

Chapter NR 524

TRAINING AND CERTIFICATION REQUIREMENTS FOR SOLID WASTE DISPOSAL FACILITY OPERATORS

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Note: Corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register, August, 1997, No. 500.

NR 524.01 Purpose. The purpose of this chapter is to help ensure that efficient, nuisance-free and environmentally acceptable solid waste management procedures are practiced in Wisconsin by outlining the minimum requirements for certification of persons participating in or responsible for the operation of solid waste disposal facilities. This chapter is adopted under ss. 289.06, 289.42 (1) and 227.11 (2), Stats.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: am. Register January 2006 No. 601, eff. 2-1-06.

NR 524.02 Applicability. (1) Except as otherwise provided, this chapter governs all solid waste disposal facilities, except hazardous waste facilities as defined in 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 applies to the solid waste disposal facilities specified in sub. (1) only during the time that the facility is approved by the department to conduct solid waste disposal operations.

(3) This chapter does not apply to the design, construction or operation of industrial waste water facilities, sewerage systems and waterworks treating liquid wastes approved under s. 281.41, 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 disposal of solid waste.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2013 No. 688; CR 13-057: am. (1) Register July 2015 No. 715, eff. 8-1-15.

NR 524.03 Definitions. The following definitions, as well as the definitions in s. NR 500.03, are applicable to terms used in this chapter unless the context requires otherwise.

(1) “Certified facility manager” means a person who holds a current solid waste facility manager certificate issued under this chapter.

(2) “Certified site operator” means a person who holds a current solid waste site operator’s certificate issued under this chapter.

(3) “Hours of operation” means anytime when a solid waste disposal facility is open for accepting waste or any of the following activities are occurring:

(a) Waste placement and compaction.

(b) Surface water and leachate structure maintenance and repair, other than routine alarm response and equipment restarting.

(c) Daily and intermediate cover placement.

(d) Design repairs in major phases that have received waste but have not completed final closure.

(e) Access road construction within the site.

(f) Other activities that are determined by the department that are similar.

Note: Activities which do not constitute hours of operation include pumping leachate, gas extraction, environmental monitoring, new phase construction, remediation at a closed site or in a major phase that has received waste and has completed final closure, equipment maintenance, access road maintenance to the site, and other activities determined by the department that are similar.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.04 Exemptions. (1) Except as provided in sub. (2), the following solid waste disposal facilities are exempt from the requirements of this chapter:

(a) Facilities which are not required to be licensed under s. 289.31, Stats., except for small size construction and demolition waste landfills subject to s. NR 503.09 and intermediate size construction and demolition waste landfills subject to s. NR 503.10.

(b) Solid waste disposal facilities used solely for the disposal of animal carcasses.

(2) The department may require individual solid waste disposal facilities which are exempt under sub. (1) to have certified operators, if in the opinion of the department, the facility is unique in some manner, and trained and certified personnel at the facility will help protect public health, safety, welfare or the environment.

(3) The department may grant exemptions in writing from non-statutory requirements of this chapter. Persons may apply for an exemption under this section by providing the department with a written request identifying the exact provisions they wish exemption from, along with appropriate documentation which demonstrates to the satisfaction of the department that the proposal will not have a significant adverse impact upon public health, safety, welfare or the environment. The department shall take into account such factors as the amount of waste being disposed, the design of the facility, the physical and chemical characteristics of the waste and any other information which may be appropriate. The department may grant exemptions if the department finds that granting the exemption will not cause significant adverse impacts to public health, safety, welfare or the environment.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; am. (1) (a), Register, June, 1996, No. 486, eff. 7-1-96.

NR 524.05 Municipal, mixed waste and intermediate size construction and demolition disposal facilities. The owner or operator of a solid waste disposal facility shall comply with one of the following:

(1) MUNICIPAL AND MIXED WASTE DISPOSAL FACILITIES. The owner or operator of a solid waste disposal facility that is not a small demolition facility under s. NR 500.03 (121) or a solid waste

disposal facility used primarily for the disposal of high volume industrial waste shall do all of the following:

(a) Submit to the department with the submittal of the annual licensing application form, or if annual licensing is not required a submittal to the department by October 1 of each year, the name of at least one certified facility manager. This person or persons shall be designated to perform the duties required in s. NR 524.06 (1) for the facility.

(b) Assure that a designated certified facility manager be present either at the solid waste disposal facility, or be within 50 miles of the facility and able to be contacted by facility personnel during 75% of the hours of operation.

(c) Submit a list of the names of people with delegated authority to be contacted when the facility manager is unavailable. The list shall be submitted to the department and maintained at the facility.

(d) Submit to the department with the list of certified facility managers required in par. (a), the name of any certified site operators who are designated to fulfill the requirements in s. NR 524.06 (2) for the facility.

(e) Have a certified facility manager or certified site operator present at the facility during all hours of operation.

(2) HIGH VOLUME INDUSTRIAL WASTE DISPOSAL FACILITIES. The owner or operator of a solid waste disposal facility that is used primarily for the disposal of high volume industrial waste shall do all of the following:

(a) Submit to the department with the submittal of the annual licensing application form the name of at least one certified facility manager. This person or persons shall be designated to perform the duties in s. NR 524.06 (1) for the facility.

(b) Assure that a designated certified facility manager be present either at the solid waste disposal facility, or be within 50 miles of the facility and able to be contacted by facility personnel during 75% of the hours of operation.

(c) Submit a list of the names of people with delegated authority to be contacted when the facility manager is unavailable. The list shall be submitted to the department and maintained at the facility.

(d) Submit to the department with the list of certified facility managers required in par. (a), the name of any qualified person who is designated to fulfill the requirements in s. NR 524.06 (2) for the facility.

(e) Have a certified facility manager or certified site operator on site during all hours of operation other than when only waste delivery operations are occurring unless all of the following criteria are met:

1. A certified facility manager is present at the site to oversee operations a minimum of once a week and more often as necessary to assure the facility is being operated in a nuisance free and environmentally safe manner. A sign-in log shall be kept at the site attesting to the certified facility manager's weekly presence and shall be made available to the department upon request.

2. A site operator who possesses the knowledge specified in s. NR 524.07 (2) but need not be certified performs the duties in s. NR 524.06 (2) at all times during the hours of operation other than when only waste delivery operations are occurring.

3. The department has not issued a notice of violation for that facility during the previous 3 years and a written notification to the owner or operator that a certified facility manager or certified site operator shall be present on site during all hours of operation other than when only waste delivery operations are occurring unless all violations have been resolved, and the department has issued a letter confirming that the violations have been corrected.

(3) SMALL DEMOLITION WASTE DISPOSAL FACILITIES. The owner or operator of a small demolition site shall do all of the following:

(a) Have a certified site operator on site at all times during its hours of operation.

(b) Prior to October 1 of each year, submit to the department the name of any certified site operator who is designated to fulfill the requirements in s. NR 524.06 (2) for the facility.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; am. (1) (a), Register, June, 1996, No. 486, eff. 7-1-96; CR 05-020: am. (intro.), (1) (a), (d), (2) (a), (e) 1. and 2. Register January 2006 No. 601, eff. 2-1-06.

NR 524.06 Certified facility manager and certified site operator duties. **(1) CERTIFIED FACILITY MANAGER DUTIES.** A certified facility manager designated by the owner or operator under s. NR 524.05 (1) or (2) shall:

(a) Ensure that the operation and maintenance of the facility is in conformance with chs. NR 500 to 524;

(b) Ensure that the facility is operated in accordance with the approved plan of operation and other established facility policies and procedures;

(c) Ensure that all staff at the solid waste disposal facility are trained in their job responsibilities, regulations affecting their jobs, and health and safety concerns relating to the site and their jobs. Training outlines and attendance shall be documented and made available to the department for inspection upon request;

(d) Ensure that facility operation complies with applicable state laws;

(e) Ensure that policies and procedures for proper and safe facility operations are developed and periodically updated.

(2) CERTIFIED SITE OPERATOR DUTIES. A certified site operator designated by the owner or operator under s. NR 524.05 (1), (2) or (3) shall:

(a) Ensure that the operation and maintenance of the facility is in conformance with chs. NR 500 to 524;

(b) Ensure that the facility is operated in accordance with the approved plan of operation and other established facility policies and procedures;

(c) Ensure that the facility operation complies with applicable state laws.

(3) PERSONAL LIABILITY. This section does not impose personal liability upon certified facility managers and certified site operators and does not relieve the owner or operator of a solid waste disposal facility from compliance with all applicable rules, plan approvals, statutes, licenses and orders.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94.

NR 524.07 Knowledge requirements. **(1) Facility managers who wish to be certified shall have knowledge of all of the following subjects:**

(a) *General landfill theory and design.* Basic design concepts for liners, leachate collection systems and capping and cover systems how these features protect groundwater, surface water and air quality; the reasoning for the types of soils that need to be used, and the construction and documentation requirements; the theory of active and passive gas systems.

(b) *General landfill operations.* Elements of a plan of operation, how the plan of operation is implemented and modified, and how the plan of operation is enforced; handling and reporting of special waste and out-of-state waste, daily filling sequence including slopes and grades, and at a minimum how this affects wind blown litter, odor, dust, tracking mud onto public roads; surface water control; site security and daily cover.

(c) *General landfill maintenance.* Regular maintenance of monitoring wells and leachate collection systems, cleaning and repair of the surface water control system, maintenance of the final cover system, and maintenance of the gas collection system.

(d) *Monitoring and reporting requirements.* Routine monitoring and reporting concerning groundwater wells, leachate head wells, lysimeter and gas wells; reporting of spills and releases and

other similar occurrences, annual reporting regrading waste volumes and types, out-of-state waste and the fees associated with them.

(e) *Employees health and safety.* Hazardous substances, confined space entry and trench safety; health and safety plans and how the plans are developed for a particular site; precaution during screening of special wastes that cannot be brought into the facility and issues dealing with fire and explosion from landfill gas.

(f) *Employee training.* How to develop, implement and document training and training programs for all personnel at the facility. At a minimum this shall include programs for all persons using heavy machinery in or around the waste, scale operators, landfill maintenance personnel and environmental monitoring personnel. Where appropriate and relevant to the position, training programs shall include but not be limited to health and safety instructions, waste identification and handling, and procedures for gaining approval to accept new waste sources or types.

(g) *Heavy equipment management.* Handling and capabilities of landfill equipment and basic maintenance of this equipment.

(2) Site operators who wish to be certified shall have knowledge at least in all of the subjects in sub. (1) (a), (b), (c), (e) and (g).

(3) The department may require knowledge on additional subjects as the technology and regulations of solid waste disposal facility operations change.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.08 Initial certification and examination.

(1) **TERMS OF INITIAL CERTIFICATION.** An initial certification shall terminate 2 years after issuance.

(2) **INITIAL CERTIFICATION REQUIREMENTS.** (a) *Facility manager and site operator certification requirements.* In order to be designated as a certified facility manager or certified site operator, an applicant shall meet all of the following requirements:

1. Achievement of a passing score on an examination under sub. (3).

2. Payment of the initial certification fee specified in s. NR 520.04 (6).

(b) *Additional requirements for facility managers.* In addition to meeting the requirements of par. (a), in order to be designated as a certified facility manager, the applicant shall satisfactorily demonstrate to the department that the applicant has at least 2 years experience operating or being directly responsible for the operation, design, regulation, construction or administration of a solid waste facility.

(3) **EXAMINATIONS.** (a) Written examinations to determine the knowledge and proficiency of those seeking certification as certified facility managers and certified site operators shall be administered by the department or its designated agent.

(b) A score of 70% or higher shall be a passing score for the written examination.

(c) Written examinations shall be conducted during business days at least 2 times annually at a location in the state determined by the department. Additional times and dates may be scheduled by the department.

(d) Persons who have not applied at least 30 days prior to the examination date, or who fail to pay the required fees, or fail to identify themselves on request at the examination site, are not eligible to take the written examination.

(e) Examination fees are not refundable.

(f) Examination papers may not be returned to an applicant.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.09 Recertification. (1) **TERM OF RECERTIFICATION.** Recertification for certified facility managers and operators shall terminate 2 years after issuance.

(2) **RECERTIFICATION AS A CERTIFIED FACILITY MANAGER.** In order to be recertified as a certified facility manager, a certified facility manager shall submit an application requesting recertification along with the fee specified in s. NR 520.04 (6) (c). The application shall be accompanied by a statement signed by a certified manager or the landfill owner indicating that within the previous 2 years, the applicant has completed 8 hours of continuing education on solid or hazardous waste management related subjects.

(3) **RECERTIFICATION AS A CERTIFIED SITE OPERATOR.** In order to be recertified as a certified site operator, a certified site operator shall submit an application requesting recertification along with the fee specified in s. NR 520.04 (6) (d). The application shall be accompanied by a statement signed by a certified manager or the landfill owner indicating that within the previous 2 years, the applicant has completed 4 hours of continuing education on solid or hazardous waste management related subjects.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.10 Interim status. (1) If the designated certified facility manager becomes unable to perform the duties under s. NR 524.06 (1), the facility owner or operator shall immediately notify the department and either suspend operations at the facility, or take any of the following actions:

(a) Designate another person having the required certification under this chapter as the certified facility manager as required in s. NR 524.05 (1) (a) or (2) (a).

(b) Request the approval of the department of an interim facility manager having a site operator certification under s. NR 524.08.

(c) Request the approval of the department of an interim facility manager having an operator certification from another state.

(d) Request the approval of the department of an interim facility manager who has at least 2 years of experience operating or being directly responsible for operation, design, regulation, construction or administration of a solid waste facility.

(2) In the event that a facility owner or operator does not have a designated certified site operator who is available to perform the duties under s. NR 524.06 (2), the facility owner or operator may request the approval of the department of an interim site operator who has at least one year of experience operating, or being directly responsible for, operation of a solid waste facility or in earth work construction.

(3) An interim facility manager or interim site operator may be used as a replacement for a person already designated as a certified facility manager or site operator under s. NR 524.05 only under the following conditions:

(a) The owner or operator shall designate a person as an interim facility manager or interim site operator only once and for a maximum term of one year.

(b) The owner or operator may not request successive approvals for interim facility managers or interim site operators for a solid waste disposal facility.

(c) Persons who have had a certification under this chapter suspended or revoked within the previous 2 years may not be an interim facility manager or interim site operator.

(d) The owner or operator may designate an interim facility manager or interim site operator only as a temporary replacement for an existing designated certified facility manager or designated certified site operator under s. NR 524.05.

(e) The owner or operator pays the proper certification fee specified in s. NR 520.04 (6) (g) or (h).

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.11 Reciprocity. There may be no reciprocity for certifications received from other states, except that the department may grant for a maximum term of one year for an interim facility manager or interim site operator certification to a person who is certified in solid waste disposal facility operations in other states. To obtain approval as an interim facility manager or interim site operator, a person shall meet the requirements of s. NR 524.10 (3) (b), (c) and (d) and submit to the department and obtain approval of the following:

(1) Documentation of the solid waste disposal facility operator certification from another state.

(2) A statement from the person specifying the location, type of work performed and dates of employment.

(3) The proper certification fee under s. NR 520.04 (6) (g) or (h).

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: am. (intro.) Register January 2006 No. 601, eff. 2-1-06.

NR 524.12 Fees. (1) Fees for examination, initial certification, recertification and interim status approvals shall be as specified in s. NR 520.04 (6).

(2) The appropriate fee shall accompany the completed application.

(3) A late processing fee specified in s. NR 520.04 (6) (i) in addition to the fee under s. NR 520.04 (6) (c) or (d) shall be paid by persons seeking recertification if their certification has expired for less than 6 months. If the certification has expired for more than 6 months, a person seeking certification shall apply for initial certification under s. NR 524.08.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: r. and recr. Register January 2006 No. 601, eff. 2-1-06.

NR 524.13 Issuance of certificates. The department shall issue a certificate to each facility manager or site operator who meets the requirements for certification under this chapter.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94.

NR 524.14 Suspension or revocation and refusal to renew certifications. (1) The department may make investigations and may, on its own motion, revoke, suspend or refuse

to renew any certification under this chapter if the department finds that the holder of the certification has done any of the following:

(a) Made a material misstatement in an application for initial certification or any application for recertification.

(b) Demonstrated incompetence to operate a facility.

(c) Falsified any monitoring or operating or other records maintained at the solid waste disposal facility or submitted to the department.

(d) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 289, Stats., or any administrative rules, licenses or orders under those sections.

(e) Repeatedly failed to perform any of the duties in s. NR 524.06.

(2) Notice of revocation, suspension or refusal to renew a certificate shall be served on the certified facility manager or certified site operator and the owner or operator of the solid waste disposal facility, and shall state the reasons for revocation, suspension or refusal to renew.

(3) A revocation, suspension or refusal to renew a certificate shall take effect on the 30th day after the notice is received, unless the certified facility manager or site operator files a written request for a hearing under s. 227.42, Stats., with the department prior to the 30th day, and the written request is granted under s. 227.42, Stats. If the request for a contested case hearing is granted, the revocation, suspension or refusal to renew is stayed and the department shall conduct a hearing on the matter. If after the hearing the department finds that sufficient grounds exist under sub. (1) to revoke, suspend or refuse to renew the certification, it shall affirm or modify its earlier decision. The final decision of the department, including the reasons for the revocation, suspension or refusal to renew a certificate shall be provided in writing to the facility manager or site operator. The final decision is subject to judicial review under ss. 227.52 to 227.53, Stats.

(4) In lieu of suspending, revoking or refusing to renew a certification under this chapter, the department may require the certified facility manager or certified site operator to undergo additional training specified by the department as necessary to correct any deficiency specified by the department in its notice of revocation, suspension or refusal to renew.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-020: am. (1) (b) Register January 2006 No. 601, eff. 2-1-06; correction in (1) (a), (b), and (c) made under s. 35.17, Stats., Register July 2015 No. 715.