

may authorize in writing the release of the funds or approve a reduction in the bond, insurance or letter of credit. Prior to authorizing a release of the funds or a reduction of the bond, insurance or letter of credit, the department shall determine that adequate funds exist to complete required long-term care work for the remaining period of owner responsibility. Determinations shall be made within 90 days of the application. Any funds remaining in an escrow account, trust account, or on deposit with the department at the termination of the period of owner responsibility shall be released to the owner.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88.

**NR 520.13 Bankruptcy notification.** The owner or operator of a facility for the land disposal of solid waste shall notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under the bankruptcy code, 11 USC 101, et seq., naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88.

**NR 520.14 Environmental fees. (1) WASTE MANAGEMENT FUND.** All owners or operators of approved licensed solid waste land disposal facilities shall pay to the department a tonnage fee for each ton of solid waste received and disposed of at the facility, or a minimum waste management fund base fee as specified in s. 144.441 (5) (c), Stats., whichever is greater, until the facility no longer receives waste and begins closure activities, except as otherwise provided in s. 144.441 (3) (b) or (c), Stats. The department shall deposit all tonnage and waste management base fees into the waste management fund provided for in s. 25.45, Stats. The department may use the money accumulated in the waste management fund only at approved facilities. The monies in the waste management fund shall be expended exclusively as set forth in s. 144.441 (6), Stats.

(a) For all approved solid waste land disposal facilities the owner or operator shall pay fees into the waste management fund in accordance with s. 144.441 (4) or (5), Stats., whichever is greater.

(b) For those companies which have provided proof of financial responsibility by the net worth method under s. 144.443 (4) and (8), Stats., the fees to be paid by the owner or operator into the waste management fund shall be in accordance with s. 144.441 (4) (h) or (5), Stats., whichever fee is greater.

(c) For all nonapproved solid waste land disposal facilities, the total annual tonnage fees for all solid waste received by the facility shall be reduced by the amount of the environmental repair base fee. If the environmental repair base fee for a nonapproved facility is greater than the annual tonnage fee imposed under s. 144.441 (4), Stats., the waste received by the facility is exempt from the waste management tonnage fee for that year.

(d) The hazardous waste tonnage fees established in s. 144.441 (4) (b), (c), (e) and (f), Stats., shall be paid for each ton of hazardous waste received and disposed of at an approved solid waste land disposal facility.

**(2) ENVIRONMENTAL REPAIR FUND.** (a) All owners or operators of licensed solid waste land disposal facilities shall pay to the department an environmental repair fee for each ton of solid waste received and dis-

posed of at the facility, until the facility no longer receives waste and begins closure activities. The environmental repair fee shall be as specified in s. 144.442 (1m) (c) and (cm), Stats.

(b) All licensed nonapproved facilities shall pay to the department an environmental repair base fee for each calendar year until the facility no longer receives waste and begins closure activities. The environmental repair base fees shall be as specified in s. 144.442 (2) (b), Stats. The environmental repair base fees may be reduced in accordance with s. 144.442 (2) (d), Stats. The environmental repair surcharge shall be as specified in s. 144.442 (3), Stats.

(c) The department shall deposit all environmental repair fees, environmental repair base fees, and environmental repair surcharge fees into the environmental repair fund provided for in s. 25.46, Stats. The monies in the environmental repair fund shall be expended exclusively as set forth in s. 144.442 (6) and (6m), Stats.

(3) GROUNDWATER FUND. All owners or operators of licensed solid waste land disposal facilities shall pay to the department a groundwater fee for each ton of solid waste received and disposed of at the facility, until the facility no longer receives wastes and begins closure activities. The amount of the groundwater fee shall be as specified in s. 144.441 (7) (c), Stats. The department shall deposit all groundwater fees into the groundwater fund as provided for in s. 25.48, Stats. The monies in the groundwater fund shall be expended as set forth in ss. 20.115 (1) (s), 20.370 (2) (mq) and (ms), 20.435 (1) (q) and 20.445 (1) (q), Stats.

(4) CERTIFICATION AND PAYMENT OF FEES. (a) *Certification of waste received.* The owner or operator of a licensed solid waste land disposal facility or a processing facility which converts solid waste to fuel, or a municipal solid waste combustor, or a solid waste incinerator shall certify, on a form provided by the department, the amount of solid waste received and disposed of or converted into fuel or burned during the preceding reporting period. The department shall specify the term of the reporting period on the certification form. The department shall mail the certification form to the owner or operator every January. The certification form shall be completed and returned to the department if the tonnage or categories of solid waste disposed of during the preceding reporting period are different from the year immediately preceding the reporting period. The certification form shall be returned to the department within 45 days after mailing of the form by the department to the owner or operator.

(b) *Payment of fees.* Based on information certified by the owner or operator under par. (a), the department shall mail notice of fees due in May and the owner or operator shall within 30 days after mailing of the fees notice, remit the appropriate fees to the department. An owner or operator failing to remit the appropriate fees within 30 days after mailing of the fees notice to the owner or operator shall pay a late processing fee of \$50 in addition to the appropriate fees.

(c) *Certification of remaining capacity and sources of waste.* In addition to the certification under par. (a), the owner or operator of a licensed solid waste land disposal facility or a processing facility which converts solid waste to fuel, or a municipal solid waste combustor, or a solid waste incinerator shall certify to the department on a form provided by April 1 of each year the following information for the previous calendar year:

1. The name of the owner of the facility.
2. The location of the facility.
3. For a solid waste disposal facility, the remaining capacity available for disposal.
4. A list of all licensed haulers transporting waste to the facility for disposal or treatment in the previous year.
5. A list of the states of origin of solid waste disposed of or treated at the facility in the previous year and the amount, by weight, of that solid waste originating in each state.
6. For waste received from outside of Wisconsin, the following additional information shall be provided:
  - a. The out-of-state unit, as defined under s. 159.01 (5), Stats., where the waste was generated.
  - b. Name and address of the out-of-state solid waste generator. If multiple generators are included, identification of the out-of-state units in which the solid waste was generated is acceptable.
  - c. Location of out-of-state unit where solid waste was originally generated, if different from subpar. a.
  - d. Description and weight of out-of-state waste accepted, including the solid waste type, as specified by the department, and the weight of each type by state.
  - e. Name and collection and transportation license number issued by the department for the transporter who delivered the solid waste to the Wisconsin facility.
  - f. If the owner or operator is seeking an exemption from the solid waste capacity fees, documentation that the out-of-state solid waste is exempt under sub. (5) (a).

Note: A landfill operator or waste hauler may request confidential treatment of information through the procedure provided in s. NR 2.19.

(5) **SOLID WASTE CAPACITY FEES.** Except as provided in par. (a), the owner or operator of a licensed solid waste disposal facility or an incinerator with an operating permit or license that is approved under s. 144.391 or 144.44 (4), Stats., which accepts out-of-state waste after January 1, 1995, shall pay to the department a solid waste capacity fee for each ton of solid waste that is treated or disposed of at the facility. The solid waste capacity fee shall be paid to the department in the amount specified in par. (b), (c) or (d).

(a) *Exemptions to the solid waste capacity fees.* The solid waste capacity fees do not apply to the following:

1. Hazardous waste.
2. Solid waste generated in the state of Wisconsin.
3. Solid waste generated in another state if the solid waste is converted into fuel or burned at a Wisconsin solid waste treatment facility with an operating permit or license that is approved under s. 144.391 or 144.44 (4), Stats., prior to May 11, 1990, and the solid waste is delivered to the

solid waste treatment facility pursuant to a contract in effect 2 years after May 11, 1990.

4. Solid waste materials approved by the department for lining, daily cover or capping or for the constructing of berms, dikes or roads within a solid waste disposal facility.

(b) *Fee schedule.* The solid waste capacity fee schedule is as follows:

1. For solid waste generated in a state which has a per capita solid waste disposal and incineration capacity greater than or equal to the per capita capacity in Wisconsin as determined by the department, \$0.

2. For solid waste generated in a state which has a per capita solid waste disposal and incineration capacity greater than or equal to 75% but less than the per capita capacity in Wisconsin as determined by the department, \$2 per ton.

3. For solid waste generated in a state which has a per capita solid waste disposal and incineration capacity greater than or equal to 50% but less than 75% of the per capita capacity in Wisconsin as determined by the department, \$4 per ton.

4. For solid waste generated in a state which has a per capita solid waste disposal and incineration capacity greater than or equal to 25% but less than 50% of the per capita capacity in Wisconsin as determined by the department, \$6 per ton.

5. For solid waste generated in a state which has a per capita solid waste disposal and incineration capacity less than 25% of the per capita capacity in Wisconsin as determined by the department, \$8 per ton.

(c) *Fee changes.* If the solid waste capacity fee for solid waste generated in any state remains at the same level or increases in 2 consecutive calendar years, the fee under par. (b) is doubled. The fee shall remain doubled until solid waste generated in the state qualifies for a lower fee under par. (b).

(d) *Determination of capacity fees for out of state wastes.* 1. The department shall determine the required capacity fees for all adjacent states at the beginning of each calendar year.

2. An owner or operator of a licensed solid waste disposal facility or an incinerator with an operating permit or license that is approved under s. 144.391 or 144.44 (4), Stats., who is proposing to accept out-of-state solid waste from a non-adjacent state shall request the department in writing to determine the required capacity fees for the non-adjacent state. Within 180 days after receipt of a request, the department shall issue in writing a determination of the required capacity fee.

3. If the department cannot reasonably determine the capacity fee for a state because of incomplete information supplied by the state in which the solid waste originally was generated, the capacity fee shall be determined as follows:

a. The fee shall be \$8 per ton during the first year that a determination cannot be made due to insufficient information supplied by the state of origin.

b. The fee shall be \$16 per ton during subsequent years in which the information continues to be insufficient to make the correct determination.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; renum. (4) to be (4) (a) and am. cr. (4) (b), (c) and (5), Register, September, 1993, No. 453, eff. 10-1-93.

**NR 520.15 Determination of waste tonnages. (1) DETERMINATION BY OWNER OR OPERATOR.** The owner or operator shall, subject to department approval, use one of the following methods for determining the number of tons of waste received and disposed of at the solid waste land disposal facility.

(a) The owner or operator may use actual weight or volume records.

(b) The owner or operator may establish by field measurement the volume of waste disposed and convert to a weight using an assumed compaction density and cover material ratio using the conversion factors in table 3.

(c) The owner or operator may conduct a survey during a representative period of operation to establish average representative weights or volumes of waste disposed. Changes in seasonal population shall be considered when establishing representative weights or volumes.

(d) The owner or operator may use a waste generation rate of 2 pounds per capita per day and apply it over the number of days in the reporting period. Changes in seasonal population shall be considered when applying a per capita generation rate. This method may be used only for rural facilities serving a population equivalent of 2,500 or less and receiving little or no industrial waste.

**(2) CONVERSION FACTORS.** The conversion factors in table 3 shall be used. All conversion factors are based on wet densities. The densities provided for domestic residential waste and commercial waste in table 3 are subject to mechanical compaction, such as packer trucks or enclosed roll off containers coupled to hydraulic compactors. If the waste is loose, 200 pounds per cubic yard shall be used as the conversion factor.

Register, September, 1993, No. 453

TABLE 3  
CONVERSION FACTORS

Municipal solid waste	
As delivered	
Domestic residential	425 pounds/cubic yard
Commercial	375 pounds/cubic yard
Industrial - other than specified below	300 pounds/cubic yard
Bulky	400 pounds/cubic yard
Trees and brush	300 pounds/cubic yard
Demolition	1,250 pounds/cubic yard
Liquids	8.34 pounds/gallon
Compacted in place	1,000 pounds/cubic yard
Facilities receiving only demolition waste	1,400 pounds/cubic yard
Municipal wastewater sludge	8.34 pounds/gallon
	1,684 pounds/cubic yard
Municipal incinerator ash	
As delivered - uncompacted	1,500 pounds/cubic yard
In-field - compacted	2,700 pounds/cubic yard
Pulp and papermill sludge	
As delivered - uncompacted	1,800 pounds/cubic yard
In-field - consolidated	2,200 pounds/cubic yard
Utility ash - fly and bottom	
As delivered - uncompacted	2,200 pounds/cubic yard
In-field - compacted	2,400 pounds/cubic yard
Foundry wastes	
As delivered - uncompacted	2,600 pounds/cubic yard
In-field - compacted	3,000 pounds/cubic yard

(c) DEPARTMENT ESTIMATES. The department may estimate by waste category the number of tons received at a solid waste land disposal facility. The estimate shall appear on the certification form and shall be based on the number of tons received and reported for the previous reporting period.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88.

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