

Chapter NR 520

SOLID WASTE MANAGEMENT FEES AND FINANCIAL
RESPONSIBILITY REQUIREMENTS

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NR 520.01 Purpose. The purpose of this chapter is to ensure that efficient, nuisance-free and environmentally acceptable solid waste management procedures are practiced in Wisconsin and to establish solid waste license and review fees, environmental fees and financial responsibility requirements. This chapter is adopted under ss. 144.43 to 144.47, and 227.11, Stats.

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

NR 520.02 Applicability. (1) Except as otherwise provided, this chapter governs all solid waste facilities as defined by s. 144.43 (5), Stats., except hazardous waste facilities as defined by s. 144.61 (5m), Stats., and regulated under chs. NR 600 to 685 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 wastes which have been approved under s. 144.04, Stats., or permitted under ch. 147, Stats., except for facilities used for the ultimate disposal of solid waste.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1994, No. 461.

NR 520.03 Definitions. The terms used in this chapter are defined in s. NR 500.03.

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

NR 520.04 Licenses and fees. (1) **ISSUANCE OF AN OPERATING LICENSE.** No person may operate or maintain a solid waste facility without an operating license from the department unless an exemption is granted under s. NR 500.08. The license period shall be for one year.

(a) Application for an initial license for a new solid waste facility may be submitted at any time during the license period. Initial licenses issued during the license period shall expire at the end of that license period. The applicant for initial licensing of a facility shall submit the appropriate

ate fees as shown in Table 1 or Table 2, "Fee Schedule", whichever is applicable.

(b) The department will mail application forms to renewal applicants. Application for renewal of a solid waste disposal license shall be submitted to the department. Applicants failing to submit the relicensing application within the specified time shall pay a late processing fee equal to 50% of the renewal fee or \$150.00, whichever is less, in addition to the relicensing fee.

(c) Application for an operating license shall be submitted on forms supplied by the department and shall be accompanied by the appropriate fees as shown in Table 1 or Table 2, "Fee Schedule", whichever is applicable.

(d) License fees for solid waste facilities are not refundable.

(2) TRANSFER OF AN OPERATING LICENSE. Upon payment of the transfer fee shown in Table 2, the department will issue a new operating license to a person acquiring rights of ownership, possession or operation of a licensed facility in accordance with s. 144.444, Stats. Feasibility approvals and plan of operation approvals are not transferable prior to the licensing of a facility.

(3) LICENSURE DURING THE CLOSURE AND LONG-TERM CARE PERIOD. The owner or operator and any successor in interest shall maintain a license during the closure and long-term care period indicated in s. 144.441, Stats. The license fees are specified in Table 2.

(4) PLAN REVIEW AND LICENSE FEES. For the purposes of plan review and license fees charged to land disposal and treatment facilities as provided in Table 2, the following shall apply:

(a) Plan review fees shall be charged on the basis of the design capacity of the facility, cell or module for which plans have been submitted. As an example, if a plan of operation report is submitted for a one million cubic yard facility, a review fee for a facility greater than 500,000 cubic yards applies. Construction documentation reports, however, may be submitted over time for several modules. Each construction documentation report review would be charged on the basis of the design capacity of the module submitted. For construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions, a review fee of \$200.00 shall apply.

(b) License fees shall be based on the design capacity of the facility being licensed including solid waste already deposited at the facility. For facilities which do not have a plan approval, the department shall make a reasonable estimate of the capacity of the facility based on licensed acreage and probable depth of fill and shall charge a fee accordingly.

(5) CONSTRUCTION INSPECTION FEES. A construction inspection fee of \$500.00 per inspection required under s. NR 500.09 shall be paid to the department by the applicant at the time of submittal of a construction documentation report or as specified in the plan approval. A maximum of 10 inspections per major phase of construction may be required.

(6) CERTIFICATION FEES FOR SOLID WASTE DISPOSAL FACILITY OPERATORS. Fees for examination, certification, recertification, program ap-

provals, and interim status approvals as required under ch. NR 524 shall be as follows:

- (a) Written examination for facility manager \$50.00
- (b) Written examination for site operator \$50.00
- (c) Facility manager initial certification or recertification \$150.00
- (d) Site operator initial certification or recertification ... \$150.00
- (e) Review of initial training programs for facility managers or site operators for comprehensive, inorganic and sludge divisions as required in s. NR 524.07 (3) \$500.00
- (f) Review of refresher training programs for facility managers or site operators for comprehensive, inorganic and sludge divisions as required in s. NR 524.09 (4) \$500.00
- (g) Interim facility manager certification \$150.00
- (h) Interim site operator certification \$150.00
- (i) Late processing fee for recertification as required in s. NR 524.12 (4) \$100.00

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; am. (1) (intro.), (a) and (2), Register, September, 1989, No. 405, eff. 10-1-89; am. (4), Register, May, 1992, No. 437, eff. 6-1-92; cr. (6), Register, May, 1994, No. 461, eff. 6-1-94.

NR 520.05 Financial responsibility for closure and long-term care. (1) **CLOSURE.** The owner of an approved facility for the land disposal of solid waste shall submit, as part of the initial operating license application and annually thereafter for the period of active facility life, proof of financial responsibility to ensure compliance with the closure requirements of the approved plan of operation.

(2) **LONG-TERM CARE.** The owner of an approved facility for the land disposal of solid waste shall be responsible for the long-term care of the facility for either 20 or 30 years after facility closure, unless the owner's responsibility is terminated earlier in accordance with s. 144.441 (2) (d), Stats. An owner responsible for long-term care shall specify at the time of submittal of the plan of operation whether the owner chooses to be responsible for 20 years, subject to department approval, or 30 years and shall submit, as part of the initial operating license application and annually thereafter for the period of active facility life, proof of financial responsibility to ensure compliance with the long-term care requirements of the plan of operation.

(3) **SUCCESSORS IN INTEREST.** Any person acquiring rights of ownership, possession or operation of a licensed facility shall be subject to all requirements of the license for the facility and shall provide any required proof of financial responsibility to the department in accordance with this section. The previous owner shall maintain proof of financial responsibility until the person acquiring ownership, possession or operation of

the facility obtains department approval of proof of financial responsibility.

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

NR 520.06 Methods of providing proof of financial responsibility. Financial assurances for closure and long-term care shall be established separately. The owner shall specify, as part of the plan of operation submitted, which method of providing proof of financial responsibility will be used for closure and for long-term care. To provide proof of financial responsibility, the applicant shall use one of the following methods for each account:

(1) **PERFORMANCE OR FORFEITURE BOND.** (a) If the owner chooses to submit a bond, it shall be in the amount determined according to s. NR 520.08 (3) and (4) conditioned upon faithful performance by the owner and any successor in interest, of all closure or long-term care requirements of the approved plan of operation. The bond shall be delivered to the department as part of the initial operating license application. Bond forms shall be supplied by the department.

(b) Bonds shall be issued by a surety company authorized to do surety business in this state. At the option of the owner, a performance bond or a forfeiture bond may be filed. The department shall be the obligee of the bond. Surety companies may have the opportunity to complete the closure or long-term care of the facility in lieu of cash payment to the department if the owner or any successor in interest fails to carry out the closure or long-term care requirements of the approved plan of operation. The department shall mail notification of its intent to use the funds for that purpose to the last known address of the owner. If the owner submits a written request for a hearing to the secretary of the department within 20 days after the mailing of the notification, the department shall, prior to using the funds, hold a hearing for the purpose of determining whether or not the closure or long-term care requirements of the approved plan of operation have been carried out.

(c) Each bond shall provide that, as long as any obligation of the owner for closure or long-term care remains, the bond may not be cancelled by the surety, unless a replacement bond or other proof of financial responsibility under this section is provided to the department by the owner. If the surety proposes to cancel such a bond, the surety shall provide notice to the department and to the owner in writing by registered or certified mail not less than 90 days prior to the proposed cancellation date. Not less than 30 days prior to the expiration of the 90-day notice period, the owner shall deliver to the department a replacement bond or other proof of financial responsibility under this section, in the absence of which all disposal operations shall immediately cease and the bond shall remain in effect as long as any obligation of the owner remains for closure or long-term care. The surety may discharge its obligation under the bond at anytime by paying the unused portion of the bond to the department.

(d) If the surety company becomes bankrupt or insolvent or if its authorization to do business is revoked or suspended, the owner shall, within 30 days after receiving written notice, deliver to the department a replacement bond or other proof of financial responsibility under this section, in the absence of which all disposal operations shall immediately

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ity. 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.

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TABLE 1
FEE SCHEDULE — ALL FACILITIES EXCEPT LANDFILLS AND SURFACE IMPOUNDMENTS

NR	Facility Type	License Required	Plan Review Required	Plan Review Fees ^{(1) (2)}		License Fees
				Plan of Operation	Facilities Construction Documentation	0-12 months
500.08	Exemption Request	No	Yes	500		
502.05	STORAGE FACILITY					
	Containerized	Yes	No			80
	Non-containerized	Yes	Yes	600	150	150
502.06	Collection and Transportation	Yes	No			80
	Additional Trucks	Yes	No			20 ⁽⁴⁾
502.07	Transfer Facility	Yes	Yes	300	150	150
502.08	Processing Facility ⁽³⁾	Yes	Yes	600	150	150
502.09	Incineration ⁽³⁾ Facility	Yes	Yes	600		150
502.10	Air Curtain Destructor	Yes	Yes	300	150	150
502.11	Woodburning	Yes	Yes	150		150
502.12	One Time Disposal	No	Yes	600		
502.13	Small Demolition Facilities	No	Yes	600	150	
502.14	Municipal Solid Waste Combustors	Yes	Yes	600	150	150
518	Land Spreading	No	Yes	600		

(1) The plan review fees specified in Table 1 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 1 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.

(3) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(4) The department may waive the additional license fee for trucks used only once or twice a year for spring/fall clean-up operations by municipalities.

TABLE 2
FEE SCHEDULE — LANDFILLS AND SURFACE IMPOUNDMENTS

Facility Type	Plan Review Fees ^{(1) (2)}							License Fees			
	License Required	Plan Review Required	Initial Site Report ⁽³⁾ NR 510	Feasibility Report NR 512	Plan of Operation NR 514	(11) Cons. Insp.	Cons. Doc. ⁽⁸⁾ NR 516	Closure Plan NR 514	0-12 months	Closure & Long-term care period ⁽¹⁰⁾	License Transfer
Landfills and Surface Impoundments	Yes	Yes									
Nonapproved with closure (until Oct. 1, 1992)											
1. 50,000 yd ³	Yes	Yes					150	150	300		
2. > 50,000-500,000 yd ³	Yes	Yes					200 ⁽⁷⁾	900	1200		
All Other Facilities											
1. < 50,000 yd ³	Yes	Yes	3000	20000	7000	500	1000 ⁽⁷⁾	5000	1500	6000	1500
2. < 500,000 yd ³	Yes	Yes	3000	20000	7000	500	1000 ⁽⁷⁾	5000	3500	6000	3500
3. > 500,000 yd ³	Yes	Yes	3000	20000	7000	500	1000 ⁽⁷⁾	5000	7000	6000	7000
Plan Modification ⁽⁶⁾	No	Yes		1500	1500 ⁽⁹⁾			150			

(1) The plan review fees specified in Table 2 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if determines that the total review time is not likely to exceed 4 hours.

(3) For an initial site report submittal which includes more than one location, the applicant shall pay a separate fee, as shown in Table 2, for each location.

(6) A plan modification, as referred to in Table 2, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department. This fee also applies to a submittal which proposes to change the design management zone (DMZ) or requests recalculation of indicator preventive action limits (PAL's) as defined in ch. NR 140. The \$600 fee applies to facilities which request a modification to the DMZ or indicator PAL's and have an approved plan of operation and the \$150 fee applies to those facilities which have an approved closure plan. A fee of \$750 applies to the review of the PALs.

(7) This review fee also applies to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.

(8) These review fees apply to each facility construction documentation report submitted.

(9) This fee also applies to any facility which requests an exemption to the groundwater standards contained in ch. NR 140.

(10) This fee is a one-time payment only for the term of the licensee's long-term care responsibility.

(11) This fee applies to each phase of construction to a maximum of \$5000 (10 inspections).