

Chapter NR 685

CLOSURE, LONG-TERM CARE AND FINANCIAL
RESPONSIBILITY

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

NR 685.01 Purpose. The purpose of this chapter is to specify the requirements for closure, long-term care and financial responsibility for hazardous waste facilities.

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

NR 685.02 Applicability. Except as otherwise provided, this chapter applies to owners and operators of hazardous waste storage, treatment or disposal facilities. This chapter does not apply to solid waste facilities that store, treat or dispose of only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 144.81 (5), Stats.,
- (3) Polychlorinated biphenyls (PCBs), except where portions of this chapter are referenced in ch. NR 157, or
- (4) A combination of wastes described in subs. (1) to (3)

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction made under s. 13.93 (2m) (b) 1, Stats., Register, August, 1992, No. 440.

NR 685.03 Definitions. The definitions in s. NR 600.03 apply to this chapter.

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

NR 685.04 Termination of regulated activity. Any person who owns or operates a hazardous waste facility and who wishes or is required to terminate the regulated activity shall submit a closure plan for department approval and implement an approved closure plan that meets the requirements specified in s. NR 685.05, as well as the requirements of ss. NR 640.16, 645.17, 655.11 and 670.10 for storage facilities, s. NR 660.15 or, if applicable s. NR 660.16, for landfills and surface impoundments, s. NR 665.10 for incinerators, s. NR 640.16, 645.17, 655.11, 665.10 and 670.10 for treatment facilities, or s. NR 660.19 (14) for surface impoundments. Any person who owns or operates a disposal facility and who wishes or is required to terminate the regulated activity shall submit a long-term care plan for approval and implement an approved long-term care plan that meets the requirements specified in s. NR 685.06, as well as the requirements of s. NR 660.17. In accordance with ss. NR 655.11 (2), 660.15 (2) and 660.16 (4), long-term care plans may be required for

certain waste piles or surface impoundments where the department approves of in-place disposal of wastes.

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

NR 685.05 Closure. (1) This subsection specifies the closure performance standard for all hazardous waste facilities. The owner or operator of a facility shall close the facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post closure escape of wastes, hazardous leachate, contaminated runoff or waste decomposition products to ground or surface waters, or to the atmosphere;

(c) Meets the additional closure requirements for landfills and surface impoundments as specified in s. NR 660.15, where required for all disposal facilities, or other facilities where required under s. NR 640.16, 645.17, 655.11, 665.10 or 670.10, where the facilities have not obtained an operating license under ch. NR 680;

(d) Meets the additional closure requirements for landfills and surface impoundments as specified in s. NR 660.16, where required for all disposal facilities or other facilities where required under s. NR 640.16, 645.17, 655.11, 665.10 or 670.10, where the facilities have obtained an operating license under ch. NR 680;

(e) Complies with the requirements of this chapter and the requirements of ss. NR 640.16, 645.17, 655.06, 655.10, 655.12 and 660.19 (14);

(f) Meets, in the case of a landfill or surface impoundment as specified in s. NR 660.15 or 660.16, applicable requirements in ch. NR 140 and meets the applicable closure requirements of par. (c) or (d), whichever are more stringent.

(2) The owner or operator of a facility shall have a written closure plan demonstrating compliance with this subsection. The plan closure shall be submitted to the department for approval as part of the reports or plans required under chs. NR 635 to 680. Closure plans may be required by the department for a facility which is no longer in operation, if the facility was in existence on August 1, 1981 and has not been properly closed. A copy of the approved closure plan and all revisions to the closure plan shall be provided to the department upon request, including a written request by mail, and kept at the facility until final closure is completed and certified in accordance with sub. (10). The closure plan shall identify the steps necessary to finally or partially close the facility at any point during its active life and to finally close the facility at the end of its active life. The department's approval of the closure plan shall require that the approved closure plan is consistent with this section and the applicable requirements of ss. NR 640.13, 645.12, 650.11, 655.09, 660.09, 660.093, 660.095, 665.10 and 670.07. The closure plan shall identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan shall include, but not be limited to:

(a) A description of how each hazardous waste management unit at the facility will be closed in accordance with sub. (1);

(b) A description of how final closure of the facility will be conducted in accordance with sub. (1). The description shall identify the maximum Register, April, 1994, No. 460

2. A construction documentation report that meets the applicable requirements of s. NR 660.11, documenting all the aspects of closure work, including the placement of any covers over disposal facilities or units.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (2) (j), Register, August, 1992, No. 440, eff. 9-1-92; correction in (2) (intro.) made under s. 13.93 (2m) (b) 1, Stats., Register, March, 1993, No. 447; am. (1) (d), cr. (1) (f), Register, April, 1994, No. 460, eff. 5-1-94.

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