

**NR 151.04 Solid waste storage.** (1) The owner and occupant of any premises, business establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at that premises, business establishment or industry.

(2) Garbage and similar putrescible waste shall be stored in: (a) durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling, or (b) other types of containers acceptable to the municipality and conforming to the intent of this section. The size and allowable weight of the containers shall be determined by the collection agency subject to approval by the municipality.

(3) Refuse shall be stored in durable containers or as otherwise provided in this section. Where garbage and similar putrescible waste are stored in combination with nonputrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

(4) Toxic or hazardous materials or substances shall be stored in watertight, tightly covered, adequately labeled containers and in a safe location.

(5) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this chapter shall be replaced with acceptable containers.

(6) Objects too large or otherwise unsuitable for storage containers shall be stored in a nuisance free manner and consistent with directions of the municipality.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.04 to be NR 151.04, Register, May, 1971, No. 185, eff. 6-1-71.

**NR 151.05 Collection and transportation of solid waste.** (1) The owner and occupant of any premises, business establishment or industry shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at that premises, business establishment or industry to a solid waste disposal site or facility unless arrangements for such purpose have been made with a collecting and transporting service holding a permit from the department.

(2) All persons engaged in the business of collecting and transporting services—except those engaged exclusively in such business for materials such as junked automobiles, demolition material, mine tailings, or gravel pit and quarry spoils—shall obtain an annual permit from the department as indicated in this chapter. No collecting or transporting service shall provide services to any person not fulfilling storage requirements of section NR 151.04.

(3) Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or refuse containing such materials, shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned frequently to prevent nuisances or insect breeding, and shall be maintained in good repair.

(4) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered when necessary to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the

collector or transporter and returned to the vehicle or container and the area properly cleaned.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.05 to be NR 151.05, and am. (2), Register, May, 1971, No. 185, eff. 6-1-71.

**NR 151.06 Disposal of solid waste.** No person shall dispose of any solid waste, including salvageable material, at any site or facility not licensed by the department except for acceptable containers placed at appropriate locations for the public convenience. Licensing shall not be required for the following sites, but they are to be operated and maintained in a nuisance-free and aesthetic manner consistent with the intent of this chapter:

(1) Sites used for the disposal of solid waste from a single family or household, a member of which is the owner, occupant or lessee of the property.

(2) A farm on which only animal wastes resulting from the operation of the farm are disposed of.

(3) Sites for the exclusive disposal of mine tailings, spoils from gravel or quarry operations, and similar material.

(4) Incinerators having a capacity of less than 500 pounds per hour.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.06 to be NR 151.06, Register, May, 1971, No. 185, eff. 6-1-71.

**NR 151.07 Licenses and permits.** It shall be unlawful for any person to establish, maintain, conduct or operate a solid waste disposal operation, except as provided in section NR 151.06, without first obtaining an annual license from the department or to engage in a collecting and transporting service without first obtaining an annual permit from the department. The license or permit will terminate September 30 of each year.

(1) Any person desiring a license or permit for an existing solid waste disposal operation or collecting and transporting service shall annually, before June 1, make application to the department on forms provided by the department. Any person desiring a license for a new solid waste disposal operation or collection and transporting service shall make application at least 30 days prior to the desired effective date. A separate application shall be submitted for each solid waste disposal operation or collecting and transporting service.

(2) The license fee for each nonmunicipal solid waste disposal operation shall be \$50. License fee charges for municipal operations will apply in accordance with the following schedule:

| Population of Municipalities Served | Fee for First Operation | Fee per Additional Operation |
|-------------------------------------|-------------------------|------------------------------|
| 0—1000                              | 25                      | --                           |
| 1001—2500                           | 25                      | 10                           |
| more than 2500                      | 50                      | 25                           |

(3) Each applicant desiring a license for a solid waste disposal operation, exclusive of municipalities, shall provide a surety bond conditional upon compliance with this chapter, the amount of which shall be determined by the department, but which in no case shall be less than \$1,000. A copy of the surety bond shall accompany the license application.

(4) Where applicable, applications for solid waste disposal operation licenses, or collecting and transporting service permits shall be

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accompanied by a copy of a permit from the municipality having jurisdiction over the area where located and operated.

(5) Each application shall be accompanied by a plan of operation indicating procedures which will be undertaken to fulfill requirements of this chapter.

(6) Upon receipt of the completed application, the department shall review the same to assure that all provisions of this chapter are met and that such operation or service will comply with other state and local laws, ordinances, rules and regulations. The department will notify the applicant when the application is satisfactory and will give notice as to any exemptions that will be permitted and the amount of the fee required. Upon receipt of the required fee from the applicant, the department will issue the requested license or permit.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.07 to be 151.07, and am. intro. par., Register, May, 1971, No. 185, eff. 6-1-71; am. intro. par., Register, June, 1971, No. 186, eff. 7-1-71.

**NR 151.08 Revocation of license or permit.** The department may revoke any license or permit if it finds that the disposal operation or collecting and transporting service is not operated in conformance with this chapter.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.08 to be NR 151.08, Register, May, 1971, No. 185, eff. 6-1-71.

**NR 151.09 Location requirements.** Solid waste disposal operations are prohibited within the following areas unless written permission for use of such location is obtained from the department.

(1) Within 1,000 feet of any navigable lake, pond, or flowage.

(2) Within 300 feet of a navigable river or stream or to the landward side of the flood plain, whichever distance is greater, when in an unincorporated municipality.

(3) Within the flood plain of any watercourse within a city or village.

(4) Within an area from which solid waste or leaching therefrom may be carried into any surface water.

(5) Within an area from which leaching from solid waste may have a detrimental effect on ground water.

(6) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway or the boundary of a public park. Permission will not be granted under this subsection for a site which is not screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the highway or park, unless written permission has first been obtained from the department of transportation or appropriate municipality, where applicable.

**History:** Cr. Register, April, 1969, No. 160, eff. 5-1-69; renum. from RD 51.09 to be NR 151.09, Register, May, 1971, No. 185, eff. 6-1-71.

**NR 151.10 Sanitary landfill.** (1) A sanitary landfill shall not be established until the site location and proposed method of operation have been approved in writing by the department. A minimum of 3 sets of the following information shall be submitted to the department for review to enable consideration of approval:

(a) Map or aerial photograph of the area showing land use and zoning within  $\frac{1}{4}$  mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock out croppings,

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roads, and other applicable details and shall indicate the general topography.

(b) Plot plan of the site showing dimensions, location of soil borings, proposed trenching plan or original fill face, winter cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.

(c) A report shall accompany the plans indicating:

1. Population and area to be served by the proposed site.
2. Anticipated type, quantity and source of material to be disposed of at the site.
3. Geological formations and ground water elevations to a depth of at least 10 feet below proposed excavation and lowest elevation of the site. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristics of cover material and method of protecting cover material for winter operation.
5. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compaction, and other needs.
6. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

(2) Any person who maintains or operates a sanitary landfill site or permits the use of property for such, shall maintain and operate the site in conformance with the following practices unless otherwise allowed by the department in granting the required license:

(a) Open burning of solid waste is prohibited unless otherwise approved.

(b) No solid waste shall be deposited in such a manner that material or leachings therefrom will have a detrimental effect on any ground or surface water.

(c) Dumping of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within that area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

(d) Each single layer of garbage or refuse shall be compacted to a depth of approximately 2 feet. No more than 3 compacted layers may be placed prior to covering.

(e) Solid waste shall be compacted and covered after each day of operation, or as specified by the department, with a compacted layer of at least 6 inches of suitable cover material. Surface water drainage shall be diverted around the landfill area.

(f) Putrescible materials such as spoiled foods and animal carcasses shall be immediately covered and compacted as indicated in this section.

(g) Special provisions shall be made to dispose of toxic and hazardous wastes in compliance with subsection NR 151.10 (3).

(h) The boundaries of the disposal site shall be fenced and a minimum separating distance of 20 feet maintained between the disposal operation and adjacent property.

(i) Effective means shall be taken to control flies, rodents, and other insects or vermin.