Chapter NR 520

SOLID WASTE MANAGEMENT FEES AND FINANCIAL RESPONSIBILITY REQUIREMENTS

NR 520.01 Purpose.
NR 520.02 Applicability.
NR 520.03 Definitions.
NR 520.04 Licenses and fees.
NR 520.05 Financial responsibility for closure, long−term care and remedial actions.
NR 520.06 Methods of providing proof of financial responsibility.
NR 520.07 Cost estimates.
NR 520.08 Calculating the amount of the proof of financial responsibility.
NR 520.09 Changing methods of proof of financial responsibility.
NR 520.10 Adjustment of financial responsibility.
NR 520.11 Access and default.
NR 520.12 Authorization to release funds.
NR 520.13 Bankruptcy notification.
NR 520.14 Environmental fees.
NR 520.15 Determination of waste tonnages.

Note: Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1997, No. 500.

NR 520.01 Purpose. The purpose of this chapter is to ensure that efficient, nuisance−free and environmentally acceptable solid waste management procedures are practiced in Wisconsin and to establish solid waste license and review fees, environmental fees and financial responsibility requirements. This chapter is adopted under s. 227.11, Stats., and ch. 289, Stats.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88.

NR 520.02 Applicability. (1) Except as otherwise provided, this chapter governs all solid waste facilities as defined by s. 289.01 (35), Stats., except hazardous waste facilities as defined by s. 291.01 (8), Stats., and regulated under chs. NR 660 to 679; metallic mining operations for nonferrous minerals as defined in s. 293.01 (9), Stats., and regulated under ch. NR 182; and metallic mining operations for ferrous minerals as defined in s. 295.41 (26), Stats., including mining wastes and mining waste sites as defined in s. 295.41 (30) and (31), Stats., and regulated under subch. III of ch. 295, Stats.

(2) This chapter does not apply to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 281.41, Stats., or permitted under ch. 283, Stats., nor to facilities used solely for the disposal of liquid municipal or industrial wastes which have been approved under s. 281.41, Stats., or permitted under ch. 283, Stats., except for facilities used for the ultimate disposal of solid waste.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1994, No. 461; am. (1), Register, June, 1996, No. 486, eff. 7−1−96; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register January 2006, No. 601; **CR 13−057: am. (1) Register July 2015 No. 715, eff. 8−1−15.**

NR 520.03 Definitions. The terms used in this chapter are defined in s. NR 500.03.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88.

NR 520.04 Licenses and fees. (1) ISSUANCE OF AN OPERATING LICENSE. No person may operate or maintain a solid waste facility without an operating license from the department unless an exemption is granted under ss. NR 500.08, 502.05, 502.06, 502.07, 502.08, 502.09, 502.12 and 502.13. The license period shall be for one year.

(a) Application for an initial license for a new solid waste facility may be submitted at any time during the license period. Initial licenses issued during the license period shall expire at the end of that license period. The applicant for initial licensing of a facility shall submit the appropriate fees as shown in Table 2 or Table 3, whichever is applicable.

(b) Each year, the department will mail renewal application forms to existing license holders. Applicants failing to submit the relicensing application to the department within the specified time shall pay a late processing fee equal to 50% of the renewal fee or $150.00, whichever is less, in addition to the relicensing fee.

(c) Application for an operating license shall be submitted on forms supplied by the department and shall be accompanied by the appropriate fees as shown in Table 2 or Table 3, whichever is applicable.

(d) 1. In addition to the license fee specified in table 3, owners or operators of landfills shall pay a license fee surcharge to the department based upon the number of tons or equivalent volume of solid waste disposed of at each landfill during each quarterly reporting period.

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

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

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

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

5. The department shall hold a public meeting annually in September to review the status of and projections for the waste management program revenue account. If, for 3 consecutive fiscal years, the end of year account balance is greater than 20% of the expenditure level of the program revenue account authorized in s. 20.370 (2) (dg), Stats., the department shall submit to the natural resources board proposed rule revisions with appropriate justification for the modification of the surcharge payable under this paragraph to more closely align revenues with expenditures in accordance with s. 289.61 (3), Stats. The proposed rule revisions shall be submitted within 180 days after the date of the public meeting.

(e) Except as provided in s. NR 500.065, license fees for solid waste facilities are not refundable.

(2) TRANSFER OF AN OPERATING LICENSE. Upon payment of the transfer fee shown in Table 3, the department will issue a new operating license to a person acquiring rights of ownership, possession or operation of a licensed facility in accordance with s. 289.46, Stats. Feasibility approvals and plan of operation approvals are not transferable prior to the licensing of a facility.

(3) LICENSURE DURING THE CLOSURE AND LONG−TERM CARE PERIOD. The owner or operator and any successor in interest shall maintain a license during the closure and long−term care period indicated in s. 289.41 (1m), Stats. The license fees are specified in Table 3.

(4) PLAN REVIEW AND LICENSE FEES. For the purposes of determining plan review and license fees, the following shall apply:

(a) Plan review fees shall be charged in accordance with Tables 2, 3 and 5.

(b) When an applicant requests in writing that the department's plan review determination be issued in a shorter time interval than the total time interval allowed under ss. 289.24 (3), 289.29 (4) and 289.30 (6), Stats., or s. NR 500.07, and the department complies within one half of the total time interval allowed following receipt of a complete submittal, one of the following fees in addition to those specified in Table 2 or Table 3 shall apply:

1. $3,000 for an initial site report.
2. $3,000 for a pre−feasibility report.
3. $10,000 for a feasibility report.
4. $3,500 for a landfill, incinerator, municipal solid waste combustor, or processing facility plan of operation report.
5. $1,000 for a landfill construction documentation report.
6. $1,500 for a landfill plan modification.
7. $1,000 for any other non−landfill submittal.

(c) License fees shall be based on the design capacity of the facility being licensed including solid waste already deposited at the facility. For facilities which do not have a plan approval, the department shall make a reasonable estimate of the capacity of the facility based on licensed acreage and probable depth of fill and shall charge a fee accordingly.

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

(6) CERTIFICATION FEES FOR SOLID WASTE DISPOSAL FACILITY OPERATORS. Fees for examination, certification, recertification, program approvals, and interim status approvals as required under ch. NR 524 shall be as follows:

(a) Written examination for facility manager $50.00

(b) Written examination for site operator $50.00

(c) Facility manager initial certification or recertification $150.00

(d) Site operator initial certification or recertification $150.00

(g) Interim facility manager certification $150.00

(h) Interim site operator certification $150.00

(i) Late processing fee for recertification as required in s. NR 524.12 (3) $100.00

(7) COMPLIANCE INSPECTION FEES FOR EXEMPT NON−LANDFILL FACILITIES. Compliance inspection fees as required under ss. NR 502.05 (3) (k) 8. and 502.07 (2r) (g) shall be paid to the department by the applicant in the amount specified in ch. NR 520, Table 2.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am. (1) (intro.), (a) and (2), Register, September, 1989, No. 405, eff. 10−1−89; am. (4), Register, May, 1992, No. 437, eff. 6−1−92; cr. (6), Register, May, 1994, No. 461, eff. 6−1−94; am. Table 1, Register, October, 1994, No. 466, eff. 11−1−94; am. (1) (intro.), (a) to (c), (2), (3), (4) (intro.), (a), cr. (1m), Register, June, 1996, No. 486, eff. 7−1−96; renum. (1) (d) to be (1) (e), (4) (b) to be (4) (c), cr. (1) (d) and (4) (b), r. (1m), Register, August, 1997, No. 500, eff. 9−1−97, except cr. (1) (d) and r. (1m) eff. 10−1−97; am. (1) (d) 1. and (1) (e), Register, September, 1998, No. 513, eff. 10−1−98; CR 02−145: r. and recr. (1) (d), am. (5) Register December 2003 No. 576, eff. 1−1−2004; CR 04−077: am. (4) (a) Register November 2005 No. 599, eff. 12−1−05; CR 05−020: r. (6) (e) and (f), cr. (7) Register January 2006 No. 601, eff. 2−1−06; correction in (6) (i) made under s. 13.93 (2m) (b) 7., Stats., Register January 2006 No. 601; CR 06−025: am. (1) (d) 5. Register May 2007 No. 617, eff. 6−1−07.

NR 520.05 Financial responsibility for closure, long−term care and remedial actions. (1) OWNER'S RESPONSIBILITY. The owner of any landfill is responsible for its closure, for any remedial actions required by the department, and for its perpetual long−term care. Owners of landfills or other solid waste facilities shall provide proof of financial responsibility as determined by Table 1 and the remainder of this chapter. Those facilities required to provide proof of financial responsibility shall submit the proof as part of their operating license and annually thereafter for the period of active facility life, or longer where required, to ensure compliance with closure, long−term care or remedial actions.

Table 1
Proof of Owner Financial Responsibility

Facility Type	Closure Proof	Minimum LTC Proof Period	Subject to Remedial Action Proof
1. Approved Land Disposal Facilities			
a. Last Plan of Operation approved before 8/8/89 and permanently ceased accepting waste before 8/15/91.	Yes	20 or 30 years based on original choice of owner	No
b. Last Plan of Operation approved before 8/8/89 and accepted waste on or after 8/15/91.	Yes	40 years	Yes, if a MSW Landfill accepting waste after July 1, 1996.
c. Last Plan of Operation approved on or after 8/8/89.	Yes	40 years	Yes, if a MSW Landfill accepting waste after July 1, 1996.
2. Non−Approved Land Disposal Facilities			
a. Not a MSW Landfill or a MSW landfill which did not accept waste after October 8, 1993.	No	No LTC proof required	No
b. MSW Landfill which accepted waste after October 8, 1993 but permanently stopped prior to July 1, 1996	Yes	40 years	No
c. MSW Landfill which accepted waste after July 1, 1996.	Yes	40 years	Yes
3. Demolition Waste Landfills Regulated under Ch. NR 503			
a. Small	If required in Department Plan Approval.	If required in Department Plan Approval.	No
b. Intermediate	Yes	40 years	No
4. Transfer, Storage, Processing, Incinerator, and Combustor Facilities	If required in Department Plan Approval.	If required in Department Plan Approval.	No

MSW = Municipal Solid Waste

LTC = Long−term care

(2) SUCCESSORS IN INTEREST. Any person acquiring rights of ownership, possession or operation of a licensed facility shall be subject to all requirements of the license for the facility and shall provide any required proof of financial responsibility to the department in accordance with this section. The previous owner shall maintain proof of financial responsibility until the person acquiring ownership, possession or operation of the facility obtains department approval of proof of financial responsibility.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88, r. and recr., Register, June, 1996, No. 486, eff. 7−1−96; r. (2) and (3), Register, August, 1997, No. 500, eff. 9−1−97.

NR 520.06 Methods of providing proof of financial responsibility. Financial assurances for closure, long−term care and remedial actions where required, shall be established separately. The owner shall specify, as part of the plan of operation submittal, which method of providing proof of financial responsibility will be used for closure and for long−term care. To provide proof of financial responsibility, the applicant shall use only one of the following methods for each account:

(1) PERFORMANCE OR FORFEITURE BOND. (a) If the owner chooses to submit a bond, it shall be in the amount determined according to s. NR 520.08 (1) (b), (2) (b) or (3) (b), if required, 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 or subsequent remedial actions required by the department. Bonds for closure or long−term care shall be delivered to the department as part of the initial operating license application. All bonds shall be established using forms supplied by the department.

(b) Bonds shall be issued by a surety company among those listed as acceptable sureties for federal bonds in Circular 570 of the U.S. department of the treasury. 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 facility 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. The department shall mail notification of its intent to use the funds for that purpose to the last known address of the owner. If the owner submits a written request for a hearing to the secretary of the department within 20 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing 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: Copies of Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" can be obtained from surety bond branch, financial management service, department of the treasury, Washington D.C. 20227, phone (202) 874−6850. Copies are available for inspection at the offices of the department of natural resources, the secretary of state, and the legislative reference bureau.

(c) Each bond shall provide that, as long as any obligation of the owner for closure or long−term care remains, the bond may not be canceled by the surety, unless a replacement bond or other proof of financial responsibility under this section is provided to the department by the owner. If the surety proposes to cancel such a bond, the surety shall provide notice to the department and to the owner 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 and the bond shall remain in effect as long as any obligation of the owner remains for closure or long−term care. The surety may discharge its obligation under the bond at anytime by paying the unused portion of the bond to the department.

(d) 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, 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 and the bond shall remain in effect as long as any obligation of the owner remains for closure or long−term care.

(2) DEPOSIT WITH THE DEPARTMENT. If the owner chooses to deposit cash, certificates of deposit or U.S. government securities with the department, the amount of the deposit shall be determined according to s. NR 520.08 (1) (a), (2) (a) or (3) (a), if required, and deposits for closure or long−term care shall be submitted as part of the initial license application. Cash deposits placed with the department shall be segregated and invested 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 submits a written request for a hearing to the secretary of the department within 20 days after the mailing of notification, the department shall, prior to using the funds, hold a hearing 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.

(3) ESCROW ACCOUNT. If the owner establishes an escrow account, the amount shall be determined according to s. NR 520.08 (1) (a), (2) (a) or (3) (a), if required, and the account shall be with a bank or financial institution located within the state of Wisconsin which is examined and regulated by the state or a federal agency. The assets in the escrow account shall consist of cash, certificates of deposit, or U.S. government securities. A total of no more than $100,000 in cash and certificates of deposit may be placed into escrow accounts or trust accounts established by the owner in the same bank or financial institution for the purposes of providing financial assurance to the department. U.S. government securities shall be used in these escrow or trust accounts for amounts in excess of $100,000. All interest or coupon payments shall accumulate in the account. A duplicate original of the escrow agreement for closure or long−term care, with original signatures 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 submits a written request for a hearing to the secretary of the department within 20 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing 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.

(4) 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 a federal agency. The trust corpus shall consist of cash, certificates of deposit, or U.S. government securities in the amount determined according to s. NR 520.08 (1) (a), (2) (a) or (3)

(a), if required. A total of no more than $100,000 in cash and certificates of deposit may be placed into escrow accounts or trust accounts established by the owner in the same bank or financial institution for the purposes of providing financial assurance to the department. U.S. government securities shall be used in these escrow or trust accounts for amounts in excess of $100,000. All interest or coupon payments shall accumulate in the account. A duplicate original of the trust agreement for closure or long−term care, with original signatures 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 in writing 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 notification of its intent to use funds for that purpose to the last known address of the owner. If the owner submits a written request for a hearing to the secretary of the department within 20 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing 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.

(5) LETTER OF CREDIT. (a) If the owner chooses to submit a letter of credit, it shall be in the amount determined according to s. NR 520.08 (1) (b), (2) (b) or (3) (b), if required, and available exclusively for the purpose of assuring that all closure or long−term care requirements of the approved plan of operation will be complied with. The original letter of credit for closure or long−term care shall be delivered to the department as part of the initial operating license application. Letter of credit forms shall be supplied by the department.

(b) Letters of credit shall be issued by a bank or financial institution which has the authority to issue letters of credit and whose letter of credit operations are examined and regulated by a federal agency, or in the case of a bank or financial institution located within the state of Wisconsin, which is examined and regulated by the state or a federal agency. The department shall be the beneficiary of the letter of credit.

(c) The letter of credit shall provide either that the unused portion of the letter of credit shall be payable in full to the department upon the expiration of the letter of credit or that as long as any obligation of the owner for closure or long−term care remains, the letter of credit may not be canceled by the bank or financial institution, unless a replacement letter of credit or other proof of financial responsibility under this section is provided to the department by the owner. If the bank or financial institution proposes to cancel a letter of credit, the bank or financial institution shall provide notice to the department and the owner 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 date of the 90−day notice period, the owner shall deliver to the department a replacement letter of credit or other proof of financial responsibility under this section, in the absence of which all disposal operations shall immediately cease and either the letter of credit shall remain in effect as long as any obligation of the owner remains for closure or long−term care or the unused portion of the letter of credit shall be payable in full to the department.

(d) If the bank or financial institution 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, deliver to the department a replacement letter of credit or other proof of financial responsibility under this section, in the absence of which all disposal operations shall immediately cease and the letter of credit shall either remain in effect as long as any obligation of the owner remains for closure or long−term care or be payable in full to the department.

(e) The letter of credit shall further provide that the department has the right to withdraw and use part or all of the funds to carry out the closure or long−term care requirements of the plan of operation if the owner fails to do so. The department shall mail notification of its intent to use the funds for that purpose to the last known address of the owner. If the owner submits a written request for a hearing to the secretary of the department, within 20 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing 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.

(6) NET WORTH TEST. (a) Only a company that meets the definition in s. 289.41 (1) (b), Stats., may use the net worth method of providing proof of financial responsibility.

(b) The company shall comply with the net worth test requirements of s. 289.41 (4) and (6) or (7), Stats., and the minimum security requirements of s. 289.41 (9), Stats., whichever is applicable.

(c) A company using the net worth test to provide proof of financial responsibility for more than one facility shall use the total cost of compliance for all facilities in determining the net worth to closure and long−term care cost ratio.

(d) The department determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.

(7) INSURANCE. (a) If the owner chooses to submit an insurance policy for closure or long−term care, it shall be issued for the maximum risk limit determined according to s. NR 520.08 (1) (b), (2) (b) or (3) (b), if required. A certificate of insurance for closure or long−term care shall be delivered to the department as part of the initial operating license application. Certificate of insurance forms shall be supplied by the department.

(b) Except for captive insurance companies, the insurer shall be licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states. The department, after conferring with the Wisconsin insurance commissioner, shall determine the acceptability of a surplus lines or captive insurance company to provide coverage for proof of financial responsibility. The department shall ask the insurance commissioner to provide a financial analysis of the insurer including a recommendation as to the insurer's ability to provide the required coverage. The department shall be the beneficiary of the insurance policy. The department may require a periodic review of the acceptability of a surplus lines or captive insurance company.

(c) The insurance policy shall provide either that the unused proceeds of the policy shall be payable in full to the department upon expiration of the policy or that, as long as any obligation of the owner for closure or long−term care remains, the insurance policy may not be canceled by the insurer unless a replacement insurance policy or other proof of financial responsibility under this section is provided to the department by the owner. If the insurer proposes to cancel an insurance policy, the insurer shall provide notice to the department and to the owner 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 insurance policy or other proof of financial responsibility under this section, in the absence of which all disposal operations shall immediately cease and either the policy shall remain in effect as long as any obligation of the owner remains for closure or long−term care or the proceeds of the policy shall be payable in full to the department.

(d) If the insurance company becomes bankrupt or insolvent or if the company receives an unfavorable evaluation under s. 618.41 (6) (d), Stats., the owner shall, within 30 days after receiv-

ing written notice, deliver to the department a replacement insurance policy or other proof of financial responsibility under this section in the absence of which all disposal operations shall immediately cease and the policy shall either remain in effect as long as any obligation of the owner remains for closure or long−term care or be payable in full to the department.

(e) The insurance policy shall further provide that funds, up to an amount equal to the maximum risk limit of the policy, will be available to the department to carry out the closure and 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 the funds for that purpose to the last known address of the owner. If the insurer or owner submits a written request for a hearing to the secretary of the department within 20 days after the mailing of the notification, the department shall, prior to using funds, hold a hearing 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.

(f) Each insurance policy shall contain a provision allowing assignment of the policy to a successor owner or operator. Assignment may be conditioned upon the consent of the insurer, provided consent is not unreasonably refused.

Note: These forms may be obtained from the Department of Natural Resources, Bureau of Waste Management, P.O. Box 7921, Madison, WI 53707 or any DNR region office.

(8) OTHER METHODS. The department shall consider other financial commitments made payable to or established for the benefit of the department to ensure the owner or operator will comply with the closure and long−term care requirements of the approved plan of operation. The department shall review the request of any owner or operator to establish proof of financial responsibility to determine whether the proposed method provides a degree of assurance that is comparable to that provided by the methods listed in this section. The owner shall submit the request and all supporting information as part of the plan of operation.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am. (intro.), (1) (a), (b), (2) to (4), (5) (a), (b), (7) (a), (b), Register, June, 1996, No. 486, eff. 7−1−96; correction in (6) (b) was made under s. 13.93 (2m) (b) 7., Stats., Register March 2003 No. 567.

NR 520.07 Cost estimates. (1) GENERAL. For the purpose of determining the amount of proof of financial responsibility that is required in s. NR 520.06, the owner shall estimate the total cost in current dollars of closure for the point in time during operation of the facility when the extent and manner of its operation make closure most expensive, estimate the annual cost in current dollars for each year of the long−term care proof of owner responsibility period for the facility and submit the estimated closure and long−term care costs together with all necessary justification to the department for approval as part of the plan of operation submittal. The costs shall be based on a third party performing the work and reported on a per unit basis. The source of estimates shall be indicated.

(1m) ADJUSTMENTS. The owner shall prepare and submit to the department a new cost estimate for closure and long−term care during the active life of the facility as follows:

(a) Once every 10 years using current dollars, unless the costs are revised within the 10 year period as required under par. (b); and

(b) Due to a change in site design or operation or both approved by the department in writing.

(2) CLOSURE COSTS. At a minimum, closure costs shall include; the purchasing, hauling, placement and documentation testing of all the final cover materials including soils, membranes, fabrics, and grids and topsoil; seeding, fertilizing, mulching and labor; the installation of gas removal and treatment devices; the cost of preparing an engineering report documenting the work performed and a 10% contingency.

(3) LONG−TERM CARE COSTS. At a minimum, long−term care costs shall include, where applicable, land surface care; gas removal, treatment and monitoring; unsaturated zone monitoring; leachate pumping, transportation, monitoring and treatment; groundwater monitoring including sample collection and analysis; leachate collection line cleaning on an annual basis; annual cost of electricity for maintaining the closed site; and a 10% contingency. For the purposes of preparing the long−term care cost estimates, all monitoring requirements specified in the plan of operation shall be assumed to apply over the entire long−term care period. Leachate quantity and strength shall be assumed to remain constant over time and the calculation of leachate generation volumes shall be performed assuming that the waste is at field capacity unless an alternative method is approved by the department in writing. Only detailed performance data will be considered when evaluating estimates for leachate strengths and leachate generation volumes. Leachate treatment costs shall be based on those available from a municipal wastewater treatment plant capable of accepting the leachate in accordance with the applicable requirements of its WPDES permit. The expected operating life of all pumps, manholes, blowers, extraction wells and other engineering design features shall be specified in the plan of operation. As each of these features reach the end of their anticipated operating life, the cost of their replacement shall be added to the estimate for the appropriate year of the long−term care proof period.

(4) REMEDIAL ACTION COSTS. When remedial actions are required by the department, the owner of any municipal solid waste landfill identified in Table 1 as subject to remedial action proof of financial responsibility requirements shall submit cost estimates to the department for performing all activities associated with the required remedial action. The costs shall be provided in current dollars based on a third party performing the work. They shall also be reported on a per unit basis and shall include the source of the estimates. In addition, the length of time necessary to complete the remedial action shall be estimated and the cost of remedial actions for each year shall be presented.

(5) INFLATION RATE. The rates of inflation applied to cost estimates approved by the department in previous years shall be the annual gross domestic product implicit price deflator published in the survey of current business by the bureau of economic analysis, U.S. department of commerce for the appropriate years. The projected rate of inflation to be applied in proof of financial responsibility calculations for all future years shall be equal to the annual gross domestic product implicit price deflator for the last full calendar year.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am. (1) to (3), r. (5), renum. (4) to be (5) and am., cr. (4), Register, June, 1996, No. 486, eff. 7−1−96; am. (5), Register, August, 1997, No. 500, eff. 9−1−97; CR 05−020: cr. (1m), am. (3) Register January 2006 No. 601, eff. 2−1−06.

NR 520.08 Calculating the amount of the proof of financial responsibility. The owner shall, as part of the plan of operation submittal, calculate the necessary amounts of proof of financial responsibility for both closure and long−term care based on the chosen methods of providing proof of financial responsibility.

(1) CLOSURE. (a) For escrow, trust or department accounts, proof of financial responsibility for closure shall be equal to the estimated cost of closure in current dollars multiplied by the quantity of one plus the projected annual rate of inflation expressed as a decimal, and divided by the quantity of one plus the weighted average annual rate of return of the investments in the account expressed as a decimal.

(b) For bonds, letters of credit and insurance, proof of financial responsibility for closure shall be equal to the estimated cost of closure in current dollars multiplied by the quantity of one plus the projected annual rate of inflation expressed as a decimal.

(2) LONG–TERM CARE. (a) For escrow, trust or department accounts, proof of financial responsibility for long−term care shall be provided in accordance with the following:

1. Annual payments shall be made into the account at the beginning of each year of site life. All estimated annual expenditures during the long−term care proof of financial responsibility period shall be assumed to occur at the end of each year of the proof period.

2. Annual payments shall be made in equal dollar amounts or in dollar amounts that increase each year by no more than the projected rate of inflation. However, payments in excess of these minimum amounts may be made in any year, thereby reducing the amounts of subsequent annual payments for the remainder of the site life.

3. The amount of the annual payments shall be calculated and made such that, at the end of the projected facility life, the minimum dollar value of the account is equal to the sum of all estimated long−term care expenditures for the entire long−term care proof of financial responsibility period where the expenditure for each year has first been expressed in future dollars and then brought to present value using a discount rate equal to the projected rate of inflation plus 2%.

4. In estimating future earnings on these accounts, the weighted average rate of return of the investments held in the account may be used for a period of time not to exceed the weighted average maturity of the investments held in the account rounded to the nearest whole year. Earnings for years beyond the weighted average maturity of the investments in the account shall be calculated based on a projected rate of return equal to the projected rate of inflation plus 2%.

5. If an annual payment is missed or made late, the subsequent annual payment shall be increased so that the end of year balances originally calculated based on beginning of year payments are maintained.

(b) For bonds, letters of credit or insurance, proof of financial responsibility for long−term care shall be equal to the sum of the costs in current dollars of performing each of the years of long−term care for the required long−term care proof of financial responsibility period.

(3) REMEDIAL ACTIONS. (a) For escrow, trust or department accounts, proof of financial responsibility for remedial actions shall be provided in accordance with the following:

1. Annual payments shall be made into the account at the beginning of each year of the first half of the remedial action period. All estimated annual expenditures during the remedial action proof of financial responsibility period shall be assumed to occur at the end of each year of the proof period.

2. Annual payments shall be made in equal dollar amounts or in dollar amounts that increase each year by no more than the projected rate of inflation. However, payments in excess of these minimum amounts may be made in any year, thereby reducing the amounts of subsequent payments.

3. The amount of these payments shall be calculated and made such that, half way through the period of time the remedial action is estimated to take to complete, the minimum dollar value of the account is equal to the sum of each annual cost which is estimated to occur in the second half of the remedial action period where the expenditure for each year has first been expressed in future dollars and then brought to present value using a discount rate equal to the projected rate of inflation plus 2%.

4. Determination of earnings and procedures to follow in the case of missed or late payments shall be in accordance with sub. (2) (a) 2. and 3.

(b) For bonds or letters of credit, remedial action proof of financial responsibility shall be provided in an amount equal to the sum of the remedial action costs estimated to occur in the second half of the remedial action period expressed in current dollars.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; r. and recr., Register, June, 1996, No. 486, eff. 7−1−96.

NR 520.09 Changing methods of proof of financial responsibility. The owner of a solid waste land disposal facility may change from one method of providing proof of financial responsibility under s. NR 520.06 to another, but not more than once per year. A change may only be made on the anniversary of the submittal of the original method of providing proof of financial responsibility. The amount of the new method of providing proof of financial responsibility shall be in the amount that is equal to the amount that would have accumulated had the new method been used as the original method.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88.

NR 520.10 Adjustment of financial responsibility. The owner of a facility identified in Table 1 as being required to establish proof of financial responsibility shall submit to the department proof of the adjustment of the amounts of the proof mechanisms for closure, long−term care and remediation. Proof mechanisms shall be adjusted as follows:

(1) All proof mechanisms shall be adjusted annually to account for increases in cost estimates based on adjustments for inflation. The annual proof mechanism adjustments shall be submitted to the department by December 31.

(2) Adjusted proof mechanisms shall be within 60 days after a new cost estimate submitted in accordance with s. NR 520.07 is approved by the department. The adjusted proof mechanisms shall be in an amount adequate to cover the most recently approved cost estimate.

(3) For companies using the net worth test under s. NR 520.06 (6), the updated net worth test information as required under s. 289.41 (4), Stats., shall be submitted annually to the department within 90 days after the close of the company's fiscal year.

(4) For facilities using trust accounts, escrow accounts or deposits with the department to demonstrate proof of financial responsibility, revised proof of financial responsibility calculations shall be performed in accordance with s. NR 520.08 and submitted to the department by March 1 of the year succeeding the calendar year in which any or all of the following activities occur:

(a) Waste acceptance rates have increased enough to lower the projected remaining operational life of the landfill by one year or more.

(b) The weighted average annual rate of return of any trust or escrow account has fallen by 1% or more.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am., Register, June, 1996, No. 486, eff. 7−1−96; CR 05−020: r. and recr. Register January 2006 No. 601, eff. 2−1−06.

NR 520.11 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 land disposal facility is in violation of any of the requirements for closure, long−term care or remedial action specified in a department approval, the department and its designees shall have the right to enter upon the facility and carry out the closure, long−term care or remedial action requirements. The department may use part or all of the money deposited with it, or the money deposited in escrow or trust accounts, or performance or forfeiture bonds, or letters of credit, insurance, or funds accumulated under other approved methods to carry out the closure, long−term care or remedial action requirements.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am., Register, June, 1996, No. 486, eff. 7−1−96.

NR 520.12 Authorization to release funds. (1) CLOSURE. When an owner or operator has completed closure, the owner may apply to the department for release of the bond, insur-

ance or the letter of credit or return of the money held on deposit, in escrow, or in trust for closure of the facility. The application shall be accompanied by a report under the seal of a registered professional engineer which documents that the facility has been closed in accordance with the plan of operation approval and ch. NR 514, and summarizes the actual closure costs incurred. Upon determination by the department that complete closure has been accomplished, the department shall authorize in writing the release and return of all funds accumulated in such accounts or give written permission for cancellation of the bond, insurance or letter of credit. Determinations shall be made within 90 days of the application.

(2) 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, deposit with the department, or other approved methods, or for reduction of the bond, insurance or letter of credit equal to the estimated costs for long−term care for that year. The 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 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 after the application. For facilities using escrow accounts, trust accounts or deposits with the department, the department may authorize the release and return of up to 75% of the expected cost of long−term care for the current year. 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.

(3) REMEDIAL ACTIONS. One year following the midpoint of the period of time that implementation of a remedial action is expected to take, and annually thereafter for the period of the remedial action, the owner who has carried out all required activities during the preceding year may make application to the department for reimbursement from an escrow account, trust account, deposit with the department, or other approved methods, or for reduction of the bond, insurance or letter of credit equal to the estimated costs of remedial activities for that year. The application shall be accompanied by a report under the seal of a licensed professional engineer which documents the actual remedial activity costs incurred for that year. Upon determination that the expenditures incurred are in accordance with the approved remedial action requirements, the department may authorize in writing the release of the funds or approve a reduction in the bond, insurance or letter or 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 the required remedial work over the remaining remedial action period. 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 upon the successful completion of the approved remedial action shall be released to the owner.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; am. (2), cr. (3), Register, June, 1996, No. 486, eff. 7−1−96; CR 05−020: am. (1) and (3) Register January 2006 No. 601, eff. 2−1−06.

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 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. 2−6−88.

NR 520.14 Environmental fees. (1) 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 disposed 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. 289.67 (1), 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. 289.67 (3) (b), Stats. The environmental repair base fees may be reduced in accordance with s. 289.67 (3) (d), Stats. The environmental repair surcharge shall be as specified in s. 289.67 (4), 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. 292.31 (3) and (4), Stats.

(2) 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. 289.63 (3), 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), 20.435 (1) (q), and 20.165 (2) (q), Stats.

(3) CERTIFICATION AND PAYMENT OF FEES. (a) *Certification of waste received.* The owner or operator of a licensed solid waste land disposal facility or a processing facility which converts solid waste to fuel, or a municipal solid waste combustor, or a solid waste incinerator shall certify, on a form provided by the department, the amount of solid waste received and disposed of or converted into fuel or burned 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.

(b) *Payment of fees.* Based on information certified by the owner or operator under par. (a), the department shall mail notice of fees due in May and the owner or operator shall within 30 days after mailing of the fees notice, 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 in addition to the appropriate fees.

(c) *Certification of remaining capacity and sources of waste.* In addition to the certification under par. (a), the owner or operator of a licensed solid waste land disposal facility or a processing facility which converts solid waste to fuel, or a municipal solid waste combustor, or a solid waste incinerator shall certify to the department on a form provided by April 1 of each year the following information for the previous calendar year:

1. The name of the owner of the facility.
2. The location of the facility.

3. For a solid waste disposal facility, the remaining capacity available for disposal.

4. A list of all licensed haulers transporting waste to the facility for disposal or treatment in the previous year.

5. A list of the states of origin of solid waste disposed of or treated at the facility in the previous year and the amount, by weight, of that solid waste originating in each state.

6. For waste received from outside of Wisconsin, the following additional information shall be provided:

a. The out−of−state unit, as defined under s. 287.01 (5), Stats., where the waste was generated.

Note: Section 287.01 (5), Stats., was repealed by 2011 Act 32.

b. Name and address of the out−of−state solid waste generator. If multiple generators are included, identification of the out−of−state units in which the solid waste was generated is acceptable.

c. Location of out−of−state unit where solid waste was originally generated, if different from subd. 6. a.

d. Description and weight of out−of−state waste accepted, including the solid waste type, as specified by the department, and the weight of each type by state.

e. Name and collection and transportation license number issued by the department for the transporter who delivered the solid waste to the Wisconsin facility.

History: Cr. Register, January, 1988, No. 385, eff. 2−6−88; renum. (4) to be (4) (a) and am., cr. (4) (b), (c) and (5), Register, September, 1993, No. 453, eff. 10−1−93; r. (1), renum. (2) to (5) to be (1) to (4), Register, June, 1996, No. 486, eff. 7−1−96; corrections in (2) made under s. 13.93 (2m) (b) 7., Stats., Register March 2003 No. 567; CR 05−020: r. (3) (c) 6. f. and (4) January 2006 No. 601, eff. 2−1−06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688.

NR 520.15 Determination of waste tonnages. **(1)** DETERMINATION BY OWNER OR OPERATOR. The owner or operator shall determine the number of tons of waste received and disposed of at the solid waste land disposal facility in accordance with the following:

(a) For landfills with weight scales, actual weight records shall be used, and all waste accepted shall be routed across the scale.

(b) For landfills without scales, the owner or operator may establish by field measurement the volume of waste disposed and convert to a weight using the appropriate conversion factors in Table 4. When reporting waste tonnage information to the department based on this method, owners or operators of municipal solid waste landfills shall specify the volume of cover soil used as well as how the volumes of municipal waste and various industrial wastes were determined.

(c) For rural municipal solid waste landfills serving a population equivalent of 2,500 or less and receiving little or no industrial waste, 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. Alternatively, 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.

(2) CONVERSION FACTORS. The conversion factors in table 4 shall be used. All conversion factors are based on wet densities. The densities provided for domestic residential waste and commercial waste in table 4 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 4
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
Demolition	1,250 pounds/cubic yard
Compacted in place	1,200 pounds/cubic yard
Facilities receiving only demolition waste	1,400 pounds/cubic yard
Municipal wastewater sludge	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

(3) 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. 2−6−88; am. (1) (intro.), (b), (2) (intro.) and Tables, r. and recr. (1) (a), (c), r. (1) (d), renum. (2) (c) to be (3), Register, June, 1996, No. 486, eff. 7−1−96, am. table 2, Register, August, 1997, No. 500, eff. 9−1−97; r. and recr. table 2, Register, September, 1998, No. 513, eff. 10−1−98; CR 02−145: r. and recr. (3) Table 2 and Table 3 Register December 2003 No. 576, eff. 1−1−2004; CR 05−020: r. and recr. (3) Tables 2 and 3 Register January 2006 No. 601, eff. 2−1−06.

TABLE 2
Fee Schedule – All Facilities Except Landfills And Surface Impoundments

Facility Type	Initial Site & Construction Inspection Fees (1)	Plan Review Fee (2)	Plan Modification or Exemption Request	Construction Documentation Review Fee	Annual License Fee
Beneficial Use	$550	$550	$550	$550	N/A
Collection and Transportation	N/A	N/A	N/A	N/A	$110
Each Additional Truck	N/A	N/A	N/A	N/A	$33
Transfer Facility (3)					
Exempt (up to 50 tons/day)	$550	N/A	N/A	N/A	$165
Small (>50 to 100 tons/day)	$550	$660	$330	$330	$165
Large (>100 tons/day)	$550	$1,650	$550	$660	$550
Processing Facility (4)	$550	$3,300	$1,100	$1,100	$550
Storage Facility (3)					
Exempt (up to 50 tons/day)	$550	N/A	N/A	N/A	$550
Non−Exempt (>50 tons/day)	$550	$1,650	$550	$660	$550
Incineration Facility(4)	$550	$7,700	$1,650	$1,100	$7,700
Air Curtain Destructor	$550	$330	$330	$165	$165
Woodburning Facility	$550	$165	$165	N/A	$165
One−Time Disposal	$550	$660	$660	N/A	N/A
Municipal Waste Combustor					
Small	$550	$1,650	$550	$660	$660
Large (>10 tons/day)	$550	$7,700	$1,650	$1,100	$7,700
Landspreading Facility					
Exempt	$550	$660	$550	N/A	N/A
Non−Exempt	$550	$1,650	$550	N/A	N/A
Infectious Waste Transport	N/A	N/A	N/A	N/A	$275
Each Additional Truck	N/A	N/A	N/A	N/A	$22
Infect. Waste Annual Report	N/A	N/A	N/A	N/A	$55 (5)
Medical Waste Reduction Plan	N/A	$660 (6)	$550	N/A	N/A

(1) The initial site inspection fee doubles to $1,100 if preliminary screening prior to field inspection indicates the possible presence of endangered resources or sites of historical or archeological significance. This fee also applies to each compliance inspection performed per s. NR 502.05 (3) (k) 8. or 502.07 (2r) (g).

(2) The plan review fees specified in Table 2 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay an additional plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete, or for review of a report that has twice been declared incomplete.

(3) A plan modification, as referred to in Table 2, is a submittal which proposes to modify a plan of operation or closure plan previously approved by the department.

(4) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(5) This is an annual filing fee. A $25 late fee will be added for annual reports received after March 1 of the following calendar year.

(6) If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee shall also be submitted.

TABLE 3
Fee Schedule − Landfills and Surface Impoundments

	Plan Review and Inspection Fees (1)							License Fees		
Facility Type	**Pre.− Feas. or Initial Site Report (2) NR 509/510**	**Feas. Report NR 512**	**Plan of Oper. NR 503/514**	**Plan Mod. (3) (4)**	**Initial Site Inspections, Construc-tion Inspec-tions, and Exemption Requests (5) (6)**	**Constr. Doc. NR 503/516 (7)**	**Closure Plan NR 514**	**0−12 Months**	**Closure & LTC Period (8)**	**Lic. Trans-fer**
Landfills & Surface Impound-ments	$3,300	$22,000 (9)	$7,700	$1,650 (10)	$550	$1,100	$5,500	$7,700 (11)	$6,600	$7,700
Small Construct. & Demo. Waste Landfills	N/A	N/A	$1,100	$550	$550	$220	N/A	$1,650 (12)	N/A	N/A
Intermed. Construct. & Demo. Waste Landfills	N/A	N/A	$7,700	$1,650	$550	$1,100	N/A	$3,850 (12)	$6,600	N/A

(1) The plan review fees specified in Table 3 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay an additional plan review fee as specified in Table 3 for resubmittal of a plan which has been withdrawn after having been determined to be complete, or for review of a report that has twice been declared incomplete.

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

(3) A plan modification, as referred to in Table 3, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department. This fee also applies to a submittal which proposes to change the design management zone (DMZ) or requests recalculation of indicator preventive action limits (PAL's) as defined in ch. NR 140. The review fee for expedited plan modification requests per s. NR 514.09 is $1,000.

(4) These fees also apply to proposed Alternate Geotechnical Programs, Initial Site Construction Approval Requests, all submittals related to investigation or remediation of environmental contamination, and all submittals requesting exemptions to the groundwater standards contained in ch. NR 140.

(5) This fee applies to each initial site inspection performed by the Department and to each phase of construction to a maximum of 10 inspections. The initial site inspection fee doubles to $1,100 if preliminary screening prior to field inspection indicates the possible presence of endangered resources or sites of historical or archeological significance.

(6) These fees apply to exemptions requested per s. NR 500.08 (4) and (5).

(7) These fees apply to each facility construction documentation report submitted and to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.

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

(9) An additional $2,000 fee shall be paid for each requested exemption to the locational criteria specified in s. NR 504.04 (3); for exemption requests to s. NR 504.06 (2) (b) or (c); and if exemptions have been requested to ch. NR 140 groundwater standards. A separate $2,000 fee shall be paid for each paragraph of s. NR 504.04 (3) under which exemptions have been requested. For requested exemptions to ch. NR 140 groundwater standards, a single $2,000 fee is owed.

(10) Submittals which propose to modify previously approved feasibility reports shall be assessed a fee of $5,000.

(11) Landfills initially licensed before 1/1/05 that have a total approved design capacity below 50,000 cubic yards shall pay an annual license fee of $1,650. Landfills initially licensed before 1/1/05 that have a total approved design capacity from 50,000 cubic yards to 500,000 cubic yards shall pay an annual license fee of $3,850.

(12) Operation inspection fee.

TABLE 5

Fee Schedule − Landfills And Surface Impoundments Plan Review Fees

Facility Type	Type of Submittal	Plan Review Fee
Municipal solid waste landfills	Landfill stability plan	$2500 (1)(2)
All solid waste landfills	Research, development and demonstration plan	$2500 (1)(2)
All landfills	Annual report	$500 (3)

(1) These fees apply if the submittal is not proposed as part of the plan of operation. These fees apply to proposed renewal submittals for research, development and demonstration plans after approval of initial submittal.

(2) A landfill stability plan submitted under s. NR 514.07 (9) or a research, development and demonstration submitted under s. NR 514.10, as referred to in Table 5, are plan modifications which propose to modify a feasibility report, plan of operation, or closure plan.

(3) This fee applies to all annual reports for landfill unless the report is also a renewal submittal for a research, development and demonstration plan.