

Chapter NR 180

SOLID WASTE MANAGEMENT

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NR 180.01 Purpose. The purpose of these rules is to help ensure that efficient, nuisance-free, and environmentally acceptable solid waste management procedures are practiced in Wisconsin. The rules are adopted pursuant to ss. 144.01, 144.025, 144.04, 144.045, 144.26, 144.54, and 227.014, Stats. (1977), ss. 144.43 to 144.47, Stats., (as affected or created by ch. 34, laws of 1979) and s. 26, ch. 377, laws of 1977.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.02 Applicability. (1) These rules govern all solid waste disposal sites and facilities as defined by s. 144.43 (5), Stats. (as created by ch. 34, laws of 1979), except hazardous waste sites and facilities and except that metallic mining operations as defined in s. 144.81 (5), Stats., not licensed by the department and not mining prior to June 3, 1978, shall be exempt from the provisions of this chapter until May 21, 1980. These rules shall be applicable to all metallic mining operations after May 20, 1980 if the department has not adopted specific rules for the identification and regulation of metallic mining wastes pursuant to s. 144.43 (1m), Stats., by that date. When the department adopts rules pursuant to s. 144.43 (1m), Stats., the rules shall be applicable to metallic prospecting and mining operations in this state to the exclusion of this chapter except where this chapter or portions thereof are specifically adopted under s. 144.43 (1m), Stats. If prior to May 21, 1980, an application to mine is submitted, this chapter shall be applicable to that application until this chapter is superceded by rules adopted pursuant to s. 144.43 (1m), Stats.

(2) The provisions of this chapter are not applicable to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., nor to sites used solely for the disposal of liquid municipal or industrial wastes which have been approved under s. 144.04, Stats., and/or permitted under ch. 147, Stats., except for sites used for the ultimate disposal of solid waste.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

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NR 180.03 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, February, 1980, No. 290, eff. 3-1-80.

NR 180.04 Definitions. The following special definitions are applicable to the terms used in this chapter:

(1) "Air curtain destructor" means a solid waste processing facility that combines a fixed wall, open pit and 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) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(3) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to prepare the site for long-term care and to make it suitable for other uses.

(4) "Closure plan" means a written report and supplemental engineering plans detailing those actions that will be taken by the owner or operator to effect proper closure of a solid waste disposal site or facility.

(5) "Closing" means the time at which a solid waste disposal site or facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for any required long-term care and make it suitable for other uses.

(6) "COD" means chemical oxygen demand.

(7) "Collection and transportation service" means a solid waste disposal operation which utilizes containers, vehicles or other means for the collection and transportation of solid waste.

(8) "Completeness" means a determination by the department that the minimum submittal requirements as established by this chapter for a plan or report have been met.

(9) "Construct" means to engage in a program of on-site construction, including but not limited to site clearing, grading, dredging or landfilling.

(10) "Construction observation report" means a written report submitted under the seal of a registered professional engineer advising that a solid waste disposal site or facility has been constructed in substantial compliance with a department approved plan of operation.

(11) "Containerized storage site or facility" means a mechanical or nonmechanical storage container, site or facility designed and operated for storage and containment of solid waste.

6. Special precautions to be utilized, if appropriate, to limit access to the facility, and to insure that no further solid waste materials are deposited after the closure date.

7. The proposed site closure, site monitoring, and long-term care procedures to be implemented following site closure. These procedures shall be in accordance with the approved solid waste land spreading plan or any proposed modifications to the plan.

8. The alternate licensed sites or approved facilities to be utilized for waste disposal and/or land spreading purposes following closure of the facility.

(b) The department will review the notice of intent to close the facility and will approve or disapprove in writing the proposed closure procedures. The department may require additional information, or may require additional closure, maintenance, and/or long-term care procedures to be implemented to insure proper closure of the site.

1. If the facility to be closed was initially licensed under this section, site closure, maintenance, and long-term care procedures shall be conducted in accordance with the approved solid waste land spreading plan unless subsequently modified, or unless otherwise specified by the department.

2. If the facility to be closed was not initially licensed under this section, a final site closure and long-term care and monitoring plan shall be prepared and submitted to the department for approval as part of the notice of intent for site closure.

(c) No person shall deposit any solid waste materials at a closed site without the prior written authorization of the department, and the approval of the site owner.

(d) Within 90 days of the final closure date of a site, all closure work shall be completely and finally performed in accordance with this subsection.

(e) Complete and proper final closure of a land spreading site may include, but not be limited to, the following:

1. Discing, plowing, or otherwise incorporating all deposited solid waste materials into the surface soil layers, or covering all land spreading areas with an adequate thickness of final earth cover material.

2. Providing for the control of surface water runoff to minimize adverse effects on surface and/or groundwater quality.

3. Establishing a vegetative cover to promote evapotranspiration and to control soil erosion, and/or otherwise preparing the land surface for the intended future land use.

4. Continuing to grow crops and conducting the associated monitoring work.

5. Performing the required environmental monitoring work associated with the approved final closure and long-term care plans.

(f) The department shall require long-term care as defined in s. 144.441, Stats., only of licensed land spreading facilities for which waste

management fund monies may be expended in accordance with s. 144.44 (3), Stats. The department may require the following provisions:

1. Erosion control and maintenance of vegetation.
2. Control of surface drainage.
3. Ground and/or surface water quality monitoring.
4. Gas monitoring.
5. Soils and/or crop testing programs.
6. The preparation and submittal of monitoring data and/or reports.

(8) **WASTE MANAGEMENT FUND.** Land spreading sites and facilities which are exempt from licensing are not required to contribute to the waste management fund.

(9) **PUBLIC PARTICIPATION.** For sites requiring approval of a solid waste land spreading plan, the department prior to approval shall prepare an environmental impact assessment screening worksheet and provide opportunity for public comment according to the procedures established in ch. NR 150, except that the notice shall be published as a class 1 notice under ch. 985, Stats. The department shall hold a hearing on the proposed land spreading plan if a written request for a hearing is filed by any county, city, village or town, or by any 6 persons within 30 days from the time the notice is published. A hearing under this subsection shall be held within 60 days after receipt of the request and shall be conducted as provided in s. 227.022, Stats. The hearing shall be held in an appropriate place designated by the department in one of the counties, cities, villages or towns which could be affected by the operation of a proposed site.

(10) Prior to licensing a site, the owner or operator shall submit proof that a notation of the existence of the site has been recorded in the office of the register of deeds in each county in which a portion of the site is located.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.15 Financial responsibility for closure and long-term care. (1) **APPLICABILITY.** (a) *Closure.* The owner of a site for the land disposal of solid waste which is approved and licensed after May 20, 1978, or which was initially licensed between May 21, 1975 and May 20, 1978 and whose owner successfully applied before May 21, 1980 for a determination that the site's design and plan of operation comply substantially with the requirements of this chapter, shall submit, as part of the initial operating license application, proof of financial responsibility to ensure compliance with the closure requirements of the site's approved plan of operation.

(b) *Long-term care.* The owner of a site for the land disposal of solid waste which is approved and licensed after May 20, 1978, or which was initially licensed between May 21, 1975, and May 20, 1978, and whose owner successfully applied before May 21, 1980, for a determination by the department that the site's design and plan of operation comply substantially with the requirements of this chapter, shall be responsible for the long-term care of the site for either 20 or 30 years after site closure, unless the owner's responsibility is terminated earlier in accordance

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with s. 144.441 (2) (d), Stats. An owner responsible for long-term care shall specify at the time of submittal of the plan of operation whether the owner chooses, to be responsible for 20 years, subject to department approval or 30 years and shall submit, as part of the initial operating license application and annually thereafter for the period of active site life, proof of financial responsibility to ensure compliance with the long-term care requirements of the plan of operation.

(c) *Successors in interest.* Any person acquiring rights of ownership, possession or operation of a licensed site shall be subject to all requirements of the license for the site and shall provide proof of financial responsibility to the department in accordance with this section prior to the transfer of ownership, possession, or operation of the site.

(2) **METHODS OF PROVIDING PROOF OF FINANCIAL RESPONSIBILITY.** Financial assurances for closure and long-term care shall be established separately. To provide proof of financial responsibility, the applicant shall use one of the following methods for each account:

(a) *Performance or forfeiture bond.* 1. If the owner chooses to submit a bond, it shall be in the amount determined according to sub. (4) (b) conditioned upon faithful performance by the owner and any successor in interest, of all closure or long-term care requirements of the approved plan of operation. The bond shall be delivered to the department as part of the initial operating license application. Bond forms shall be supplied by the department.

2. Bonds shall be issued by a surety company authorized to do surety business in this state. At the option of the owner a performance bond or a forfeiture bond may be filed. The department shall be the obligee of the bond. Surety companies may have the opportunity to complete the closure or long-term care of the site in lieu of cash payment to the department if the owner or any successor in interest fails to carry out the closure or long-term care requirements of the approved plan of operation.

3. Each bond shall provide that as long as any obligation of the owner for closure or long-term care remains the bond shall not be cancelled by the surety, unless a replacement bond or other proof of financial responsibility under this section is provided to the department. If the surety proposes to cancel such a bond, notice shall be provided to the department in writing by registered or certified mail not less than 90 days prior to the proposed cancellation date. Not less than 30 days prior to the expiration of the 90-day notice period, the owner shall deliver to the department a replacement bond or other proof of financial responsibility under this section in the absence of which all disposal operations shall immediately cease. If the surety company becomes bankrupt or insolvent or if its authorization to do business is revoked or suspended, the owner shall, within 30 days after receiving written notice thereof, deliver to the department a replacement bond or other proof of financial responsibility under this section in the absence of which all disposal operations shall immediately cease.

(b) *Deposit with the department.* If the owner deposits cash, certificates of deposit, or U.S. government securities with the department, the amount of the deposit shall be determined according to sub. (4) (a) and shall be submitted as part of the initial license application. Deposits placed with the department shall be segregated and, if applicable, in-

vested in an interest bearing account. All interest payments shall be accumulated in the account. The department shall have the right to use part or all of the funds to carry out the closure or long-term care requirements of the approved plan of operation if the owner fails to do so. The department shall mail notification of its intent to use funds for that purpose to the last known address of the owner. If the owner requests a hearing in writing within 60 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing under s. 227.064, Stats., for the purpose of determining whether or not the closure or long-term care requirements of the approved plan of operation have been carried out.

(c) *Escrow account.* If the owner establishes an escrow account, it shall be with a bank or a financial institution located within the state of Wisconsin which is examined and regulated by the state or a federal agency in the amount determined according to sub. (4) (a). The assets in the escrow account shall consist of cash, certificates of deposit, or U.S. government securities. All interest payments shall be accumulated in the account. An originally signed duplicate of the escrow agreement shall be submitted to the department as part of the initial operating license application. Escrow account forms shall be supplied by the department. The department shall be a party to the escrow agreement, which shall provide that there shall be no withdrawals from the escrow account except as authorized in writing by the department. The escrow agreement shall further provide that the department shall have the right to withdraw and use part or all of the funds in the escrow account to carry out the closure or long-term care requirements of the approved plan of operation if the owner fails to do so. The department shall mail notification of its intent to use funds for that purpose to the last known address of the owner. If the owner requests a hearing in writing within 60 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing under s. 227.064, Stats., for the purpose of determining whether or not the closure or long-term care requirements of the approved plan of operation have been carried out.

(d) *Irrevocable trust.* If the owner creates an irrevocable trust, it shall be exclusively for the purpose of ensuring that the owner or any successor in interest will comply with the closure or long-term care requirements of the approved plan of operation. The trust agreement shall designate the department as sole beneficiary. The trustee shall be a bank or other financial institution located within the state of Wisconsin which has the authority to act as a trustee and whose trust operations are regulated and examined by the state or federal agency. The trust corpus shall consist of cash, certificates of deposit or U.S. government securities in the amount determined according to sub. (4) (a). All interest payments shall be accumulated in the account. An originally signed duplicate of the trust agreement shall be submitted to the department for approval as part of the initial operating license application. Trust forms shall be supplied by the department. The trust agreement shall provide that there shall be no withdrawal from the trust fund except as authorized by the department. The trust agreement shall further provide that sufficient monies shall be paid from the trust fund to the beneficiary in the event that the owner or any successor in interest fails to complete the closure or long-term care requirements of the approved plan of operation. The department shall mail notifications of its intent to use funds for that purpose to the last known address of the owner. If the owner

requests a hearing in writing within 60 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing under s. 227.064, Stats., for the purpose of determining whether or not the closure or long-term care requirements of the approved plan of operation have been carried out.

Note: These forms may be obtained from the Department of Natural Resources, Bureau of Solid Waste Management, P.O. Box 7921, Madison, Wisconsin 53707.

(3) COST ESTIMATES. (a) For the purpose of determining the amount of proof of financial responsibility that is required in sub. (1), the owner shall estimate the total cost of closure for the point in time in the site's operation when the extent and manner of its operation make closure most expensive, estimate the annual cost of long-term care of the site for the period of owner responsibility and submit the estimated closure and long-term costs together with all necessary justification to the department for approval as part of the plan of operation submittal. The costs shall be reported on a per unit basis. The source of estimates shall be indicated.

(b) At a minimum, closure costs shall include cover material, topsoil, seeding, fertilizing, mulching and labor.

(c) At a minimum, long-term care costs shall include land surface care; gas monitoring; leachate pumping, transportation, monitoring and treatment; and groundwater monitoring, collection and analysis.

(d) The estimated annual rate of inflation shall be calculated by dividing the latest published gross national product implicit price deflator by the deflator published for the previous year in the survey of current business of the bureau of economic analysis, U.S. department of commerce. The result is the estimated annual rate of inflation.

(e) The estimated annual rate of interest shall be the rate specified by the financial institution managing the fund or deposit.

(4) FORMULAS FOR CALCULATING THE AMOUNT OF THE PROOF OF FINANCIAL RESPONSIBILITY. (a) *Deposits in escrow, trust or department accounts.* 1. 'Deposits for closure.' The formula for closure shall be:

$$D = C \frac{(1 + f)^{SL}}{(1 + i)^{SL} + c}$$

in which:

D = the unknown deposit for closure

C = the estimated cost of closure in today's dollars for the maximum area to be open at any point in time

f = the estimated annual rate of inflation

SL = the estimated active life of the site in years

i = the estimated annual rate of interest

c = the period of closure

2. 'Deposits for long-term care.' a. The following statistics used in calculating the amounts deposited to the long-term care account shall be specified in the plan of operation: the rate of outpayment during the period of long-term care, expressed in equal or unequal annual amounts, and the equal annual rate of inpayment, expressed as either "real" or "actual" dollars.

b. The following general formula shall be used in the calculation.

$$A = R$$

When equal annual outpayments are used, R shall be expressed as:

$$R(1 + f)^{SL} = \frac{\frac{i + f}{i + i} \cdot c}{\left[\frac{1 - \left(\frac{1 + f}{1 + i}\right)^{LTC}}{\left(\frac{1 + i}{1 + f}\right) - 1} \right]}$$

When unequal annual outpayments are used, R shall be expressed as:

$$R_x(1 + f)^{SL} = \left(\frac{1 + f}{1 + i}\right)^{x+c}$$

When equal "actual" dollar inpayments are used, A shall be expressed as:

$$A(1 + i) \left[\frac{(1 + i)^{SL} - 1}{i} \right]$$

When equal "real" dollar inpayments are used, A shall be expressed as:

$$A(1 + i)^{SL+1} \left[\frac{1 - \left(\frac{1 + f}{1 + i}\right)^{SL}}{i - f} \right]$$

in which:

- A = the unknown annual inpayment for long-term care
- i = the estimated annual rate of interest
- f = the estimated annual rate of inflation
- SL = the estimated active life of the site in years
- R = the estimated annual costs
- x = the year of long-term care
- LTC = the period of long-term care
- c = the period of closure

(b) *Performance or forfeiture bonds.* 1. 'Bonds for closure.' The formula for closure shall be:

$$CB = C(1 + f)^{SL+c}$$

in which:

- CB = the unknown amount of the closure bond
- C = the estimated closure cost

f = the estimated annual rate of inflation
SL = the estimated active life of the site
c = the period of closure

2. 'Bond for long-term care.' a. The rate of outpayment shall be as specified in sub. (4) (a) 2., the rate of inpayment shall be in equal "actual" dollars as specified in the plan of operation.

When equal annual outpayments are used, the formula shall be:

$$PB(SL) = R(1+f)^{SL+1+c} \left[\frac{(1+f)^{LTC} - 1}{f} \right]$$

When unequal annual outpayments are used, the formula shall be:

$$PB(SL) = R_x(1+f)^{SL+x+c}$$

in which:

PB = the unknown annual performance bond amount for long-term care
f = the estimated annual rate of inflation
SL = the estimated active life of the site in years
R = the estimated annual costs
LTC = the long-term care period
x = the year of long-term care
c = the period of closure

(5) **ADJUSTMENT OF FINANCIAL RESPONSIBILITY.** The owner of a site for the land disposal of solid waste shall prepare a new closure cost estimate whenever a substantial change in the closure plan affects the cost of closure and a new long-term care cost estimate whenever a substantial change in the long-term care requirements of the plan of operation affects the cost of long-term care. Proof of the increase in value of all bonds, escrow accounts and trust accounts established under this section shall be submitted annually to the department. The department may adjust the amount of the required proof of financial responsibility for closure or long-term care based upon prevailing or projected interest and inflation rates and the latest cost estimates, and may annually require the owner to increase or decrease the amount of proof of financial responsibility accordingly.

(6) **ACCESS AND DEFAULT.** Whenever on the basis of any reliable information and after opportunity for a hearing, the department determines that an owner or operator of a solid waste site is in violation of any of the requirements for closure or long-term care specified in the approved plan of operation, the department shall have the right to enter upon the facility and carry out the closure or long-term care requirements. The department may use part or all of the money deposited with it, or the money deposited in the escrow or trust accounts, or the performance or forfeiture bonds to carry out these requirements.

(7) **AUTHORIZATION TO RELEASE FUNDS.** (a) 'Closure.' When an owner or operator has completed closure, the owner may apply to the department for release of the bond or return of the money held on deposit, in

escrow, or in trust for closure of the site. Such application shall be accompanied by an itemized list of costs incurred. Upon determination by the department that complete closure has been accomplished, the department shall authorize release and return of all funds accumulated in such accounts or give written permission for cancellation of a bond. Such determinations shall be concluded within 90 days of the application.

(b) "Long-term care." One year after closure, and annually thereafter for the period of owner responsibility, the owner, who has carried out all necessary long-term care during the preceding year, may make application to the department for reimbursement from an escrow account, trust account, or deposit with the department, or for reduction in a bond equal to the estimated costs for long-term care for that year. Such application shall be accompanied by an itemized list of costs incurred. Upon determination that the expenditures incurred are in accordance with the long-term care requirements anticipated in the approved plan of operation, the department may authorize release of the funds or approve a reduction in a bond. Prior to authorizing a release of funds or bond reduction, the department shall determine that adequate funds exist to complete required long-term care work for the remaining period of owner responsibility. Such determination shall be concluded within 90 days of the application. Any funds remaining in an escrow account, trust account, or on deposit with the department at the termination of owner responsibility shall be released to the owner.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80; r. and recr. Register, September, 1981, No. 309, eff. 10-1-81.

NR 180.16 Waste management fund. (1) All owners or operators of licensed land disposal sites shall contribute to the waste management fund established by s. 25.45, Stats., for each ton of solid waste received and disposed of at the site from May 21, 1978, until the site is closed and no longer receives waste, except as otherwise provided in s. 144.441 (3), Stats.

(2) The owner or operator of a licensed land disposal site shall certify on a form provided by the department the amount of solid waste received and disposed of during the preceding reporting period. The department shall specify the term of the reporting period on the certification form. The certification form shall be completed and returned to the department with the appropriate fee within 30 days after mailing of the form by the department to the owner or operator.

(3) (a) For all sites with an approved plan of operation under s. 144.44 (3), Stats., the owner may choose to be responsible for the long-term care of the site for either 20 years or 30 years after site closure. The fees to be paid into the fund shall be as follows for specific waste types:

Waste type	Rate of payment	
	20 Years	30 Years
1. Municipal solid waste	3.5¢/ton	1.5¢/ton
2. Ashes and sludges from electric and process steam generating facilities	3.5¢/ton	1.5¢/ton
3. Pulp or paper mill sludges produced by waste treatment or manufacturing processes	3.5¢/ton	1.5¢/ton
4. Manufacturing process solid waste from foundries	3.5¢/ton	1.5¢/ton
5. Sludges produced by municipal wastewater treatment plants	3.5¢/ton	1.5¢/ton
6. All other solid wastes not designated as hazardous	3.5¢/ton	1.5¢/ton

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(b) For sites initially licensed between May 21, 1975 and May 20, 1978 for which the owner successfully applies before May 21, 1980 for a determination by the department that the site's design and plan of operation comply substantially with the requirements necessary for plan approved under s. 144.44 (3), Stats., the owner may choose to be responsible for the long-term care of the site for either 20 years or 30 years after site closure. The fees to be paid into the fund shall be as specified in par. (a).

(4) For all land disposal sites and facilities not approved as set forth in sub. (3), the fees to be paid shall be those indicated under the 30 year rate of payment in sub. (3) (a).

(5) Only sites with an approved plan of operation under s. 144.44 (3), Stats., or sites initially licensed between May 21, 1975 and May 20, 1978 for which the owner successfully applies before May 21, 1980 for a determination by the department that the site's design and plan of operation comply substantially with the requirements necessary for plan approval under s. 144.44 (3), Stats., are eligible for use of the money accumulated in the waste management fund. The owner or operator of any land disposal site or facility licensed and in existence on May 21, 1978 may, but shall not be required to seek approval of the site's plan of operation under s. 144.44 (3) Stats. The monies in the waste management fund shall be expended exclusively as set forth in s. 144.441, Stats.

(6) (a) The department may reduce or waive the fees specified in sub. (3) for mining operations if the owner or operator of a site for the land disposal of mining wastes successfully demonstrates that the reclamation bonding and other requirements of ss. 144.81 to 144.94, Stats., are sufficient to accomplish the purposes of the waste management fund. Such demonstration may be made at a hearing conducted as provided in s. 227.022, Stats., as an uncontested case.

(b) The owner or operator of a site for the land disposal of mining waste who requests a reduction or waiver shall make such application in writing. Upon receipt of the application, the department shall mail copies to those listed in s. 144.836 (3) (b) 1., Stats., accompanied by a statement that unless written objection is filed with the department within 30 days after the mailing of the application, the department may take action to grant the application without public hearing. If timely objection is filed, or the applicant requests it, the department shall set the application for a contested public hearing pursuant to s. 227.01 (2), Stats. Notice of such hearing shall be given pursuant to the provisions of s. 144.836 (3) (b) 1. and 2., Stats., except the hearing may be scheduled with 30 days notice.

(c) The decision following the hearing shall be in writing accompanied by findings of fact and conclusions of law. The burden of proof to establish that the reclamation bonding and other requirements are sufficient to accomplish the purposes of the waste management fund shall be on the owner or operator.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; em. (1), Register, September, 1981, No. 309, eff. 10-1-81.

NR 180.17 Salvage yards. (1) GENERAL. No person shall operate or maintain a salvage yard unless the person has obtained an operating license from the department, except as otherwise provided in sub. (2).

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(2) **EXEMPTIONS.** Operations used exclusively for the storage of less than 7 junked automobiles are exempt from the requirements of this section.

(3) **LOCATIONAL CRITERIA.** No person shall establish, operate, maintain or permit the use of property for a salvage yard 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.

(c) Within a flood plain.

(d) Within an area from which the department after investigation finds there is a reasonable probability that solid waste or leachings therefrom may have a detrimental effect on any surface water.

(e) Within an area from which the department after investigation finds there is a reasonable probability that solid waste or leachings therefrom may have a detrimental effect on groundwater quality.

(f) Within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal aid primary 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.

(g) Within wetlands.

(h) Within a critical habitat area.

(4) **PLAN OF OPERATION.** No person shall establish a new salvage yard or expand an existing salvage yard until a plan of operation has been submitted to and approved by the department in writing. The plan of operation shall include at a minimum 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 boundaries. The map or aerial photograph shall be of sufficient scale to show all salvage yard boundaries, all homes industrial buildings, roads, water courses, and other applicable details. All such details, plus the topography, and direction shall be identified and indicated on the map or aerial photograph.

(b) A plot plan of the site showing direction, dimensions, elevations, surface drainage, access roads, fencing, means for limiting access, method of screening, and proposed layout of operation covering location of salvage material processing area, nonsalvageable material storage area, and liquid material handling and storage area.

(c) A report indicating the following:

1. The type, expected quantity and source of material to be brought to the yard.

2. Present quality and types of salvage 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.

5. The means for on-site storage of nonsalvageable items and the means for disposal.

6. The means for on-site handling and storage of liquids generated or handled as part of the salvage yard operation and the outlet for these materials. These liquids may include but are not limited to gasoline, oils, fluids, antifreeze, acids, caustics and similar materials which require special handling and disposal to protect the environment.

7. Types and means for fencing and screening of the salvage yard property.

8. Procedures and types of emergency fire control.

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

10. Operation procedures which detail how compliance will be achieved with sub. (5).

(5) **OPERATIONAL REQUIREMENTS.** No person shall operate or maintain a salvage yard except in conformance with the approved plan of operation and the following practices:

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

(b) No salvage yard shall be operated at a solid waste land disposal operation unless both operations are completely separated or fenced.

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

(d) The boundaries of the salvage yard shall be marked with a fence or other object(s) to clearly define the boundary of the licensed acreage.

(e) An attendant shall be on duty at the yard at all times while the yard is open for business.

(f) The yard shall be surrounded by a solid fence, rapidly growing trees, shrubbery or other appropriate means to screen it from the surrounding area. If trees are used, they shall be capable of screening the yard all year or other methods shall be used in combination with the trees to provide screening during all seasons.

(g) A sign, acceptable to the department, shall be posted at the entrance which indicates the name and license number of the operation. The letters and numbers shall be a minimum of 2 inches high with 1/2-inch minimum width and in a color distinct from its background.

(h) The storage of nonsalvageable materials shall be conducted in compliance with NR 180.07.

(i) Any windblown material resulting from operation of the yard shall be collected daily and properly disposed.

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

(6) **CLOSURE.** Any person who maintains or operates a salvage yard or who permits use of property for such purpose shall, when the yard is closed by the operator or property owner, or when the department determines that closure is required, close the yard by removing all salvageable materials within a time period specified by the department, which shall

be no greater than 120 days. The operator shall notify the department, in writing, 60 days prior to the date of closing a salvage yard.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.18 Other facility requirements not specifically covered by this chapter. Before any method of solid waste handling, processing, or disposal not otherwise provided for in this chapter is established, the department may require the applicant to conduct a feasibility study as outlined in this chapter. If the facility is determined by the department to be feasible, complete plans, specifications, and design data for the project detailing such areas as site locations, preparation, operation, monitoring, closure, and long-term care shall be submitted to and be approved in writing by the department prior to the commencement of operations. All such information shall be prepared and submitted by a registered professional engineer. An initial plan review fee and the annual license fee, as provided in NR 180.05, shall be submitted for each newly established method of solid waste handling, processing and disposal. Prior to operation of such a facility, a solid waste disposal operation license is required. The site and its operation shall conform to any department approved plan.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.19 Environmental impact. Every application for licensing under this chapter will be reviewed to determine whether the department will require the applicant to submit an environmental impact report pursuant to s. 23.11 (5), Stats., or whether the department is required to prepare an environmental impact statement pursuant to ch. NR 150, Wis. Adm. Code.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 180.20 Exemptions. Exemptions from the requirements of this chapter may be granted in special cases except as otherwise provided. A person may apply for an exemption by providing the department with a request in writing and documentation justifying the need for the exemption. 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. Exemptions may be granted to encourage the beneficial utilization of solid waste if the department finds that the waste utilization proposed would not result in environmental pollution and that regulation under this chapter would discourage such beneficial utilization or would not be warranted in light of the potential hazard to public health or the environment. All exemptions pertaining to a solid waste disposal operation will be granted in writing by the department. Exemptions shall be reviewed periodically with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment.

History: Cr. Register, February, 1980, No. 290, eff. 3-1-80.