



NR 151

Filed April 21, 1976
9:20 am B. L. Paulson

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 450
MADISON, WISCONSIN 53701

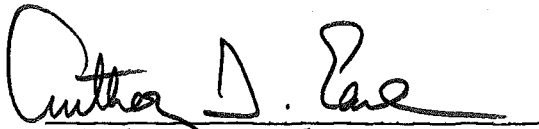
IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. SW-23-76 was duly approved and adopted by this Department on February 19, 1976. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 13TH day of April, 1976.


Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of amending section NR 151.12(3) .
and repealing and recreating section NR 151.12(6) .
of the Wisconsin Administrative Code pertaining .
to open burning at land disposal facilities .
.....

SW-23-76

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND REPEALING & RECREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by chapter 83, laws of 1975 and sections 227.01 and 227.02, Wisconsin Statutes, the Natural Resources Board hereby amends and repeals & recreates rules as follows:

SECTION 1 - NR 151.12 (3) is amended to read:

(3) Prior to June 1 of each year, completed relicensing applications together with an annual fee of \$50 shall be submitted for each land disposal operation to the appropriate district office. License applications for a new land disposal operation will be accepted at any time. The license is transferable to another site of the license holder, but the fee is not refundable or proratable.

SECTION 2 - NR 151.12 (6) is repealed and recreated to read:

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

(a) Open burning at land disposal facilities is prohibited except for facilities where the following criteria are satisfied:

1. The operation serves a population equivalent less than 2,500 or if the operation is controlled by more than one municipality, a population equivalent of less than 2,500 for each such municipality. The department shall give consideration to seasonal variations in population in granting partial yearly burning exemptions.

2. All portions of the licensed operation are greater than $\frac{1}{4}$ mile from all residences and places of public gathering, or written consent is obtained from all residents and proprietors within $\frac{1}{4}$ mile.

3. The open burning does not include the burning of wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products.

4. The open burning operation is supervised by an attendant.

5. The open burning is accomplished in a nuisance-free manner and does not create hazard for adjacent properties.

6. Adequate firebreaks are provided and provision is made to obtain the services of the local fire protection agency if needed.

7. The open burning is not in violation of any federal air pollution control rules, or any state air pollution control rules required to be adopted under applicable federal laws or regulations.

8. The operation is not located in one or more of the following counties; Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

(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) Deposition of solid waste shall be confined to as small an area as practical.

(d) The deposition and active area shall be provided with facilities to confine windblown material within that area.

(e) At the conclusion of each day of operation all windblown material shall be collected and returned to the deposition area and shall be buried in accordance with provisions of this section.

(f) Each single layer of solid waste shall be compacted to a depth of approximately 2 feet with no more than 3 compacted layers being placed prior to covering.

(g) Solid waste shall be compacted and covered at the end of each operating day with a compacted layer of 6 inches of soil. All of the following criteria must be satisfied before the department may grant any exemptions for less frequent covering:

1. The operation serves a population equivalent to less than 2,500. Seasonal variations in population will be considered in the granting of yearly or partial yearly covering exemptions.

2. All portions of the licensed operation are greater than $\frac{1}{4}$ mile from all residences and places of public gathering; or written consent is obtained from all residents and proprietors living within $\frac{1}{4}$ mile.

3. Solid waste is compacted and covered with at least 6 inches of earth no less frequently than once per month except for the months of December, January, February and March.

4. Nuisance conditions are not created.

(h) Surface water drainage shall be diverted away from the working area and off of the landfill operation.

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

(j) Disposal of significant quantities of toxic or hazardous wastes shall be in compliance with provisions of section NR 151.12(7), Wis. Adm. Code, or others as specified by the department and only with written approval of the department.

(k) The boundaries of the disposal operation shall be fenced to restrict access and a minimum separating distance of 20 feet shall be maintained between the disposal operation and adjacent property.

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

(m) All access roads to the active area of the operation shall be of all-weather construction and shall be maintained in good condition.

(n) Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to immediately acquire its services when needed.

(o) An attendant shall be on duty at the operation at all times while it is open for public use.

(p) A gate shall be provided at the entrance to the operation and shall be kept locked when an attendant is not on duty.

(q) 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.

(r) The operation shall be surrounded with rapidly growing trees, shrubbery, fence or other appropriate means to screen it from the surrounding area and to provide a windbreak.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 19, 1976.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 13 April 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)