

## Chapter NR 506

## LANDFILL OPERATIONAL CRITERIA

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**NR 506.01 Purpose.** The purpose of this chapter is to help ensure that efficient, nuisance-free and environmentally acceptable solid waste management procedures are practiced in Wisconsin and to outline the requirements regarding operational criteria for solid waste landfills and surface impoundments. This chapter is adopted under ss. 144.43 to 144.47, and 227.11, Stats.

**History:** Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 506.02 Applicability.** (1) Except as otherwise provided, this chapter governs all solid waste disposal facilities as defined in s. 144.43 (5), Stats., except hazardous waste facilities as defined in s. 144.61 (5m), Stats., and regulated under ch. NR 181 and metallic mining operations as defined in s. 144.81 (5), Stats., and regulated under ch. NR 182.

(2) This chapter does not apply to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 144.04, Stats., or permitted under ch. 147, Stats., nor to facilities used solely for the disposal of liquid municipal or industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 144.04, Stats., or permitted under ch. 147, Stats., except for facilities used for the disposal of solid waste.

**History:** Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 506.03 Definitions.** The terms in this chapter are defined in s. NR 500.03.

**History:** Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 506.04 Open burning.** No person may conduct open burning at a new or existing land disposal facility except in conformance with the minimum requirements of this section.

(1) **GENERAL.** Open burning of solid waste is prohibited unless an exemption authorizing open burning is granted in writing by the department. The department shall grant an exemption if the open burning operation meets the criteria in s. 144.436 (2), Stats. The department shall utilize the following criteria in implementing and interpreting s. 144.436, Stats.

(a) In determining the population equivalent served by a facility, the department may consider credible documentation submitted by the ap-

plicant which establishes that the actual population served by the facility is less than the total population in the geographic area served.

(b) In determining the need to obtain written consent from residents and proprietors within  $\frac{1}{4}$  mile of the licensed boundaries, the department may not require that the consent be obtained from any person who was not a resident or proprietor at the time the landfill initially was authorized to open burn, unless that person is a successor in interest to a person who was a resident or proprietor at that time.

(c) If a resident or proprietor who previously consented to open burning at the facility withdraws, terminates or revokes the consent in writing, the withdrawal, termination or revocation is not effective until the end of the current license period for the facility.

(d) Facilities located in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington or Waukesha county are not eligible to open burn solid waste.

(2) FACILITIES SERVING LESS THAN 2,500 PERSONS. Facilities serving a population equivalent of less than 2,500 are eligible for an exemption allowing open burning provided that the requirements of s. 144.436, Stats., and the following criteria are met:

(a) All burning shall be done on a burning pad or pit which is separated from the active disposal area by a minimum of 200 feet. A fire break of mineral soil scraped free of vegetation shall be maintained for a minimum distance of 100 feet around the burning pad or pit.

(b) Fire protection equipment shall be maintained at the facility unless provisions are made for the services of a local fire protection agency.

(c) Wet combustible garbage, oily substances, asphalt, plastic and rubber products may not be burned. These waste types shall be separated and disposed of in a licensed landfill.

(d) The ash from the burning pad shall be removed and disposed of in a licensed landfill as often as necessary to allow for proper operation and at least every 30 days. Care shall be taken to ensure that the ash is sufficiently cool before placement in the landfill.

(e) The burning shall be done in compliance with all state and local burning regulations and permits.

(f) An attendant shall be present to supervise the burning operation and to ensure that any fire is completely extinguished at the end of each day.

(g) Tires or flammable material such as gasoline may not be used for starting fires.

(3) FACILITIES SERVING AT LEAST 2,500 PERSONS BUT LESS THAN 10,000. Facilities serving a population equivalent of 2,500 or more but less than 10,000 are eligible for an exemption to burn only clean wood and paper provided that the criteria listed in sub. (2) and the following additional criteria are met:

(a) Leaves, pine needles, painted or treated wood such as railroad ties and demolition material may not be burned.

(3) **OTHER FACILITIES.** An owner or operator of any nonmunicipal solid waste disposal facility may accept sludge which does not contain free liquids only in accordance with plans approved by the department.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.

**NR 506.15 Enforcement.** The department may deny, suspend or revoke the operating license of a solid waste disposal facility as provided in s. 144.44 (4) (a), Stats., for failure to pay fees required under ss. 144.43 to 144.47, Stats., or for grievous and continuous failure to comply with the approved plan of operation under s. 144.44 (3), Stats., or, if no plan of operation exists with regard to the facility, for grievous and continuous failure to comply with any requirement of chs. NR 500 to 522. Any failure to comply with any such requirement or condition on 5 or more days within any 30 successive calendar days and which consists of action or inaction which may cause pollution as defined in s. 144.01 (10), Stats., or which may otherwise create nuisance conditions, is a grievous and continuous failure to comply with the requirement or condition.

History: Cr. Register, January, 1988, No. 385, eff. 2-1-88.