

DEPARTMENT OF NATURAL RESOURCES 100-53  
NR 520

may authorize in writing the release of the funds or approve a reduction in the bond, insurance or letter of credit. Prior to authorizing a release of the funds or a reduction of the bond, insurance or letter of credit, the department shall determine that adequate funds exist to complete required long-term care work for the remaining period of owner responsibility. Determinations shall be made 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 the period of owner responsibility shall be released to the owner.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 520.13 Bankruptcy notification.** The owner or operator of a facility for the land disposal of solid waste shall notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under the bankruptcy code, 11 USC s. 101, et seq., naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 520.14 Environmental fees.** (1) **WASTE MANAGEMENT FUND.** All owners or operators of approved licensed solid waste land disposal facilities shall pay to the department a tonnage fee for each ton of solid waste received and disposed of at the facility, or a minimum waste management fund base fee as specified in s. 144.441 (5) (c), Stats., whichever is greater, until the facility no longer receives waste and begins closure activities, except as otherwise provided in s. 144.441 (3) (b) or (c), Stats. The department shall deposit all tonnage and waste management base fees into the waste management fund provided for in s. 25.45, Stats. The department may use the money accumulated in the waste management fund only at approved facilities. The monies in the waste management fund shall be expended exclusively as set forth in s. 144.441 (6), Stats.

(a) For all approved solid waste land disposal facilities the owner or operator shall pay fees into the waste management fund in accordance with s. 144.441 (4) or (5), Stats., whichever is greater.

(b) For those companies which have provided proof of financial responsibility by the net worth method under s. 144.443 (4) and (8), Stats., the fees to be paid by the owner or operator into the waste management fund shall be in accordance with s. 144.441 (4) (h) or (5), Stats., whichever fee is greater.

(c) For all nonapproved solid waste land disposal facilities, the total annual tonnage fees for all solid waste received by the facility shall be reduced by the amount of the environmental repair base fee. If the environmental repair base fee for a nonapproved facility is greater than the annual tonnage fee imposed under s. 144.441 (4), Stats., the waste received by the facility is exempt from the waste management tonnage fee for that year.

(d) The hazardous waste tonnage fees established in s. 144.441 (4) (b), (c), (e) and (f), Stats., shall be paid for each ton of hazardous waste received and disposed of at an approved solid waste land disposal facility.

(2) **ENVIRONMENTAL REPAIR FUND.** (a) All owners or operators of licensed solid waste land disposal facilities shall pay to the department an environmental repair fee for each ton of solid waste received and dis-

posed of at the facility, until the facility no longer receives waste and begins closure activities. The environmental repair fee shall be as specified in s. 144.442 (lm) (c) and (cm), Stats.

(b) All licensed nonapproved facilities shall pay to the department an environmental repair base fee for each calendar year until the facility no longer receives waste and begins closure activities. The environmental repair base fees shall be as specified in s. 144.442 (2) (b), Stats. The environmental repair base fees may be reduced in accordance with s. 144.442 (2) (d), Stats. The environmental repair surcharge shall be as specified in s. 144.442 (3), Stats.

(c) The department shall deposit all environmental repair fees, environmental repair base fees, and environmental repair surcharge fees into the environmental repair fund provided for in s. 25.46, Stats. The monies in the environmental repair fund shall be expended exclusively as set forth in s. 144.442 (6) and (6m), Stats.

(3) **GROUNDWATER FUND.** All owners or operators of licensed solid waste land disposal facilities shall pay to the department a groundwater fee for each ton of solid waste received and disposed of at the facility, until the facility no longer receives wastes and begins closure activities. The amount of the groundwater fee shall be as specified in s. 144.441 (7) (c), Stats. The department shall deposit all groundwater fees into the groundwater fund as provided for in s. 25.48, Stats. The monies in the groundwater fund shall be expended as set forth in ss. 20.115 (1) (s), 20.370 (2) (mq) and (ms), 20.435 (1) (q) and 20.445 (1) (q), Stats.

(4) **CERTIFICATION.** The owner or operator of a licensed solid waste land disposal facility 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 department shall mail the certification form to the owner or operator every January. The certification form shall be completed and returned to the department if the tonnage or categories of solid waste disposed of during the preceding reporting period are different from the year immediately preceding the reporting period. The certification form shall be returned to the department within 45 days after mailing of the form by the department to the owner or operator. The department shall mail the fees notice in May and the owner or operator has 30 days after mailing of the fees notice to remit the appropriate fees to the department. An owner or operator failing to remit the appropriate fees within 30 days after mailing of the fees notice to the owner or operator shall pay a late processing fee of \$50.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 520.15 Determination of waste tonnages.** (1) **DETERMINATION BY OWNER OR OPERATOR.** The owner or operator shall, subject to department approval, use one of the following methods for determining the number of tons of waste received and disposed of at the solid waste land disposal facility.

(a) The owner or operator may use actual weight or volume records.

(b) The owner or operator may establish by field measurement the volume of waste disposed and convert to a weight using an assumed compaction density and cover material ratio using the conversion factors in table 3.

(c) The owner or operator may conduct a survey during a representative period of operation to establish average representative weights or volumes of waste disposed. Changes in seasonal population shall be considered when establishing representative weights or volumes.

(d) The owner or operator may use a waste generation rate of 2 pounds per capita per day and apply it over the number of days in the reporting period. Changes in seasonal population shall be considered when applying a per capita generation rate. This method may be used only for rural facilities serving a population equivalent of 2,500 or less and receiving little or no industrial waste.

(2) CONVERSION FACTORS. The conversion factors in table 3 shall be used. All conversion factors are based on wet densities. The densities provided for domestic residential waste and commercial waste in table 3 are subject to mechanical compaction, such as packer trucks or enclosed roll off containers coupled to hydraulic compactors. If the waste is loose, 200 pounds per cubic yard shall be used as the conversion factor.

**TABLE 3**

**CONVERSION FACTORS**

Municipal solid waste	
As delivered	
Domestic residential	425 pounds/cubic yard
Commercial	375 pounds/cubic yard
Industrial - other than specified below	300 pounds/cubic yard
Bulky	400 pounds/cubic yard
Trees and brush	300 pounds/cubic yard
Demolition	1,250 pounds/cubic yard
Liquids	8.34 pounds/gallon
Compacted in place	
Facilities receiving only demolition waste	1,400 pounds/cubic yard
Municipal wastewater sludge	8.34 pounds/gallon
	1,684 pounds/cubic yard
Municipal incinerator ash	
As delivered - uncompacted	1,500 pounds/cubic yard
In-field - compacted	2,700 pounds/cubic yard
Pulp and papermill sludge	
As delivered - uncompacted	1,800 pounds/cubic yard
In-field - consolidated	2,200 pounds/cubic yard
Utility ash - fly and bottom	
As delivered - uncompacted	2,200 pounds/cubic yard
In-field - compacted	2,400 pounds/cubic yard
Foundry wastes	
As delivered - uncompacted	2,600 pounds/cubic yard
In-field - compacted	3,000 pounds/cubic yard

100-56      WISCONSIN ADMINISTRATIVE CODE  
NR 520

(c) DEPARTMENT ESTIMATES. The department may estimate by waste category the number of tons received at a solid waste land disposal facility. The estimate shall appear on the certification form and shall be based on the number of tons received and reported for the previous reporting period.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.