

the sludge exhibits one or more of the characteristics of hazardous waste identified in s. NR 181.15.

Note: If waste pickle liquor sludge derived from the lime stabilization treatment of spent pickle liquor from the iron and steel industry falling under SIC codes 331 and 332 does not display one or more of the characteristics of hazardous waste identified in s. NR 181.15, it is not a hazardous waste.

(2) WHEN REGULATION BEGINS. A solid waste which is not excluded from regulation under sub. (4) becomes a hazardous waste when any of the following events occur:

(a) In the case of a waste listed in s. NR 181.16, when the waste first meets the listing description set forth in s. NR 181.16.

(b) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in s. NR 181.16 is first added to the solid waste.

(c) In the case of any other solid waste, including a solid waste mixture, when the waste exhibits any of the characteristics identified in s. NR 181.15.

(3) WHEN REGULATION ENDS. A hazardous waste will remain a hazardous waste unless and until it:

(a) No longer exhibits any of the characteristics of a hazardous waste identified in s. NR 181.15; or

(b) In the case of a waste which is listed under s. NR 181.16, contains a waste listed under s. NR 181.16, or is derived from a waste listed under s. NR 181.16, the waste is excluded under s. NR 181.17.

(4) EXCLUSIONS. The following solid wastes are not hazardous wastes:

(a) Household waste, including waste that has been collected, transported, stored, treated, disposed of, recovered or reused, except if the hazardous waste in this stream is separated and accumulated for later treatment, storage or disposal by a person other than:

1. A member of the household where the waste is generated; or
2. A municipality which accumulates household waste for 5 days or less in a clean sweep program as defined in s. NR 187.03 (1).

Note: The accumulation, treatment, storage and disposal of household wastes which are not excluded under this paragraph are subject to regulation under this chapter.

(b) Cement kiln dust waste.

(c) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

1. The growing and harvesting of agricultural crops.
2. The raising of animals, including animal manures.

(d) Discarded wood or wood products which fail the test for the characteristic of EP toxicity given in s. NR 181.15 (5) and are not a hazardous waste for any other reason, if the waste is generated by persons who utilize arsenical-treated wood and wood products for the intended end use of these materials.

(e) Polychlorinated biphenyls (PCBs) regulated under ch. NR 157.

(f) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

(g) Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.

(h) Wastes which fail the test for the characteristic of EP toxicity because chromium is present or are listed in s. NR 181.16 due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or waste generators that:

1. The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

2. The waste is generated from an industrial process which used trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

3. The waste is typically and frequently managed in non-oxidizing environments.

(i) Specific wastes which meet the standard in par. (h), as long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic are:

1. Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

2. Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

3. Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

4. Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

5. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

6. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

7. Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

8. Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

(5) GENERATION OF WASTE IN PRODUCT OR RAW MATERIAL UNITS. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material vehicle, railroad freight car, vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under this chapter until it exits the unit in which it was generated, unless the unit is a surface impoundment or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials. In accordance with s. NR 181.21 (5) (a) 4., the date upon which each period of accumulation begins after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials, shall be clearly marked and visible for inspection on each unit.

(6) SAMPLES. (a) Except as provided in par. (b), a sample of solid waste or a sample of water, soil, or air which is collected for the sole purpose of testing to determine its characteristics or composition is not subject to regulation under this chapter when the sample is being:

1. Transported to a laboratory for the purpose of testing;
2. Transported back to the sample collector after testing;
3. Stored by the sample collector before transport to a laboratory for testing;
4. Stored in a laboratory before testing;
5. Stored in a laboratory after testing but before it is returned to the sample collector; or
6. Stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(b) In order to qualify for the exemption in par. (a) 1. and 2., a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

1. Comply with DOT, U.S. postal service (USPS), or any other applicable shipping requirements; or
2. Comply with the following requirements, if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
  - a. Assure that the following information accompanies the sample: the sample collector's name, mailing address, and telephone number; the quantity of the sample, the date of shipment; and a description of the sample; and
  - b. Package the sample so that it does not leak, spill or vaporize from its packaging.

(c) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory no longer meets any of the conditions stated in par. (a).

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81; am. (1) (b) 2. and 4. intro., (4) (a), (c) 2. and (e) and (5), cr. (1) (b) 5., (4) (h) and (i) and (6) Register, June, 1985, No. 354, eff. 7-1-85; am. (4) (a), Register, August, 1986, No. 368, eff. 9-1-86.

**NR 181.13 Special requirements for hazardous waste generated by small quantity generators. (1) LESS THAN 1,000 KILOGRAMS.** Except as otherwise provided in sub. (2) or (3), a generator who generates in a calendar month a total of less than 1,000 kilograms (2,205 pounds) of hazardous wastes, and does not accumulate at any time quantities of hazardous wastes greater than 1,000 kilograms, is exempt from the requirements of subchs. III through VI except those requirements referenced in pars. (a) through (f), but is not exempt from the requirements of subchs. I and II, if the generator complies with the following:

(a) The generator shall comply with s. NR 181.22; and

(b) The generator shall treat, store or dispose of the waste in an on-site facility or recycle the waste in an on-site recycling facility which has received an operating license, interim license, variance or waiver, or is exempt from licensing under sub. (5) or s. NR 181.42 (1) (a); or ensure delivery to an off-site treatment, storage, disposal or recycling facility which:

1. For facilities located outside of Wisconsin, is permitted by the EPA, is exempt from permitting or has interim status under of the resource conservation and recovery act or is permitted or approved by an authorized state;

2. Has been issued an operating license as a hazardous waste facility under this chapter or has an interim license, variance, waiver, or exemption from licensing under s. NR 181.42 (1) (a);

3. Is licensed as a solid waste disposal facility under ch. NR 180 and has approval under sub. (6) to accept these wastes; or

4. Is exempt from licensing as an accumulation facility which meets the requirements of sub. (9).

(c) If a generator treats or disposes of a hazardous waste at a solid waste disposal facility in accordance with par. (b) 3., the generator shall:

1. Provide the solid waste disposal facility operator with the results of the hazardous waste determination required by s. NR 181.22; and

2. Notify the solid waste disposal facility operator when the waste is delivered.

(d) The generator shall annually report to the department the types of hazardous waste generated, the name and identification of any transporter who transported the waste and the name and location of the facility where the wastes were treated, stored or disposed. This report shall be submitted by March 1 for the preceding calendar year.

(e) The generator shall comply with the manifest requirements of s. NR 181.23, if the generator chooses to use the Wisconsin uniform manifest.