

Chapter NR 185

SOLID WASTE MANAGEMENT PLANNING CRITERIA

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NR 185.01 Purpose. Development of comprehensive plans for the establishment and maintenance of effective, efficient and environmentally acceptable areawide solid waste management systems is an essential part of solid waste management. The purpose of this chapter is to establish minimum solid waste management planning criteria pursuant to chapter 377, laws of 1977, consistent with the intent of the Resource Conservation and Recovery Act of 1976 (Public Law 94–580).

History: Cr. Register, February, 1979, No. 278, eff. 3–1–79.

NR 185.02 Applicability. This chapter governs the development of comprehensive solid waste management plans and their submittal to the department for approval.

History: Cr. Register, February, 1979, No. 278, eff. 3–1–79.

NR 185.03 Definitions. The following definitions are applicable to the terms used in this chapter:

(1) “Department” means department of natural resources.

(2) “Entity” means the person, governmental body, institution, industry or company for which the solid waste management plan is being prepared.

(3) “Environmentally sensitive areas” means those areas defined as environmentally sensitive in the federal criteria for classification of solid waste disposal facilities issued pursuant to the Resource Conservation and Recovery Act of 1976. These areas include but are not limited to wetlands, areas inundated by the regional flood, recharge zones of sole source aquifers, and critical habitats of endangered species.

(4) “Plan” means a plan prepared pursuant to s. NR 185.07 to provide for solid waste management.

(5) “Planning area” means the geographical area for which the plan is being prepared.

(6) “Planning period” means the period of time for which the studies and solid waste management plans are made. The planning period shall extend at least 10 years from the projected plan approval date.

(7) “Planning process” is the process described in s. NR 185.07.

(8) “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source, special nuclear, or by-product material as defined under s. 254.31, Stats.

Note: The definition of “solid waste” in s. 289.01 (33), Stats., was amended by 2017 Wis. Acts 284 and 285 to exclude “slag generated by the production or processing of iron or steel and that is managed as an item of value in a controlled manner and is not discarded,” and to exclude “post-use plastics or nonrecycled feedstock that are processed at a pyrolysis or gasification facility; that are held at a pyrolysis or gasification facility, prior to processing at the facility where they are being held, to ensure that production is not interrupted; or that are held off site before delivery to a pyrolysis or gasification facility with the intent that they will be processed at a pyrolysis or gasification facility.”

(9) “Solid waste management” means the systematic administration of activities which provide for source reduction, source separation storage, collection, transportation, transfer, processing, treatment, resource recovery and disposal of solid waste.

(10) “Solid waste management functions” are source reduction, source separation, storage, collection, transportation, transfer, processing, treatment, resource recovery and disposal of solid waste.

History: Cr. Register, February, 1979, No. 278, eff. 3–1–79; corrections in (8) made under 13.93 (2m) (b) 7., Stats., Register, October, 1999, No. 526.

NR 185.05 Procedures. (1) **PLAN FORMAT.** All solid waste management plans shall be developed and written according to the planning criteria outlined in s. NR 185.07.

(2) **PRELIMINARY SUBMITTAL.** Entities shall make a preliminary submittal to the department to include 3 draft copies of the material required in s. NR 185.07 (1), (2), (3), (4) and (5) prior to completion of the remaining portions of s. NR 185.07. The department shall review and comment on the submittal within 90 days of receipt.

(3) **FINAL REVIEW.** An entity seeking final department review and approval of a plan shall submit a total of 4 copies of the following package to the department and one copy to the appropriate regional planning commission or other planning agency for their comment as to whether the plan is in conflict with any plans adopted by the agency.

(a) A letter requesting department review and approval of the plan under s. 289.05 (2), Stats.

(b) Copy of a resolution indicating formal adoption of the plan by the entity and an intent to implement the plan.

(c) Loose-leaf ring binder copy of plan prepared pursuant to s. NR 185.07. The copy shall be legible and written in a style so as to be easily readable and understandable.

(4) **APPROVAL.** Within 90 days after submittal, the department shall approve or disapprove the plan. The department may issue written plan approvals that are subject to completion of conditions. If the department finds that portions of a plan are inaccurate, incomplete, or inconsistent with the requirements or intent of this chapter, it may disapprove the plan, stating the reasons for disapproval.

History: Cr. Register, February, 1979, No. 278, eff. 3–1–79; correction in (3) (a) made under 13.93 (2m) (b) 7., Stats., Register, October, 1999, No. 526.

NR 185.06 Information, education and public participation. (1) From the beginning and throughout the planning process, the entity shall execute a comprehensive information, education, and public participation program for all persons potentially affected by the plan. The program shall be developed at the beginning of the planning process, with a written summary of the program to be kept on file for public review.

(2) The objectives of this program shall be to keep the persons potentially affected by the plan fully informed, to maintain openness, and to provide a forum for informed input into the planning process.

(3) The program shall include formally announced informational meetings, hearings, conferences and public workshops held

at places accessible by potentially affected persons. The program may also include:

- (a) Publications and handouts.
- (b) Visual displays and presentations.
- (c) News releases and/or announcements to the professional media.
- (d) Advisory groups developed to guide preparation of the plan, stimulate interest in solid waste issues and help the planning organization and any other entities implement the plan. Membership of any advisory group shall include a representative cross-section of persons in the planning area.
- (e) Other activities as deemed necessary.

History: Cr. Register, February, 1979, No. 278, eff. 3–1–79.

NR 185.07 Planning criteria. Plans being submitted for final approval shall include, at a minimum, all of the following information in the order presented below:

(1) INTRODUCTION. An introduction to the plan including a narrative addressing the following subjects individually shall be provided:

- (a) General solid waste management history in the planning area.
- (b) A brief discussion of solid waste management in general, including the planning process outlined in this section, generation, source reduction, source separation, storage, collection, transportation, processing, treatment, resource recovery and disposal.
- (c) The purpose and scope of the plan.
- (d) A discussion of the planning period. The planning period shall extend at least 10 years from the projected plan approval date.
- (e) A list and discussion of specific plan objectives.

(2) INVENTORY AND ANALYSIS SECTION. This section shall be an inventory and analysis of subjects relating to solid waste management for the planning area. It shall include a summary of the contents of available state of the art literature, studies, surveys and other pertinent data. A list of agencies that may be sources of information and/or technical assistance for the inventory and analysis segment is available from the department upon request. This section shall contain maps, narratives, diagrams, cross-sections, charts, pictures, drawings, displays and graphs as appropriate. Unless otherwise specified, where data is unavailable and where the entity demonstrates that it is impractical to generate data for the purposes of this plan, reasonable estimates, projections or assumptions shall be made and noted. The basis for any estimates, projections or assumptions shall be referenced in the text and included in the appendix. It shall be made clear what information is already available and what information was generated for the purposes of this plan. The following materials shall be included or addressed in the inventory and analysis section:

- (a) A map showing location and extent of the planning area and entity relative to state, county, regional planning commission and Wisconsin solid waste recycling authority boundaries.
- (b) A detailed map of the planning area and surroundings showing area boundaries, all governmental boundaries, roads, surface water bodies, and other important geographical details.
- (c) A map and narrative indicating road and bridge types and weight limits in the planning area.
- (d) Maps, narratives and other appropriate materials addressing the following items as they relate to solid waste management in the planning area:
 1. Geography, soils, geology, hydrogeology.
 2. Surface water and ground water resources.
 3. Climatic characteristics.
 4. Environmentally sensitive areas.
 5. Archaeological and historical areas.

6. Present solid waste management facilities.
7. Airports.
8. Land use and zoning in planning area.
9. Other unique or special elements of the planning area or entity.

(e) Population in the planning area. Growth projections as well as seasonal or other anticipated fluctuations shall be addressed as they relate to waste generation for the planning period.

(f) A detailed inventory of solid waste types, quantities and sources to be served by the plan during the planning period. All industrial, commercial, municipal and agricultural solid wastes generated or handled in the planning area shall be included in this inventory. Known or potential changes in waste generation that may affect waste quantity, quality or sources shall be discussed in detail. Field surveys or data from solid waste management generators and facilities in the planning area may be used to confirm any waste information generated through office studies. These field surveys shall be discussed in the plan.

(g) A detailed analysis and inventory of current solid waste management functions to address the following items for each function:

1. Waste types, quantities, sources, and variability.
2. Physical layouts and capacities.
3. Age, condition, and limitations.
4. Operational frequencies, methods, procedures, and service areas.
5. Capital, operational and maintenance costs.
6. Ownership and operating responsibilities.
7. Existing contracts and their expiration dates.
8. Markets for systems with resource recovery.

(h) A comprehensive discussion of compliance with local, state and federal solid waste regulations and plans by existing solid waste management functions and facilities in the planning area.

(i) An inventory of personnel and equipment that will be available for plan implementation and periodic review in the following areas of expertise:

1. Engineering and hydrogeology.
2. Administration.
3. Operation.
4. Maintenance.
5. Legal arrangements.
6. Training.
7. Monitoring and record keeping.
8. Plan review and updating.

(3) PROBABLE SOLID WASTE LAND DISPOSAL LOCATIONS. A list and map of probable locations for solid waste land disposal facilities shall be developed for inclusion in the plan. Locations shall be evaluated from the standpoints of engineering, environmental acceptability, and regulations. Special emphasis shall be given to locations that satisfy present and future needs extending through the entire planning period. Locations shall not be placed on the list unless each satisfies the following minimum requirements:

(a) Preliminary locational acceptability — Locations shall receive written preliminary locational acceptability from the department through the following process:

1. The entity shall identify all existing literature and data for the planning area relative to soils, ground water, topography, geology, hydrogeology, surface water resources and environmentally sensitive areas.

2. The entity shall prepare a written report to address the following items:

a. An analysis and summary of the above literature and its relation to solid waste land disposal locations in the planning area.

b. A map and list of probable land disposal site locations based on the analysis in subd. 2. a. and locational requirements for land disposal facilities specified in chs. NR 500 to 555, or the administrative codes promulgated in response to chapter 377, laws of 1977.

Note: See chs. NR 500 to 555 and 660 to 679.

3. The report shall be submitted to the department for review and written response for the individual locations. The response shall indicate which locations meet preliminary locational acceptability. The department will confirm or deny preliminary locational acceptability in writing within 30 days, giving the basis therefor. More specific information in addition to that listed above may be required by the department before it makes its written determination.

(b) Archeological and historical acceptability. A letter from the state historical preservation officer concerning the possibility of the site being an archeological or historical landmark or area.

(4) INVENTORY AND GENERAL EVALUATION OF SOLID WASTE MANAGEMENT ALTERNATIVES. (a) After evaluation of separate functions from the standpoints of technological and economic feasibility, several solid waste management alternatives that appear feasible shall be developed for detailed evaluation. The alternatives developed shall include:

1. The existing solid waste management system including all existing functions (regardless of state of compliance with present solid waste regulations).

2. The existing solid waste management system including all existing functions brought up to compliance with all solid waste regulations.

3. A system containing the following functions: storage, collection, transportation, disposal at only one landfill.

4. Same as subd. 3. but also including substantial resource recovery.

5. A system containing the following functions: storage, collection, transportation, disposal at 2 or more landfills.

6. Same as subd. 5. but including substantial resource recovery.

7. Other alternatives as perceived necessary.

Note: Alternatives 2-7 shall be in compliance with all solid waste regulations.

(5) INVENTORY AND GENERAL EVALUATION OF IMPLEMENTATION METHODS. An inventory, comparison, and general evaluation of several implementation methods for identified solid waste management alternatives shall be made from the following standpoints:

(a) Organizational and legal mechanisms.

(b) Financial mechanisms.

(c) Staffing.

(d) Operational management.

(6) DETAILED EVALUATION AND PRELIMINARY SELECTION OF SOLID WASTE MANAGEMENT ALTERNATIVE. This section shall be divided into the following 2 parts:

(a) Solid waste management alternative evaluation. A detailed evaluation shall be made of the solid waste management alternatives developed in sub. (4) from the standpoints of economics, technical feasibility, public and social acceptance, compliance with local, state and federal laws and regulations and practicability.

(b) Preliminary selection of solid waste management alternative. Based on the detailed evaluation, preliminary conclusions and recommendations shall be made as to the relative ranking of each solid waste management alternative from an acceptability standpoint. The ranking methodology shall be outlined. One tentative solid waste management alternative shall be selected for potential implementation and the reasons for selection shall be indicated.

(7) DETAILED EVALUATION AND PRELIMINARY SELECTION OF IMPLEMENTATION METHODS. A detailed evaluation of the imple-

mentation methods developed in sub. (5) shall be made and preliminary conclusions, recommendations and selections shall be made of the implementation methods for the solid waste management alternative selected in sub. (6) shall be made.

(8) FINAL CONCLUSIONS, RECOMMENDATIONS AND DECISIONS. Final conclusions, recommendations and decisions shall be made and indicated relative to what solid waste alternative will be implemented and what implementation methods will be used. The methodology and reasons for the final decisions shall be indicated. The details of the solid waste management functions to be provided and implementation methods shall be indicated. Time lines for solid waste management system development, operation, and periodic review shall be prepared indicating responsibilities and implementation dates. Separate time lines shall be developed for the total system and each waste management function.

(9) SUMMARY OF PAST AND FUTURE INFORMATION, EDUCATION AND PUBLIC PARTICIPATION PROGRAMS. The programs developed and implemented pursuant to s. NR 185.06 shall be summarized in terms of program content and input by affected persons. Future programs to be carried out consistent with the intent of s. NR 185.06 shall be outlined in terms of time and responsibilities.

(10) PERIODIC REVIEW. (a) In order to monitor the efficiency and effectiveness of the solid waste management plan after implementation, procedures for annual review and update of the plan shall be outlined. These procedures shall address at a minimum:

1. Who evaluates each portion of the plan and function in the system.

2. When the evaluation will be made.

3. How the plan and functions will be evaluated in terms of:

a. Public acceptability.

b. Cost effectiveness.

c. Compliance with all solid waste laws and regulations.

d. New technologies.

(b) There shall be established procedures and responsibilities for making necessary plan modifications.

(c) Provisions shall be made for an annual report to the main decision-making body to include an analysis of meeting plan objectives.

(11) APPENDIX. An appendix shall include at a minimum, the following:

(a) A list of all reference material.

(b) Summaries of all applicable local, state and federal solid waste laws, rules and regulations.

(c) The basis for any projections or estimates where data is nonexistent, insufficient or impractical to generate for the purpose of this plan.

(d) Other reference material necessary for information and educational purposes.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1995, No. 477; correction in (5) made under s. 13.93 (2m) (b) 1., Stats., Register, October, 1999, No. 526; correction in (3) (a) 2. b. made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.

NR 185.08 Upgrading approved plans. An entity with a department approved plan under former ch. LAD 3, (April, 1972) Wis. Adm. Code, may resubmit the plan to the department with a written request for the department to evaluate the plan under this chapter. The department will evaluate the previously approved plan through the procedure specified in s. NR 185.05 (4).

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

NR 185.09 Exemptions. An entity may request exemption from any of the requirements of this chapter by submitting an adequate written request and justification. In reviewing exemption requests, the department may take into account such factors as population, size of the area being served, types, amounts, and sources of solid waste, and other significant factors presented and

documented by the entity. Exemption requests shall be reviewed with particular regard to any potential nuisance, hazard to public health and safety, or potential degradation of the environment. Any exemptions granted shall be in writing by the department, stating the reasons therefor.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.