

Chapter NR 151

SOLID WASTE MANAGEMENT

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History: Prior to May, 1971 similar rules, sections RD 51.01—RD 51.21, were to be found in chapter RD 51. In May, 1971 chapter RD 51 was renumbered to be chapter NR 151. Chapter NR 151 as it existed on June 30, 1973 was repealed, and a new chapter NR 151 was created, Register, June, 1973, No. 211, eff. 7-1-73.

FOREWORD

The high level of production required to meet the varied needs of an expanding population and high standard of living has resulted in a sharp rise in the amount of waste materials discarded annually. Inefficient and improper methods of waste disposal have caused an increasing pollution of our vital air, land and water resources threatening the utility of our resources and the quality of the environment in which we live. The problems of improper waste disposal endanger the public health, safety and welfare, create public nuisances, result in scenic blight and adversely affect land values. The close interrelationship of air, land and water pollution requires concerted action to prevent the worsening of these problems.

It is the intent of these rules to provide for the handling, processing, and ultimate disposal of solid waste in such a way as to make efficient, nuisance-free, environmentally acceptable waste management a reality in Wisconsin.

The department encourages cooperation of municipalities which may adopt this chapter for use in local laws, ordinances or regulations.

These rules were adopted by the department pursuant to sections 144.43 and 144.44, Wis. Stats.:

144.43 Solid waste disposal standards. The department shall, no later than January 1, 1969, prepare and adopt minimum standards for the location, design, construction, sanitation, operation and maintenance of solid waste disposal sites and facilities and shall, following a public hearing, adopt such rules relating to the operation and maintenance of solid waste disposal sites and facilities as it deems necessary.

144.44 License. (1) After the department has promulgated minimum standards for the location, design, construction, operation and maintenance of solid waste disposal sites and facilities, no person shall establish, maintain, conduct or operate a solid waste disposal site or facility which does not adhere to such minimum standards. Such sites or facilities shall be licensed annually by the department providing they comply with said standards. The department may charge a reasonable fee for the costs of administering this section.

(2) Nothing in ss. 144.30 to 144.46, Wis. Stats., shall limit the authority of any local governing body to issue licenses and permits for any state-licensed sites or facilities or to adopt, subject to department approval, standards for the location, design, construction, operation and maintenance of solid waste disposal sites and facilities more restrictive than those adopted by the state under this section.

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NR 151.01 Applicability. The provisions of this chapter govern the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid waste by any person or municipality, and the licensing of solid waste disposal sites and facilities in keeping with sections 144.43 and 144.44, Wis. Stats.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.02 Definitions. For the purpose of these regulations: (1) **AIR CURTAIN DESTRUCTOR.** An air curtain destructor is a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(2) **COLLECTING AND TRANSPORTING SERVICE.** A collecting and transporting service is a solid waste disposal operation which utilizes containers and/or vehicles for the collection and transportation of solid waste for disposal purposes.

(3) **COMPOSTING OPERATION.** A composting operation is a solid waste disposal operation for the controlled, accelerated, biological decomposition of solid waste.

(4) **DEPARTMENT.** The department is the department of natural resources.

(5) **GARBAGE.** Garbage means discarded materials resulting from the handling, processing, storage and consumption of food.

(6) **INCINERATOR.** An incinerator is a solid waste disposal operation designed and operated for controlled burning of wastes, to achieve volume and weight reduction.

(7) **LAND DISPOSAL OPERATION.** A land disposal operation is a solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth on a regular schedule.

(8) **NONCOMBUSTIBLE MATERIAL.** Noncombustible material is solid waste which is incapable of supporting combustion in the ambient atmosphere.

(9) **OPEN BURNING.** Open burning is combustion wherein the products are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include the combustion occurring at a properly operated air curtain destructor.

(10) **POPULATION EQUIVALENT.** Population equivalent is the population equal to the sum of the population of the geographical area based on the most recent census data, or department of administration census data used for tax sharing purposes, plus the seasonal population not included in the census data, plus one person per 1,000 pounds per year of industrial, commercial, and agricultural waste.

(11) **PROCESSED SOLID WASTE.** Processed solid waste is solid waste that has been incinerated, pulverized, shredded, classified, baled, separated, or altered by some means in a solid waste processing plant.

(12) **REFUSE.** Refuse means combustible and noncombustible rubbish, including, but not limited to paper, wood, metal, glass, cloth, and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

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(13) **SALVAGEABLE MATERIAL.** Salvageable material is material which is of further usefulness only as raw material for reprocessing or as imperfect stock from which replacement or spare parts can be extracted.

(14) **SALVAGE YARD.** A salvage yard is a solid waste disposal operation at which salvageable materials are stored or sold or at which wrecking, dismantling or demolition of salvageable materials are conducted. A solid waste recycling center is not considered a salvage yard.

(15) **SANITARY LANDFILL.** Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

(16) **SERVE.** To provide or to make available a solid waste disposal operation.

(17) **SOLID WASTE.** Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(18) **SOLID WASTE DISPOSAL.** Solid waste disposal means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

(19) **SOLID WASTE DISPOSAL OPERATION.** A solid waste disposal operation is the operation or maintenance of a solid waste disposal site or facility, for the collection, storage, utilization, processing, or final disposal of solid waste, including, but not limited to, land disposal, incineration, transfer, air curtain destruction, composting, reduction, shredding, compression, processing, and salvage. In house reuse of imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

(20) **SOLID WASTE MANAGEMENT.** Solid waste management is planning, organizing, and implementing programs to effect the storage, collection, transportation, processing, utilization or final disposal of solid wastes.

(21) **SOLID WASTE PROCESSING PLANT.** A solid waste processing plant is a solid waste disposal operation at which solid waste is incinerated, pulverized, shredded, classified, baled, separated or altered by some other means to facilitate transportation, utilization, or disposal.

(22) **SOLID WASTE RECYCLING CENTER.** A solid waste recycling center is a solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass, and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material.

(23) **TOXIC OR HAZARDOUS WASTES.** Toxic or hazardous wastes are solid wastes such as pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.

(24) **TRANSFER STATION.** A transfer station is a solid waste disposal operation used for the loading of solid waste from one vehicle or container to another, generally of larger capacity, prior to transporting to the point of processing or final disposal.

(25) **WETLANDS.** Wetlands are land areas characterized by surface flooding and/or saturated soils during at least part of the growing season such that only moist soil vegetation or shallow water plants can thrive.

(26) **SCRAP METAL PROCESSING FACILITY.** A scrap metal processing facility is a solid waste disposal operation at which metallic salvageable material is separated, shredded, compressed, baled, sheared, or further processed to make it suitable for use as a metal or raw material.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73; cr. (26), Register, September, 1974, No. 225, eff. 10-1-74.

NR 151.03 General conditions. All solid waste shall be stored, collected, transported, utilized, processed, and disposed of or reclaimed in a manner consistent with requirements of this chapter. The owner or occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage, collection and transportation of all solid waste accumulated at that premises, business establishment or industry, to a department licensed solid waste disposal operation in accordance with the provisions of this chapter, unless arrangements for such purposes have been made with a collecting and transporting service holding a license from the department.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.04 Solid waste storage. (1) The owner and occupant of any premises, business establishment, or industry shall be responsible for the sanitary, nuisance-free 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 section NR 151.04 (1).

(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 wastes shall be stored in safe locations in separate, closed, containers which are safe for such waste and are identified in accordance with state and federal labeling requirements.

(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.

(6) Objects too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.05 Licenses. It shall be unlawful for any person to establish, maintain, conduct or operate a solid waste disposal operation, except as provided in sections NR 151.08 (2), NR 151.09 (2), NR

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5. Persons responsible for actual operation and maintenance of the yard.

6. Operation procedure which details how compliance will be achieved with section NR 15L.15 (4).

(5) Any person who maintains or operates a salvage yard or permits the use of property for such, shall maintain and operate the yard in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) Garbage or similar putrescible material shall not be present at a salvage yard.

(b) No open burning of solid waste shall be conducted.

(c) The yard shall be surrounded by a fence, rapidly growing trees, shrubbery or other appropriate means to screen it where possible from the surrounding area.

(d) A gate shall be provided at the site entrance, to be kept locked when the yard is not open for business.

(e) A sign, acceptable to the department, shall be posted at the entrance to the operation, which indicates the name, license number, and hours of use of the operation; penalty for nonauthorized use, necessary safety precautions; and any other pertinent information.

(f) The operation shall be conducted in an orderly and aesthetic manner.

(g) Any windblown material resulting from operation of the yard shall be collected daily.

(6) Any person, who maintains or operates a salvage yard or who permits use of property for such, when the yard is terminated by the operator or property owner or when the department determines that termination is required, shall terminate the yard by removing all salvageable material within a time period specified by the department, which shall be no greater than 120 days.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.16 Other methods of solid waste handling, processing and disposal. Before any method of solid waste handling, processing and disposal, not otherwise provided for in this chapter, is established, complete plans, specifications, and design data shall be submitted to and be approved in writing by department. The conditions of this approval are made a part of any license subsequently issued by the department. All such information shall be prepared and submitted by a registered professional engineer. An initial plan review fee of \$75 in addition to the annual license fee of \$50 shall be submitted for each newly established other method of solid waste handling, processing and disposal. Prior to operation of such facility, a solid waste disposal operation license is required.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.17 Limitations. Nothing in these standards shall be construed to limit the provisions of any municipal ordinance, or regulation, which is more restrictive, provided approval of such ordinance or regulation has been approved by the department as required under section 144.44 (2), Wis. Stats.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

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NR 151.18 Severability. Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.19 Environmental impact. Every application for licensing under this chapter will be reviewed to determine whether department will require the applicant to submit an environmental impact report pursuant to section 23.11 (5) Wis. Stats. or if the department is required to file an environmental impact statement pursuant to section 1.11 Wis. Stats.

History: Cr. Register, June, 1973, No. 210, eff. 7-1-73.

NR 151.20 Solid waste disposal operation; scrap metal processing facility. (1) A scrap metal processing facility shall not be operated until it has been licensed by the department.

(2) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50.00 shall be submitted for each scrap metal processing facility to the appropriate district office. License applications for a new scrap metal processing facility will be accepted at any time. The license is transferable to another scrap metal processing facility of the license holder but the fee is not refundable or proratable.

(3) A scrap metal processing facility shall not be established until a minimum of 3 sets of plans and specifications submitted to the department have been approved in writing by the department. An initial plan review fee of \$75.00 in addition to the annual license fee shall be submitted for each newly established or previously unlicensed scrap metal processing facility. The fee is not refundable. The plans and specifications shall include the following:

(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 outcroppings, roads, and other applicable details. All such details plus the topography shall be identified and indicated on the map or aerial photograph.

(b) A plot of the site showing dimensions, elevations, proposed layout of operation, access road, means for limiting access, and method of screening. The scale should not be greater than 200 feet per inch.

(c) A report indicating the following:

1. The types and quantities of material to be brought to the facility.

2. The types and capacities of equipment to be provided at the facility for processing purposes.

3. Types and approximate quantities of that portion of the solid waste intended for delivery to a department licensed solid waste disposal operation.

4. Description of means for handling that portion of solid waste intended for delivery to a department licensed solid waste disposal operation.

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5. Operating procedures which detail how compliance will be achieved with NR 151.20 (4).

6. Names and license numbers of any collecting and transporting services which transport solid waste from the processing facility to a department licensed solid waste disposal operation.

7. Name and license number of solid waste disposal operation to which solid waste from the facility will be taken.

8. Persons responsible for the actual operation and maintenance of the facility.

(4) Any person who maintains or operates a scrap metal processing facility or permits use of property for such shall maintain and operate the facility in conformance with the following practices unless otherwise specified by the department in granting the required license:

(a) A sign acceptable to the department shall be posted at the entrance to the facility which indicates the name and license number of the facility and other pertinent information.

(b) A gate shall be provided at the entrance, to be kept locked when the facility is not open for business.

(c) The facility and material handling area shall be surrounded by an opaque fence, at least 8 feet in height. Portions of this requirement may be waived if the department deems that screening is impractical or that natural screening is satisfactory.

(d) Open burning is prohibited except as provided by NR 154.10.

(e) Handling and disposal of toxic or hazardous, chemical, or liquid wastes shall be in accordance with NR 151.08 (4) and (5), and NR 151.12 (5) (f) and (7).

(f) All other solid wastes intended for land disposal or other means of disposal shall be handled in accordance with NR 151.08 and NR 151.12.

(5) Any person, who maintains or operates a scrap metal processing facility or who permits use of property for such, when the facility is terminated, shall terminate the facility by removing all salvageable material within a time period specified by the department, which shall be no greater than 120 days.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

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