inoperable an approved alternate method shall be used for solid waste disposal.

(p) Upon termination of the operation of a solid waste processing plant, the operator shall notify the department 30 days prior to the termination date and shall submit any further information as deemed necessary by the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.11 Solid waste disposal operation; incinerator.** (1) Licensing shall not be required for incinerators having a capacity of 1,000 pounds per hour or less except for incinerators used for the degradation of toxic or hazardous wastes. These incinerators shall be designed and operated in a manner to conform to emission limitations of state and local air pollution control regulations.

(2) An incinerator of capacity greater than 1,000 pounds per hour or for purposes of toxic or hazardous waste reduction shall not be operated until it has been licensed by the department.

(3) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each incinerator to the appropriate district office. License applications for a new incinerator will be accepted at any time. The license is transferable to another incinerator of the license holder, but the fee is not refundable or prorable.

(4) A solid waste incinerator shall not be established or altered until a minimum of 2 sets of plans and specifications prepared and submitted to the department by a registered professional engineer have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously un-

licensed incinerator. The fee is not refundable. The plans and specifications shall include the following:

(a) Map or aerial photograph of the area showing land use and zoning within  $\frac{1}{4}$  mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the topography. All such details shall be identified and indicated on the map or aerial photograph.

(b) Plot plan of the incinerator site including: means of limiting access such as fencing, gates, natural barriers, or other methods; method of acceptably screening the facility from the surrounding area; general layout of equipment and flow pattern; road access; location of existing and proposed utilities to the incinerator.

(c) Detailed drawings and specifications of all structures, equipment and site.

(d) A report which includes furnace design criteria and expected performance data, including emission data.

(e) Plans for disposal of incinerator residue and emergency disposal of solid waste in the event of a major incinerator breakdown.

(f) A report which shall include the following information:

1. Population and area to be served by the incinerator.
2. Anticipated type and quantity of waste to be handled in the incinerator.
3. Persons responsible for incinerator operations.
4. Methods of treating or disposing of any liquid wastes or waste waters resulting from operation of the incinerator.
5. Appurtenances and procedures intended to: store refuse beyond end of working day; control dust, odors, fire outside the burning chamber, windblown materials.
6. Other methods of volume reduction—compaction, compression, baling, shredding, grinding, tamping, separating, classifying or other.
7. Daily clean-up procedures.

(5) Any person who maintains or operates an incinerator or permits the use of property for such, shall maintain and operate the incinerator in conformance with the following practices unless otherwise specified by the department in granting the required license.

(a) The incinerator shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

(b) Adequate shelter and sanitary facilities shall be available for personnel.

(c) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use, necessary safety precautions; and any other pertinent information.

(d) All solid waste disposed of at the incinerator shall be confined to the dumping area.

(e) Solid waste except for that in the process line shall be stored in conformance with section NR 151.04.

(f) Facilities shall be provided for dust control in the unloading and charging areas.

(g) The department may require that permanent records be maintained. These records may include, but not be limited to, the weight

of material incinerated, the quantity of resulting residue, hours of plant operation, combustion temperatures, and residence time.

(h) Approved fire fighting equipment shall be available in the storage and charging areas and elsewhere as needed.

(i) Arrangements shall be made with the local fire protection agency to provide adequate emergency fire-fighting forces.

(j) Communications shall be provided for emergency purposes.

(k) Adequate equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.

(l) The charging openings as well as all equipment throughout the plant shall be provided with adequate safety equipment as prescribed by the department of industry, labor, and human relations.

(m) During normal operation, the temperature and residence time in the combustion chambers shall be adequate to fulfill air pollution emission standards, to produce a noncombustible material and to result in an odor-free operation.

(n) The incinerator shall be so designed and operated that it will not cause a nuisance because of the emission of obnoxious odors, gases, contaminants or particulate matter greater than limits established by state and local air pollution control regulations.

(o) Residue shall be disposed of as stipulated in section NR 151.12 or be handled by an alternate method approved by the department.

(p) All waste water from the incinerator shall be discharged into a sanitary sewer or other system approved by the department.

(q) Upon construction of a new incinerator and prior to initial operation, the department shall be notified to allow personnel of the department to inspect the incinerator both prior to and during the performance tests.

(r) Performance tests of the incinerator may be required by the department. A report covering the results of the performance tests in such case shall be prepared by the design engineer of the project and submitted to the department with the copy of all supporting data.

(s) No open burning of solid waste shall be conducted.

(t) If for any reason the incinerator is rendered inoperable an approved alternate method shall be used for solid waste disposal.

(6) Upon termination of the operation of an incinerator, the operator shall notify the department 30 days prior to the termination date and shall submit any further information deemed necessary by the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.12 Solid waste disposal operation—land disposal operation.**

(1) No person shall dispose of any solid waste at any land disposal operation not licensed by the department except for the following operations which are not required to be licensed but which must be operated and maintained in a nuisance-free and aesthetic manner consistent with the intent of this chapter:

(a) Operations used for the disposal of solid waste from a single family or household, a member of which is the owner, occupant or lessee of the property used for solid waste disposal.

(b) A farm on which only agricultural wastes resulting from the operation of the farm are disposed of.

(c) Operations for the exclusive disposal of mine tailings, spoils from gravel or quarry operations, and similar earth material.

(d) Operations at which earth containing less than 25% by volume of concrete, building stone, and asphalt are disposed.

(e) Operations used exclusively for the stabilization and drying of municipal sewage sludge and septic tank sludge.

(f) Operations used for the one time disposal of industrial, agricultural, or demolition solid waste. Although licensing is not required for this type of operation, written approval by the department is required prior to establishment of the operation. The operation shall be established, maintained and operated in accordance with provisions of section NR 151.12 and any other procedures as designated by the department.

(2) A solid waste land disposal operation except as listed under NR 151.12 (1) shall not be operated until it has been licensed by the department.

(3) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each land disposal operation to the appropriate district office. License applications for a new land disposal operation will be accepted at any time. The license is transferable to another site of the license holder, but the fee is not refundable or proratable. Prior to January 1, 1975 the license holder shall submit to the department a report which shall include a description of method of operation, means for compliance with section NR 151.12 (6) a timetable for achieving the improved operation by October 1, 1975, and a final use plan for the site.

(4) Solid waste land disposal operations are prohibited within the following areas:

(a) Within 1,000 feet of any navigable lake, pond or flowage.

(b) Within 300 feet of a navigable river or stream or to the landward side of the floodplain, whichever is greater.

(c) Within any area from which the department finds that solid waste or leachings therefrom may have a detrimental effect on surface water.

(d) Within an area from which the department finds that leaching from solid waste may have a detrimental effect on groundwater quality.

(e) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway or the boundary of any public park unless the site is screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the highway or park.

(f) Within wetland areas.

(5) A land disposal operation shall not be established nor an existing operation expanded until a minimum of 2 sets of plans and specifications, prepared and submitted to the department by a registered professional engineer, have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee, shall be submitted for each newly established or previously unlicensed land disposal operation. This fee is not refundable. The plans and specifications shall include the following:

(a) Map or aerial photograph of the area showing land use and zoning within  $\frac{1}{4}$ -mile of the solid waste land disposal operation. The map or aerial photograph shall be of sufficient scale to show all homes,

industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads, and other applicable details. All such details plus the general topography shall be identified and indicated on the map or aerial photograph.

(b) Plot plan of the site showing dimensions, location and ground surface elevation of soil borings, original and proposed final land contours, proposed trenching plan or original fill face, existing and proposed drainage patterns, winter cover stockpiles, access roads, fencing, screening, and any other applicable details. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed minimum and maximum fill elevations, thickness and type of underlying soil strata, and groundwater and bedrock elevations. The scale of the plot plan shall be 1 inch equals 200 feet.

(c) An acceptable report on geological formations based on soil borings. The minimum number of borings to be taken is based on site size according to the following schedule:

1. 3 borings for a site of up to 5 acres in size.
2. 1 boring for each additional 5 acres or portion thereof up to 50 acres.
3. 1 boring for each additional 10 acres or portion thereof over 50 acres.

Borings shall be arranged as nearly as possible to form a grid pattern over the site, to provide a subsurface investigation representing the entire site, and to facilitate analysis. When information is insufficient to adequately evaluate the site, additional or deeper borings may be required. All borings shall extend to a depth of at least 15 feet below the lowest proposed elevation of waste disposal in the areas of the borings. Boring holes shall be refilled with a bentonite-earth slurry prior to disposal of solid waste.

(d) A report which shall include the following information:

1. Population and area to be served by the proposed operation.
2. Anticipated type, quantity and source of material to be disposed of at the operation.
3. Source and characteristics of cover material and method of protecting cover material for winter operation.
4. Type and amount of equipment to be provided at the operation for excavating, earth moving, spreading, compaction, and other needs.
5. Persons responsible for actual operation and maintenance of the operation and intended operating procedures.
6. Proposed final use of the completed operation.

(e) The department may require groundwater monitoring wells and water quality sampling and analysis programs, provisions for gas monitoring and sampling, or provisions for protection against possible detrimental effects of leachate and gas production.

(f) The following information is also required for consideration if it is proposed to dispose of toxic or hazardous wastes at a land disposal operation:

1. An indication on the site plot plan of the location of toxic or hazardous waste disposal areas.

2. A plan of operation which includes the following information: disposal and covering frequency; description of signs, gates, fences; methods of waste unloading, emergency fire protection, safety precautions, etc.

3. A list of chemical and trade names of all wastes; names and

addresses of initial sources and transporters; and a report of the average quarterly waste quantities in both pounds and gallons disposed of at the site. Information regarding type and quantity is also necessary for waste deposited on an infrequent or irregular time schedule.

4. The proposed location and depth of a well or wells to be provided at the operation for monitoring groundwater quality.

(6) Any person who maintains or operates a land disposal operation, or permits the use of property for such, shall maintain and operate the operation in conformance with the following practices, unless otherwise specified by the department in granting the required license:

(a) Open burning is prohibited after October 1, 1975. Prior to October 1, 1975, all of the following criteria must be satisfied before the department may grant open burning exemptions:

1. The operation serves a population equivalent less than 2,500. Seasonal variations in population will be considered in the granting of partial yearly burning exemptions.

2. All portions of the licensed operation are greater than  $\frac{1}{4}$  mile from all residences and places of public gathering, or written consent is obtained from all residents and proprietors within  $\frac{1}{4}$  mile.

3. The solid waste open burned shall not include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products.

4. An attendant shall be on duty at all times when open burning is occurring.

5. All open burning shall be accomplished in a nuisance-free manner and without hazard for adjacent properties.

6. Adequate firebreaks shall be provided and maintained and arrangements shall be made to acquire the services of and provide access to the local fire protection agency when its services are needed.

7. Open burning shall not be contrary to any local air pollution control rules.

8. The operation is not located in one or more of the following counties; Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

(b) Open burning may be permitted after October 1, 1975 by the department granting an open burning exemption for wood, only after all of the following criteria are satisfied:

1. The operation serves a population equivalent less than 2,500. Seasonal variations in population will be considered in the granting of partial yearly burning exemptions.

2. All portions of the licensed operation are greater than  $\frac{1}{4}$  mile from all residences and places of public gathering or written consent is obtained from all residents and proprietors within  $\frac{1}{4}$  mile.

3. The solid waste open burned shall be limited to wood branches and trunks and the leaves and bark attached to the branches and trunks. The solid waste burned shall not include wood sawdust, wood shavings, wood bark, wood chips, paper, cloth, garbage, plastic and/or other types of solid waste.

4. An attendant shall be on duty at all times when open burning is occurring.

5. All open burning shall be accomplished in a nuisance free manner and without hazard for adjacent properties.

6. Adequate fire breaks shall be provided and maintained and arrangements shall be made to acquire the services of and provide access to the local fire protection agency when its services are needed.

7. Open burning shall not be contrary to local air pollution control rules.

8. The operation is not located in one or more of the following counties: Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

9. The area of the operation used for open burning is surrounded with a fence.

10. A minimum distance of 50 yards is maintained between the closest portion of the fence surrounding the area used for open burning and any other portion of the operation used for solid waste disposal.

11. A lockable gate is provided at the entrance to the open burning area and is kept locked except when an attendant is on duty.

(c) No solid waste shall be deposited in such a manner that material or leachings therefrom will have a detrimental effect on any ground or surface water.

(d) Deposition of solid waste shall be confined to as small an area as practical.

(e) The deposition and active area shall be provided with facilities to confine windblown material within that area.

(f) At the conclusion of each day of operation all windblown material shall be collected and returned to the deposition area and shall be buried in accordance with provisions of this section.

(g) Each single layer of solid waste shall be compacted to a depth of approximately 2 feet with no more than 3 compacted layers being placed prior to covering.

(h) Solid waste shall be compacted and covered at the end of each operating day with a compacted layer of 6 inches of soil. All of the criteria in one of the 2 following categories must be satisfied before the department may grant any exemptions for less frequent covering.

1. The operation serves a population equivalent of less than 2,500. Seasonal variations in population will be considered in the granting of yearly or partial yearly covering exemptions.

a. All portions of the licensed operation are greater than  $\frac{1}{4}$  mile from all residences and places of public gathering; or written consent is obtained from all residents and proprietors living within  $\frac{1}{4}$  mile.

b. Solid waste is compacted and covered with at least six inches of earth no less frequently than once per month except for the months of December, January, February, and March.

c. Nuisance conditions are not created.

2. The operation serves a population equivalent of less than 1,000. Seasonal variations in population will be considered in the granting of yearly or partial yearly covering exemptions.

a. All portions of the licensed operation are greater than  $\frac{1}{2}$  mile from all residences or places of public gathering; or written consent is obtained from all residents and proprietors living within  $\frac{1}{2}$  mile.

b. Solid waste is compacted and covered with at least 6 inches of earth at least 3 times per year (spring, summer, and fall) until October 1, 1975. Thereafter, compaction and covering shall be accomplished in accordance with section NR 151.12 (6) (h) 1.

c. Nuisance conditions are not created.



(i) Surface water drainage shall be diverted away from the working area and off of the landfill operation.

(j) Putrescible materials such as spoiled foods and animal carcasses shall be immediately covered and compacted as prescribed in this section.

(k) Disposal of significant quantities of toxic or hazardous wastes shall be in compliance with provisions of section NR 151.12 (7) or others as specified by the department and only with written approval of the department.

(l) The boundaries of the disposal operation shall be fenced to restrict access and a minimum separating distance of 20 feet shall be maintained between the disposal operation and adjacent property.

(m) Effective means shall be taken to control flies, rodents, and other insects and vermin.

(n) All access roads to the active area of the operation shall be of all-weather construction and shall be maintained in good condition.

(o) Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to immediately acquire its services when needed.

(p) An attendant shall be on duty at the operation at all times while it is open for public use.

(q) A gate shall be provided at the entrance to the operation and shall be kept locked when an attendant is not on duty.

(r) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use; necessary safety precautions; and any other pertinent information.

(s) The operation shall be surrounded with rapidly growing trees, shrubbery, fence or other appropriate means to screen it from the surrounding area and to provide a windbreak.

(7) Any person who maintains or operates a land disposal operation or permits the use of property for such, for the disposal of material defined as toxic or hazardous waste in section NR 151.02, shall maintain and operate the operation in conformance with the following practices as specified by the department in granting the required license:

(a) The wastes are to be disposed of in the active area of the operation, mixed with the other solid waste, not open burned, and covered with six inches of earth by the end of the day; or

(b) The following operational practices:

1. A separate area shall be designated for the disposal of these materials. A sign shall be posted in the area, indicating its designated use and precautions which shall be taken during disposal.

2. Toxic or hazardous waste materials, containers, and any materials washed from transporting vehicles shall be immediately covered with at least 18 inches of earth prior to compaction. The practice of covering before compacting will minimize the hazard of poisonous fumes which may arise from crushed containers.

3. The operation shall be operated in accordance with all other provisions of section NR 151.12 (6); or

(c) Other practices such as lagooning or evaporation.

(d) The operator shall submit to the department for each calendar quarter a report describing the quantities and types of all toxic or hazardous wastes disposed of at the operation during the previous quarter.

(e) Well(s) shall be provided at the location(s) at the operation specified by the department. The boring log(s) of the well(s) shall be submitted to the department.

(f) Samples of groundwater in the well(s) shall be collected by the operator on a calendar quarter basis and the results of quantitative and qualitative analysis specified by the department shall be submitted by the operator to the department within one month of the collection of each sample.

(8) Any person who maintains or operates a land disposal operation or permits the use of property strictly for the disposal of material defined as noncombustible in section NR 151.02, shall maintain and operate the operation in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) Only material defined as noncombustible in section NR 151.02 (5) shall be disposed of or stored at the operation.

(b) The material shall be compacted and covered at a frequency to be determined by the department but which shall not be less than once every 180 days.

(c) The operation shall be operated in accordance with all other provisions of section NR 151.12 (6).

(9) Any person who maintains or operates a land disposal operation or permits the use of property strictly for the disposal of solid waste altered by some means at a solid waste processing plant shall maintain and operate the operation in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) Processed solid waste shall be compacted and covered at a frequency to be determined by the department but which shall not be less than once every 180 days.

(b) Nonprocessed solid waste deposited at an operation used primarily for disposal of processed solid waste shall be compacted and covered after each day of operation with a compacted layer of at least 6 inches of soil.

(c) The operation shall be operated in accordance with all other provisions of section NR 151.12 (6).

(10) Any person who maintains or operates a licensed sanitary landfill or licensed land disposal operation, or who permits use of property for such shall, when the fill area or a portion thereof reaches final grade, or when the department determines that termination is required, terminate and complete the operation in accordance with the following practices:

(a) At least 30 days prior to terminating use of the active disposal operation, the owner or operator of the operation shall notify the department of his intent to cease operations.

(b) Within 15 days after terminating use of the operation, final closure shall be accomplished in the following manner:

1. The entire area previously used for disposal purposes shall be covered with at least 2 feet of compacted earth sloped adequately to allow surface water runoff.

2. The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

3. Following the termination and completion of a land disposal operation, inspection and maintenance shall be continued by the owner or operator until the fill becomes stabilized.

4. The department may require groundwater monitoring wells and water quality sampling and analysis programs, provisions for gas monitoring and sampling, or provisions for protection against possible detrimental effects of leachate and gas production.

(11) Any person who maintains or operates an unlicensed sanitary landfill or unlicensed land disposal operation, or permits use of property for such shall terminate the operation in accordance with one or both of the following procedures as specified by the department.

(a) That procedure contained in section NR 151.12 (10).

(b) By removing all solid waste disposed of at the operation since the day it became unlicensed.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.13 Solid waste disposal operation; composting operation.**

(1) A solid waste composting operation shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each composting operation to the appropriate district office. License applications for a new composting operation will be accepted at any time. The license is transferable to another composting operation of the license holder but the fee is not refundable or proratable.

(3) A composting operation shall not be established until a minimum of 2 sets of plans and specifications, prepared and submitted to the department by a registered professional engineer, have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed composting operation. The fee is nonrefundable. The plans and specifications shall include the following:

(a) A map or aerial photograph indicating land use and zoning within  $\frac{1}{4}$  mile of the facility. The map or aerial photograph shall be of adequate scale to show all homes, industrial buildings, wells, water-courses, dry runs, rock outcroppings, roads and other applicable details, and shall indicate the topography. All such details shall be identified and indicated on the map or aerial photograph.

(b) Details relating to geological formations of the property whereon the proposed installation is to be located. Such details shall be determined by soil borings or other appropriate means.

(c) An engineering report outlining the proposed method of operation, the quantity and source of material to be processed, the proposed use and distribution of the processed material, and related details.

(d) Additional data as may be required by the department.

(4) Any person who maintains a compost operation or permits the use of property for such shall maintain and operate the operation in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) The operation shall be conducted in a manner to eliminate public health hazards and nuisances.

(b) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number,

and hours of use of the operation; penalty for nonauthorized use; necessary safety precautions; and any other pertinent information.

(c) Materials resulting from composting or similar processes and offered for sale shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost.

(d) Byproducts removed during processing shall be handled in a sanitary and nuisance-free manner and shall be disposed of in a licensed solid waste disposal operation.

(5) Upon termination of a composting operation, the operator shall notify the department at least 30 days prior to the termination date and shall submit any further information as deemed necessary by the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.14 Solid waste disposal operation; air curtain destructor.**

(1) An air curtain destructor (ACD) shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each air curtain destructor to the appropriate district office. License applications for a new ACD will be accepted at any time. The license is transferable to another ACD of the license holder but the fee is not refundable or proratable.

(3) An air curtain destructor shall not be established until a minimum of 2 sets of plans and specifications, prepared and submitted to the department by a registered professional engineer, have been approved in writing by the department. The proposed destructor shall comply with all applicable requirements of Wis. Adm. Code chapters NR 154 and NR 155. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed air curtain destructor. This fee is not refundable. The plans and specifications shall include the following:

(a) Map or aerial photograph of the area showing land use, zoning, homes, industrial buildings, and roads within one-quarter mile of the site.

(b) Plot plan of the air curtain destructor facility showing: means of limiting access; method of screening the facility from the surrounding area; general layout of equipment and flow pattern; access roads; and waste material storage areas.

(c) Construction plans of the burning pit.

(d) Plans and specifications of the blower unit appurtenances.

(e) A report indicating the type and quantity of waste material to be consumed, planned method of charging, startup procedures, safety features to be used at the facility both during and after burning, proposed pit clean-out procedures, and methods to be employed in conforming to the minimum requirements of section NR 151.14 (4).

(4) Any person who maintains or operates an air curtain destructor or permits the use of property for such, shall construct, maintain, and operate the destructor in conformance with the following minimum requirements unless otherwise specified by the department in granting the required license:

(a) The burning pit shall be made of a material which will result in a pit of permanent dimensions. Maintenance shall be performed on the pit to keep its dimensions constant so as to keep the air curtain working properly.

(b) The burning pit floor shall be constructed in a manner which provides proper drainage.

(c) The burning pit shall be oriented perpendicular to the prevailing wind with the plenum chamber and blower on the downwind side.

(d) The charging area shall be paved with a concrete pad for a distance of at least 10 feet from the edge of the burning pit.

(e) Only clean wood wastes and similar combustible materials shall be burned in an ACD.

(f) The main stockpile of waste material shall be kept a minimum of 100 feet from the burner.

(g) Charging shall be conducted in such a manner as to prevent waste material from protruding through the air curtain.

(h) Start-up shall be accomplished by using kindling material to ignite larger materials rather than using fuel oil, flame throwers, tires, or other rubber materials. If no kindling materials are included in the wastes, the burner operators shall obtain a large enough quantity of light-weight wood material to facilitate burner start-up. Where sufficient quantities of kindling material are unobtainable, other approved methods may be used.

(i) Burning shall be conducted only during daylight hours. Quantities of materials to be burned shall be restricted to allow for complete burn out while the site is attended.

(j) Fire fighting equipment shall be kept at the site in case of emergency. Arrangements shall also be made with the local municipality to provide fire protection. Fire breaks shall be provided where necessary.

(k) The burning pit shall be cleaned out on a regular schedule. In no case shall ashes be allowed to accumulate to a depth of greater than 3 feet.

(l) A minimum separating distance of 100 yards shall be maintained between the burner and the nearest residence. In the case of an ACD being located at an existing land disposal operation, a minimum separating distance of 200 feet shall be maintained between the burner and the working face of the land disposal operation.

(m) The burner location shall be screened from the surrounding area.

(n) An ACD shall be surrounded by a fence with a lockable gate. The gate to the burner shall be kept locked when no attendant is on duty.

(o) An attendant shall be on duty at all times when the blower unit is in operation.

(p) Warning signs shall also be posted at intervals around the entire ACD installation notifying people to keep out of the area.

(q) A sign, acceptable to the department shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use; necessary safety precautions; and any other pertinent information.

(5) Upon termination of an air curtain destructor, the operator shall notify the department 30 days prior to the termination date and

shall submit any further information as deemed necessary by the department.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.15 Solid waste disposal operation—salvage yard.** (1) A salvage yard shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each salvage yard to the appropriate district office. License applications for a new salvage yard will be accepted at any time. The license is transferable to another salvage yard of the license holder but the fee is not refundable or prorable.

(3) Salvage yards are prohibited within the following areas:

- (a) Within 1,000 feet of any navigable lake, pond or flowage.
- (b) Within 300 feet of a navigable river or stream or to the landward side of the floodplain, whichever is greater.
- (c) Within any area from which the department finds that solid waste or leachings therefrom may have a detrimental effect on surface waters.
- (d) Within an area from which the department finds that leaching from solid waste may have a detrimental effect on groundwater quality.
- (e) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway or the boundary of any public park unless the site is screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the highway or park.
- (f) Within wetland areas.

(4) A new salvage yard shall not be established nor shall an existing yard be expanded until a minimum of 2 sets of plans and specifications submitted to the department have been approved in writing by the department. The conditions of this approval are made a part of any license subsequently issued by the department. An initial plan review fee of \$75 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed salvage yard operation. This fee is nonrefundable. The plans and specifications shall include the following:

(a) A map or aerial photograph of the area showing land use and zoning within  $\frac{1}{4}$  mile of the salvage yard property. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, roads, watercourses, and other applicable details. All such details plus the topography shall be identified and indicated on the map or aerial photograph.

(b) A plot plan of the site showing dimensions, elevations, proposed layout of operation, access roads, means for limiting access, and method of screening. The scale shall be approximately 200 feet per inch.

(c) A report indicating the following:

1. The type, expected quantity and source of material to be brought to the yard.
2. Present quantity of autos and other materials in inventory.
3. The type and amount of equipment to be provided at the yard for processing purposes.
4. The outlet for the salvaged material and the means of disposal for nonsalvageable items.

5. Persons responsible for actual operation and maintenance of the yard.

6. Operation procedure which details how compliance will be achieved with section NR 151.15 (4).

(5) Any person who maintains or operates a salvage yard or permits the use of property for such, shall maintain and operate the yard in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) Garbage or similar putrescible material shall not be present at a salvage yard.

(b) No open burning of solid waste shall be conducted.

(c) The yard shall be surrounded by a fence, rapidly growing trees, shrubbery or other appropriate means to screen it where possible from the surrounding area.

(d) A gate shall be provided at the site entrance, to be kept locked when the yard is not open for business.

(e) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use, necessary safety precautions; and any other pertinent information.

(f) The operation shall be conducted in an orderly and aesthetic manner.

(g) Any windblown material resulting from operation of the yard shall be collected daily.

(6) Any person, who maintains or operates a salvage yard or who permits use of property for such, when the yard is terminated by the operator or property owner or when the department determines that termination is required, shall terminate the yard by removing all salvageable material within a time period specified by the department, which shall be no greater than 120 days.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.16 Other methods of solid waste handling, processing and disposal.** Before any method of solid waste handling, processing and disposal, not otherwise provided for in this chapter, is established, complete plans, specifications, and design data shall be submitted to and be approved in writing by department. The conditions of this approval are made a part of any license subsequently issued by the department. All such information shall be prepared and submitted by a registered professional engineer. An initial plan review fee of \$75 in addition to the annual license fee of \$50 shall be submitted for each newly established other method of solid waste handling, processing and disposal. Prior to operation of such facility, a solid waste disposal operation license is required.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.17 Limitations.** Nothing in these standards shall be construed to limit the provisions of any municipal ordinance, or regulation, which is more restrictive, provided approval of such ordinance or regulation has been approved by the department as required under section 144.44 (2), Wis. Stats.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

Register, September, 1974, No. 225

**NR 151.18 Severability.** Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.19 Environmental impact.** Every application for licensing under this chapter will be reviewed to determine whether department will require the applicant to submit an environmental impact report pursuant to section 23.11 (5) Wis. Stats. or if the department is required to file an environmental impact statement pursuant to section 1.11 Wis. Stats.

**History:** Cr. Register, June, 1973, No. 210, eff. 7-1-73.

**NR 151.20 Solid waste disposal operation; scrap metal processing facility.** (1) A scrap metal processing facility shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50.00 shall be submitted for each scrap metal processing facility to the appropriate district office. License applications for a new scrap metal processing facility will be accepted at any time. The license is transferable to another scrap metal processing facility of the license holder but the fee is not refundable or proratable.

(3) A scrap metal processing facility shall not be established until a minimum of 3 sets of plans and specifications submitted to the department have been approved in writing by the department. An initial plan review fee of \$75.00 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed scrap metal processing facility. The fee is not refundable. The plans and specifications shall include the following:

(a) Map or aerial photograph of the area showing land use and zoning within  $\frac{1}{4}$  mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads, and other applicable details. All such details plus the topography shall be identified and indicated on the map or aerial photograph.

(b) A plot of the site showing dimensions, elevations, proposed layout of operation, access road, means for limiting access, and method of screening. The scale should not be greater than 200 feet per inch.

(c) A report indicating the following:

1. The types and quantities of material to be brought to the facility.

2. The types and capacities of equipment to be provided at the facility for processing purposes.

3. Types and approximate quantities of that portion of the solid waste intended for delivery to a department licensed solid waste disposal operation.

4. Description of means for handling that portion of solid waste intended for delivery to a department licensed solid waste disposal operation.

Register, September, 1974, No. 225



5. Operating procedures which detail how compliance will be achieved with NR 151.20 (4).

6. Names and license numbers of any collecting and transporting services which transport solid waste from the processing facility to a department licensed solid waste disposal operation.

7. Name and license number of solid waste disposal operation to which solid waste from the facility will be taken.

8. Persons responsible for the actual operation and maintenance of the facility.

(4) Any person who maintains or operates a scrap metal processing facility or permits use of property for such shall maintain and operate the facility in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) A sign acceptable to the department shall be posted at the entrance to the facility which indicates the name and license number of the facility and other pertinent information.

(b) A gate shall be provided at the entrance, to be kept locked when the facility is not open for business.

(c) The facility and material handling area shall be surrounded by an opaque fence, at least 8 feet in height. Portions of this requirement may be waived if the department deems that screening is impractical or that natural screening is satisfactory.

(d) Open burning is prohibited except as provided by NR 154.10.

(e) Handling and disposal of toxic or hazardous, chemical, or liquid wastes shall be in accordance with NR 151.08 (4) and (5), and NR 151.12 (5) (f) and (7).

(f) All other solid wastes intended for land disposal or other means of disposal shall be handled in accordance with NR 151.08 and NR 151.12.

(5) Any person, who maintains or operates a scrap metal processing facility or who permits use of property for such, when the facility is terminated, shall terminate the facility by removing all salvageable material within a time period specified by the department, which shall be no greater than 120 days.

**History:** Cr. Register, September, 1974, No. 225, eff. 10-1-74.

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