

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

CR 89-59

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AUG 21 1989


1:30 pm  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-26-89 was duly approved and adopted by this Department on June 29, 1989. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 21<sup>st</sup>  
day of August, 1989.

  
Bruce B. Braun, Deputy Secretary

(SEAL)

10-1-89

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES

.....  
IN THE MATTER of amending ss. NR 520.04(1)(intro.) .  
& (a) and (2) and NR 520 Tables 1 and 2 of the .  
Wisconsin Administrative Code pertaining to solid . SW-26-89  
waste license and plan review fees .  
.....

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 144.44(10) and 227.11(2)(a), Stats.  
Statutes interpreted: s. 144.44(10), Stats.

Section 144.44(10), Stats., authorizes the department to establish plan review fees to recover the anticipated costs of conducting solid waste review activities and to adopt a graduated schedule of reasonable license fees. This rule revises the solid waste plan review and license fees schedules to reflect the actual staff time spent on these activities and remedy the problems created by the current revenue shortfall. The changes to this rule are:

1. Increase solid waste plan review and license fees.
2. Collect additional license fees from collection and transportation operators with more than one truck in use for solid waste transportation.
3. Simplify the fees schedules.
4. Change biennial to an annual license fee collection process.
5. A new fee for transfer of a license.

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SECTION 1. NR 520.04(1)(intro.), (a) and (2) are amended to read:

NR 520.04(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 s. NR 500.08. The license period shall be a minimum of 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. ~~Fees for initial licenses are proratable. The license period is divided into 6-month periods.~~ The applicant for initial licensing of a facility shall submit the appropriate fees as shown in Table 1 or Table 2, "Fee Schedule", whichever is applicable.

TABLE 2  
FEE SCHEDULE - LANDFILLS AND SURFACE IMPOUNDMENTS

PLAN REVIEW FEES<sup>(1)(2)</sup>

LICENSE FEES

| FACILITY TYPE   | LICENSE REQUIRED | PLAN REVIEW REQUIRED | INITIAL SITE REPORT <sup>(3)</sup><br>NR 510 | FEASIBILITY REPORT<br>NR 512 | PLAN OF OPERATION<br>NR 514 | <u>(11)</u><br><u>CONS.</u><br><u>INSP.</u> | CONSTR. DOC. <sup>(8)</sup><br>NR 516 | CLOSURE PLAN<br>NR 514 | 0-6 MONTHS | 0-12 MONTHS | 12-18 MONTHS | 12-24 MONTHS & 2-YR RENEWALS | CLOSURE & LONG-TERM CARE PERIOD <sup>(10)</sup> | <u>LICENSE TRANSFER</u> |
|---|------------------|----------------------|--|------------------------------|-----------------------------|---|---------------------------------------|------------------------|------------|-------------|--------------|------------------------------|---|-------------------------|
|   |                  |                      |  |                              |                             |   |                                       |                        |            |             |              |                              |   |                         |
| LANDFILLS AND SURFACE IMPOUNDMENTS                      |                  |                      |  |                              |                             |   |                                       |                        |            |             |              |                              |   |                         |
|   | Yes              | Yes                  |  |                              |                             |   |                                       |                        |            |             |              |                              |   |                         |
| <u>Nonapproved with closure</u><br>(until Oct. 1, 1992) |                  |                      |  |                              |                             |   |                                       |                        |            |             |              |                              |   |                         |
| 1. 50,000 yd <sup>3</sup>                               | Yes              | Yes                  | 700  | 1500                         | 1500                        |   | 150                                   | 150                    | 100        | 200         | 300          | 400                          | 500   |                         |
|   |                  |                      |  |                              |                             |   |                                       |                        |            | 300         |              |                              |   |                         |
| 2. >50,000-500,000 yd <sup>3</sup>                      | Yes              | Yes                  | 700  | 3000                         | 2500                        |   | 200 <sup>(7)</sup>                    | 900                    | 400        | 800         | 1200         | 1600                         | 1000  |                         |
|   |                  |                      |  |                              |                             |   |                                       |                        |            | 1200        |              |                              |   |                         |
| <u>All Other Facilities</u>                             |                  |                      |  |                              |                             |   |                                       |                        |            |             |              |                              |   |                         |
| 1. <50,000 yd <sup>3</sup>                              | Yes              | Yes                  | 3000   | 20,000                       | 7000                        | 500   | 1000 <sup>(7)</sup>                   | 5000                   |            | 1500        |              |                              | 6000  | 1500                    |
| 2. <500,000 yd <sup>3</sup>                             | Yes              | Yes                  | 3000   | 20,000                       | 7000                        | 500   | 1000 <sup>(7)</sup>                   | 5000                   |            | 3500        |              |                              | 6000  | 3500                    |
| 3. >500,000 yd <sup>3</sup>                             | Yes              | Yes                  | 700  | 4500                         | 2500                        |   | 400                                   | 1200                   | 1125       | 2250        | 3375         | 4500                         | 1500  |                         |
|   |                  |                      | 3000   | 20,000                       | 7000                        | 500   | 1000 <sup>(7)</sup>                   | 5000                   |            | 7000        |              |                              | 6000  | 7000                    |
| Plan Modification <sup>(6)</sup>                        | No               | Yes                  |  | 600 1500                     | 600 <sup>(9)</sup> 1500     |   |                                       | 150                    |            |             |              |                              |   |                         |

- (1) 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 a plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete.
- (2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.
- (3) For an initial site report submittal which includes more than one location, the applicant shall pay a separate fee, as shown in Table 2, for each location.
- ~~(5) The applicant shall pay a maximum 2-year license fee of \$1600 for landfills which are licensed to accept only wastewater treatment plant sludge, ash, foundry waste, wood waste, demolition waste and other wastes of a similar nature not requiring daily cover pursuant to ch. NR 506.~~
- (6) A plan modification, as referred to in Table 2, 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 limit (PAL's) as defined in ch. NR 140. The fee applies to facilities which request a modification to the DMZ or indicator PAL's and have an approved plan of operation and the \$150 fee applies to those facilities which have an approved closure plan. A fee of \$750 applies to the review of the PALs.
- (7) This review fee also applies to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.
- (8) These review fees apply to each facility construction documentation report submitted.
- (9) This fee also applies to any facility which requests an exemption to the groundwater standards contained in ch. NR 140.
- (10) This fee is a one-time payment only for the term of the licensee's long-term care responsibility.
- (11) This fee applies to each phase of construction to a maximum of \$5000 (10 inspections).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 29, 1989.

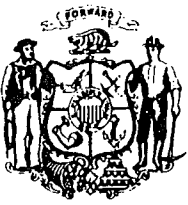
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin August 21, 1989

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

August 21, 1989

In reply refer to: 1020

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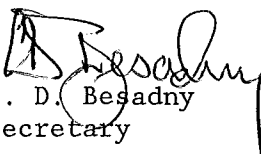
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. SW-26-89. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Environmental Resources Utilities and Elections pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.