

Chapter RD 51

SOLID WASTE DISPOSAL

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PREAMBLE

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 ever-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 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. A problem in solid waste disposal will not be solved by creating air pollution, nor will a problem in air pollution be solved by intensifying the problems of water pollution. Immediate remedial action is needed to protect our valuable resources.

RD 51.01 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 for the protection of the environment in keeping with sections 144.43 and 144.44, Wis. Stats.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.02 Definitions. For the purpose of these regulations:

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

(2) **GARBAGE.** Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

(3) **REFUSE.** Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, sewage treatment residue, industrial wastes, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.

(4) **SALVAGEABLE MATERIAL.** Salvageable material is discarded

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material no longer of value as intended, but which is stored or retained for salvage, sale or future reuse.

(5) **TOXIC AND HAZARDOUS WASTES.** Toxic and hazardous wastes are waste materials 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.

(6) **SOLID WASTE DISPOSAL OPERATION.** A solid waste disposal operation is the site, facility, operating practices, and maintenance thereof, for the utilization, processing or final disposal of solid waste including, but not limited to, land disposal, incineration, composting, reduction, shredding, compression, and salvage.

(7) **SANITARY LANDFILL.** Sanitary landfill is a method of disposing 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.

(8) **SALVAGE YARDS.** Salvage yards are sites used for the storage or sale of salvageable materials or for purposes of salvage, wrecking, dismantling or demolition of salvageable materials.

(9) **INCINERATION.** Incineration is the process of burning wastes, for the purpose of volume and weight reduction in facilities designed for such use.

(10) **COMPOSTING.** Composting means the controlled biological decomposition of solid waste in a manner resulting in an innocuous final product.

(11) **COLLECTING AND TRANSPORTING SERVICE.** A collecting and transporting service is a municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal purposes.

(12) **PERSON.** A person is an individual, group of individuals, partnership, firm, corporation, association, state, county, city, village, township, sanitary district or other government corporation.

(13) **MUNICIPALITY.** The municipality is the local or regional governing body having legal jurisdiction over solid waste management in the area being considered.

(14) **DEPARTMENT.** The department is the department of natural resources, its agent or representative.

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RD 51.03 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 department shall be responsible for enforcement of this chapter and shall encourage cooperation of municipalities which may adopt this chapter for use in local laws, ordinances or regulations.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.04 Solid waste storage. (1) The owner and occupant of any premises, business establishment, or industry shall be responsible for

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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.

RD 51.05 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 RD 51.04.

(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.

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RD 51.06 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.

RD 51.07 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 RD 51.06, 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 June 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 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.

RD 51.08 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.

RD 51.09 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.

RD 51.10 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 for 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, 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.

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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 RD 51.10 (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.

(j) The approach road to the disposal site shall be of all-weather construction and maintained in good condition.

(k) The operation shall be conducted in a manner to allow traffic at the site to travel over the filled area as much as possible to aid in compaction.

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

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

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

(o) A sign identifying and showing the license number of the site, and indicating the hours during which the site is open for public use, penalty for nonconforming dumping, and other pertinent information shall be posted at the site entrance.

(p) The site shall be surrounded by rapidly growing trees, shrubbery, or other appropriate means to screen it from the surrounding area and to provide a natural windbreak.

(q) Within one week after final termination of a site, or a major part thereof, the area shall be covered with at least 2 feet of compacted earth material adequately sloped to allow surface water runoff.

(r) The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

(s) Prior to completion of a sanitary landfill site, the department shall be notified in order that a site investigation may be conducted by the department before earth moving equipment is removed from the property.

(t) Following the completion and abandonment of the sanitary landfill site, inspection and maintenance shall be continued by the landfill owner or operator until the fill becomes stabilized.

(3) Significant quantities of toxic and hazardous wastes shall be disposed of in accordance with the following procedures:

(a) A separate area shall be designated for the disposal of these materials. A sign shall be posted in the area, indicating its designated use and precautions which shall be taken during disposal.

(b) Disposal shall take place at least 10 feet above the groundwater level; at least 10 feet above limestone, quartzite, or granite-type bedrock; and at least 6 feet above sandstone. Where practical, clay-type soil shall be chosen. The disposal site shall be downgrade and away from any wells, buildings, crops and livestock holding, exercise or pasture areas.

(c) When possible, all toxic and hazardous wastes shall be neutralized or otherwise made harmless prior to disposal.

(d) Upon disposal of toxic and hazardous wastes, containers and any materials washed from the vehicles transporting the materials, shall be immediately covered with at least 18 inches of earth prior to compaction. The practice of covering before compacting will minimize the hazard of poisonous fumes which may arise from crushed containers.

(e) After initial covering and compacting, the operation shall be conducted as provided in subsection RD 51.10 (2).

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.11 Noncombustible landfill. Inert materials, incinerator residue of low combustible content, and noncombustible materials such as concrete, brick, stone, sand, metals and similar materials may be disposed of at a landfill site which shall comply with all provisions of section RD 51.10 (2) with the exceptions of (d), (e) and (1), if it will result in a nuisance free operation.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

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RD 51.12 Incineration. This section applies to all incinerators having a capacity greater than 500 pounds per hour and those for the incineration of toxic or hazardous wastes. Other incinerators shall be designed and operated in a manner to conform to emission limitations of state and local air pollution control regulations.

(1) It is unlawful for any person to install or alter any incinerator or incinerator appurtenances, except for routine maintenance, without first having received approval of the proposed plans and specifications from the department.

(2) When approval is desired, the following details shall be submitted to the department for review:

(a) A minimum of 3 sets of plans and specifications, prepared by a registered engineer of Wisconsin, clearly indicating the construction which will be undertaken. These details shall include a plot plan showing land use, zoning, and the location, type, and height of all buildings within 500 feet of the proposed installation.

(b) An engineering report including furnace design criteria and expected performance data, the present and future population and area are to be served by the incinerator, and the characteristics, quantities and sources of solid waste to be incinerated.

(c) Plans for the disposal of incinerator residue, and emergency disposal of solid waste in the event of major incinerator plant breakdown.

(d) Such additional clarifying data as may be requested by the department.

(3) The incinerator operation for each proposed installation shall be considered for approval on its own merits, in compliance with the following criteria, and in accordance with accepted engineering practices.

(a) The incinerator plant shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

(b) Adequate shelter and sanitary facilities shall be available for plant personnel.

(c) A sign shall be posted at the site entrance identifying and showing the license number of the operation, and indicating the normal hours when the plant is in operation for public use. Access to the plant shall be limited to those times when authorized personnel are on duty.

(d) All solid waste disposed of at the site shall be confined to the dumping area. Adequate storage facilities shall be provided.

(e) Facilities shall be designed to provide for dust control in the unloading and charging areas.

(f) Any incinerator having a capacity of 2 tons per hour or greater shall have weighing facilities available. The department may require that permanent records be maintained for inspection as to the total weight of material incinerated, the total quantity of resulting residue and total hours of plant operation.

(g) Approved fire fighting equipment shall be available in the storage and charging areas and elsewhere as needed.

(h) Arrangements shall be made with the local fire protection agency to provide adequate fire-fighting forces in an emergency.

(i) Communications shall be provided for emergency purposes.

(j) Adequate equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day

of operation or as may be required in order to maintain the plant in a sanitary condition.

(k) The charging openings as well as all equipment throughout the plant shall be provided with adequate safety equipment prescribed by the department of labor, industry, and human relations.

(l) During normal operation, the temperature and residence time in the combustion chambers shall be adequate to fulfill air pollution emission standards, to produce a satisfactory residue and to result in an odor-free operation.

(m) A continuously recording pyrometer shall be provided in order to maintain continuous and permanent records of temperatures in the combustion chambers of furnaces having a capacity of 2 ton per hour or greater. A copy of such records shall be available for the department upon request.

(n) The incinerator shall be so designed and operated that it will not cause a nuisance because of the escape of obnoxious odors, gases, contaminants or particulate matter greater than limits established by state and local air pollution control regulations.

(o) All residue removed from the incinerator plant shall be promptly disposed of at an approved site, and in a manner that will prevent nuisances and public health hazards. Residue containing excessive combustible material shall be disposed of as stipulated in section RD 51.10, or other methods shall be employed to control rodents, insects, odors, and other nuisances.

(p) All waste water from the incinerator plant shall be discharged into a sanitary sewer or other system approved by the department.

(q) Upon completion of the plant and prior to initial operation, the department shall be notified to allow personnel of the department to inspect the plant both prior to and during the performance tests.

(r) Performance tests of the plant may be required by the department. A report covering the results of the performance tests in such case shall be prepared by the design engineer of the project and submitted to the department with the copy of all supporting data.

(4) Plans for incinerators designed for the incineration of toxic and hazardous waste, and other special applications will be reviewed by the department in accordance with accepted engineering practices. In certain instances, such installations may be approved on an experimental basis.

(5) Existing incinerators which do not meet the above criteria shall be reconstructed in order to meet the foregoing standards. See section RD 51.16.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.13 Composting. (1) It is unlawful for any person to install or alter any composting operation, except as may be provided by section RD 51.06 (1) and (2), without first having received approval from the department.

(2) Before consideration may be made for approval, the following details shall be submitted to the department for review by a registered engineer of Wisconsin:

(a) A minimum of 3 sets of plans and specifications, clearly indicating the layout and construction which will be undertaken.

(b) A minimum of 3 sets of maps or aerial photographs indicating land use and zoning within $\frac{1}{4}$ mile of the facility. The map

or aerial photograph shall be of adequate scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads and other applicable details, and shall indicate the general topography.

(c) Details relating to geological formations of the property whereon the proposed installation is to be located. Such details shall be determined by soil borings or other appropriate means.

(d) An engineering report outlining the proposed method of operation, the quantity and source of material to be processed, the proposed use and distribution of the processed material, and related details.

(e) A copy of a written statement from the municipality having jurisdiction over the property whereon the proposed installation is to be established, indicating that the municipality has approved the project, shall accompany the above details.

(f) Additional data may be required by the department.

(3) The operation shall be conducted in a manner to eliminate public health hazards and nuisances.

(4) Materials resulting from composting or similar processes and offered for sale shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost.

(5) By-products removed during processing shall be handled in a sanitary and nuisance free manner and shall be disposed of as provided in this chapter.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.14 Salvage yards. (1) Any person who maintains or operates a salvage yard or permits the use of property for such operation shall conform to the following practices unless otherwise stipulated at the time of obtaining the necessary license:

(a) No salvage yard shall be operated at a solid waste landfill operation.

(b) No garbage or similar putrescible material shall be present at a salvage yard.

(c) Open burning of solid waste at such yards is prohibited unless otherwise approved.

(d) The yard shall be surrounded by a fence, rapidly growing trees, shrubbery or other appropriate means to screen it from the surrounding area. A gate shall be provided at the site entrance, to be kept locked when an attendant is not on duty at the site.

(e) The operation shall be conducted in an orderly manner. Effective means shall be taken to control rodents or other vermin. Any wind-blown material resulting from operation of the yard shall be collected daily and the area properly maintained in an aesthetic manner.

(2) A new salvage yard shall not be established nor shall an existing yard be expanded until the location and method of proposed operation have been approved in writing by the department. As a minimum, 3 sets of the following information shall be submitted to the department to enable consideration for approval:

(a) A copy of a written statement from the municipality having jurisdiction over the property whereon the site is to be located, indicating that the proposed operation is expected to fulfill all local requirements.

(b) A map or aerial photograph of the area showing land use and

zoning within $\frac{1}{4}$ mile of the property whereon the salvage yard is to be located. The map shall be of sufficient scale to show all homes, industrial buildings, roads and other applicable details, and shall indicate the general topography.

(c) A plot plan of the site showing dimensions, elevations and proposed layout of operation. The scale should be approximately 200 feet per inch.

(d) A report indicating the following:

1. The type, expected quantity and source of material to be brought to the yard.
2. The type and amount of equipment to be provided at the yard for processing purposes.
3. Operational procedures in conformance with this chapter.
4. The outlet for the salvaged material and the means of disposal for nonsalvageable items.
5. Persons responsible for actual operation and maintenance of the yard.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.15 Other methods of solid waste handling, processing and disposal. Before any method of solid waste handling, processing and disposal, including transfer stations, not otherwise provided for in this chapter, is practiced or placed into operation, complete plans, specifications and design data shall be submitted to and be approved by the department. All such information shall be prepared and submitted by a registered engineer of Wisconsin.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.16 Nonconforming sites and facilities. Modification of existing sites and facilities, and of operating procedures to conform to the requirements of this chapter shall be accomplished as promptly as possible. When the degree of necessary improvement is of such extent that immediate compliance cannot be accomplished, special consideration may be made by the department. In such event, the owner of the nonconforming site or facility shall, not later than June 1, 1969, submit to the department a report setting forth a program and plan for compliance with this chapter along with a time schedule for submission of formal plans and specifications and commencement for construction of necessary improvements. After submission and considerations of this report, the department shall require completion of necessary improvement in accordance with the schedule as submitted or as modified by the department.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.17 Inspection and enforcement. Any duly authorized officer, employee or representative of the department may enter and inspect any property, premise or place at any reasonable time for the purpose of determining compliance with this chapter.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.18 Exemptions. (1) The department may grant annual exemptions for any one or number of the requirements of this chapter. In considering the granting of exemptions, the department shall take into account such factors as population of the area being served, average daily loadings, location of disposal site, nature of wastes, seasonal character of the disposal operation, and other significant

factors. Licenses based on such an alternate plan of operation shall be reviewed annually, with particular regard to any potential nuisance or hazard to public health and safety.

(2) The following minimum requirements are established where applicable:

(a) Open dumps may be operated under the following circumstances:

1. When the disposal operation serves a population of less than 1,000 and when large quantities of industrial wastes or hazardous wastes are not involved.

2. When there is adequate separation between the disposal operation and the nearest residence or place of public gathering. This will normally require separation of one-half mile or more.

3. When the disposal area is compacted and covered with earth at least twice per year—spring and fall—and, if unsanitary conditions develop, more frequently.

4. When animal carcasses and large quantities of spoiled foods are promptly buried.

5. When measures are taken to protect the surrounding area from the spread of accidental fires from the disposal site.

6. When open burning is conducted under supervision and with permission from the local fire protection agency, and when not in conflict with any local or state air pollution control requirements.

(b) Modified sanitary landfills may be operated under the following circumstances:

1. When the disposal operation serves the population equivalent of 2,500 or less.

2. When the disposal operation is located at least one fourth mile from the nearest residence or place of public gathering.

3. When animal carcasses and large quantities of spoiled foods are promptly buried.

4. When the fill area is compacted and covered with 6 inches of earth on a regular schedule, which may be no less than once per month when the ground is unfrozen.

5. When precautions are taken to protect the surrounding area from accidental fires occurring at the disposal site.

6. When an adequate insect and rodent control program is followed.

7. When the site is maintained in an orderly and sanitary manner, with appropriate measures to prevent the spread of wind-blown debris.

8. When burning is conducted only under supervision and with the approval of the local fire control agency, provided such burning will not conflict with any local or state air pollution control requirements.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.19 Appeals. All licensing procedures, conditions and exemptions required and permitted in the issuance of any license are subject to review by the department of natural resources board upon the filing of a notice of appeal by any applicant.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

RD 51.20 Limitations. Nothing in these standards shall be construed to limit the provisions of any municipal ordinance, regulation or resolution, which are more restrictive.

History: Cr. Register, April, 1969, No. 160, eff. 5-1-69.

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RD 51.21 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, April, 1969, No. 160, eff. 5-1-69.