

Chapter NR 640

CONTAINER STANDARDS

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**NR 640.01 Purpose.** The purpose of this chapter is to ensure that efficient and environmentally acceptable hazardous waste treatment and storage operations are practiced and to outline the requirements for feasibility and plan of operation reports and for closure plans as they apply to hazardous waste container facilities.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

**NR 640.02 Applicability.** Except as otherwise provided, this chapter applies to owners and operators of facilities that store or treat hazardous waste in containers. This chapter does not apply to solid waste facilities that store or treat only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 144.81 (5), Stats.,
- (3) Polychlorinated biphenyls (PCBs), except where portions of this chapter are referenced in ch. NR 157, or
- (4) A combination of wastes described in subs. (1) to (3).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction made under s. 13.93 (2m) (b) 1, Stats., Register, August, 1992, No. 440.

**NR 640.03 Definitions.** The definitions in s. NR 600.03 apply to this chapter.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

**NR 640.04 Exemptions.** The requirements of this chapter do not apply to the following, except to the extent they are specifically included:

- (1) A generator accumulating hazardous waste on-site in containers in compliance with s. NR 615.05 (4), except as provided in s. NR 600.07, discharge of hazardous waste.
- (2) The owner or operator of a totally enclosed treatment facility.
- (3) A licensed transporter accumulating manifested shipments of waste at a transfer facility in compliance with s. NR 620.14, transfer facilities.

(4) A small quantity generator accumulating waste on-site in containers in compliance with ch. NR 610, small quantity generator standards.

(5) The owner or operator of a solid waste disposal facility licensed under chs. NR 500 to 522, if the only hazardous waste the facility stores is excluded from regulation under this chapter by s. NR 610.05 (1) and the facility has been approved under s. NR 506.15 to accept small quantities of hazardous waste.

(6) The owners or operators of facilities used for the storage or treatment of metallic mining wastes resulting from a mining operation as defined in s. 144.81 (5), Stats.

Note: Metallic mining wastes are regulated under ch. NR 182.

(7) The owner or operator of a facility operating under an interim license, except to the extent that the requirements are listed in ss. NR 680.21 (4) or (5) or 680.22.

(8) The owner or operator of a wastewater treatment unit, if the owner or operator complies with the requirements specified in s. NR 630.04 (1).

(9) A person who stores waste lead-acid batteries that are destined for recycling and who complies with s. NR 625.12, storage of waste lead-acid batteries.

(10) The owner or operator of an elementary neutralization unit if the owner or operator complies with s. NR 630.04 (7).

(11) A generator who combines absorbent material with a waste generated on-site in a container for the purpose of eliminating free liquids, if the generator complies with s. NR 615.05 (6).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

**NR 640.05 General.** Except as otherwise provided in s. NR 640.04 (1) to (11), no person may maintain or operate a hazardous waste storage or treatment facility unless the person has obtained an interim license, operating license, variance or waiver from the department, in accordance with the requirements of ch. NR 680.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

**NR 640.06 Feasibility and plan of operation report.** (1) **GENERAL.** Unless specifically exempted in s. NR 640.04 (1) to (11), no person shall establish, construct or expand a hazardous waste container facility or be issued an initial operating license under s. NR 680.34 without first obtaining written approval of a feasibility and plan of operation report from the department. The purpose of the feasibility and plan of operation report is to determine whether the site has potential for use as a hazardous waste container storage or treatment facility and to identify and address any operating conditions which are necessary for the proper operation of the facility. Favorable feasibility determination and plan approval under this section does not guarantee final licensure. The feasibility and plan of operation report shall be submitted in accordance with the requirements of s. 144.44, Stats., and ss. NR 680.05 to 680.09. Additional report requirements for storage and treatment facilities are included in subs. (2) and (3). Feasibility and plan of operation report requirements for small storage facilities that meet the criteria of s. NR 640.07 (1) are specified in s. NR 640.07 (3). The feasibility and plan of operation report shall also contain the following information:

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ance evaluations; process raw materials on hand at startup; process outputs testing; and other appropriate startup procedures.

2. Normal operations. This shall include a discussion of operating personnel responsibilities; hours of operation; daily processing schedule; routine process monitoring including monitoring quantity and quality of hazardous waste input; process output testing; equipment maintenance schedules; methods of controlling explosions, fire, odors and windblown materials; special waste handling procedures; method of controlling access; daily cleanup procedures; facility bypass procedures during major breakdowns and alternative means of disposal; person responsible for operation; site or facility licensee and owner; recordkeeping; emergency procedures for handling of freezep during cold weather; methods to prevent hazardous waste from burning; and other pertinent information.

3. Record retention. Records of operating conditions shall be retained as specified in s. NR 630.31.

4. Closure plan. A closure plan as required by ss. NR 640.16 and 685.05.

5. Detailed analysis. A detailed analysis in accordance with s. NR 685.07 shall be made of the financial responsibility for closure from the time of site or facility closing to termination.

(4) DEPARTMENT'S REVIEW. (a) Within 60 days after a feasibility and plan of operation report is submitted, the department shall either determine that the report is complete or notify the applicant in writing that the report is not complete, specifying the information which the applicant shall submit before the report is deemed complete. The department shall determine whether or not the feasibility and plan of operation report is complete by determining whether or not the minimum requirements in s. NR 640.07 (3) (a) have been met. Additional information may be required of the applicant after a determination that the report is complete only if the department establishes that a detailed review of the report indicates that feasibility cannot be determined or the report is insufficient in the absence of additional information.

(b) If no hearing has been conducted under s. 144.44, Stats., the department shall issue the final determination for the feasibility and plan of operation report within 60 days after the 45 days notice period required under s. 144.44 (2) (1) and (m), Stats., has expired. If an informational hearing is conducted under s. 144.44 (2g), Stats., the department shall issue a final determination for the feasibility and plan of operation report within 60 days after the hearing is adjourned. If a contested case hearing is conducted under s. 144.44 (2r), Stats., a final determination for the feasibility and plan of operation report shall be issued within 90 days after the hearing is adjourned.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (2) (d) 3. and (3) (c) 8., Register, August, 1992, No. 440, eff. 9-1-92; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1993, No. 447.

NR 640.07 Small storage facility requirements. (1) GENERAL. The feasibility and plan of operation report submittal requirements of sub. (3) may be met in lieu of the requirements of s. NR 640.06 for hazardous waste storage facilities that have the following characteristics:

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(a) Hazardous waste storage is entirely in an enclosed and roofed structure having access limited or restricted to employees or other authorized personnel;

(b) Hazardous waste storage is confined to a floor area of 1500 sq. ft. or less;

(c) Hazardous waste storage does not exceed 10,000 gallons at any time;

(d) Hazardous waste is stored generally for the purpose of accumulating a sufficient quantity for a more economical transfer for treatment or disposal; and

(e) All hazardous waste is stored in containers.

(2) EXEMPTIONS. (a) The owner or operator of a hazardous waste small storage facility is exempt from the feasibility and plan of operation report requirements in sub. (3) for that facility, if:

1. The owner or operator has been issued a permit for storage of hazardous waste at the facility under 42 USC 6925 (c);

Note: The publication containing Title 42 of the United States Code may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

2. The facility is in compliance with the permit required under subd. 1; and

3. If the facility only stores wastes that do not contain free liquids, the facility shall obtain written approval of the information required under sub. (3) (a) 7. This information shall be submitted in accordance with s. NR 680.05 (1) (b) and (c).

(b) Any person exempt from sub. (3) under par. (a) shall obtain an operating license as required under s. NR 680.31.

(3) FEASIBILITY AND PLAN OF OPERATION REPORT. (a) Any person proposing to establish, construct, expand or obtain an initial operating license under s. NR 680.31 for a hazardous waste small storage facility shall first obtain written approval of a feasibility and plan of operation report from the department, unless exempted under sub. (2). The feasibility and plan of operation report shall be submitted in accordance with s. 144.44, Stats., and ss. NR 680.05, 680.06 and 680.09, and shall at a minimum, contain the following information:

1. A narrative description of the area proposed for storage of hazardous waste;

2. A general floor plan of the storage area and any pertinent adjacent areas;

3. A description of any existing or proposed fire prevention or control systems, communication equipment and security systems or arrangements at the facility;

4. A description of the hazardous or solid wastes, that will be stored at the proposed facility, along with projected volumes or weights and accumulation times;