

Chapter NR 610

SMALL QUANTITY GENERATOR STANDARDS

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NR 610.01 Purpose. The purpose of this chapter is to specify the requirements that apply to small quantity and very small quantity generators of hazardous waste.

Note: In order to comply with this chapter, small quantity generators will also need at a minimum copies of chs. NR 600, 605, 615, 630 and 675.

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

NR 610.02 Applicability. Except as otherwise provided, this chapter applies to small quantity generators and very small quantity generators of hazardous waste. Except as otherwise provided, this chapter does not apply to solid waste generators, that generate only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 293.01 (9), Stats., or
- (3) A combination of wastes described in subs. (1) and (2).

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; am. (2), r. (3), renum. (4) to (3) and am., Register, May, 1995, No. 473, eff. 6-1-95; **correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509.**

NR 610.03 Definitions. (1) The definitions in s. NR 600.03 apply to this chapter.

(2) In this chapter, "full regulation" means those regulations that are applicable to generators of greater than 1,000 kilograms (2,205 pounds) of non-acute hazardous waste in a calendar month.

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

NR 610.04 Exemptions. (1) WASTE LEAD ACID BATTERIES. A person who generates, transports or stores lead-acid batteries that are destined for off-site recycling is exempt from the requirements of this chapter if:

- (a) The waste lead-acid batteries shall be managed to protect public health, safety, welfare and the environment.
- (b) Handling techniques shall be used to prevent the waste lead-acid batteries from being damaged or broken.
- (c) Any hazardous waste generated during the management of waste lead-acid batteries such as acid from any spills or discharges, lead plates or battery cases shall be sent to a facility which is approved to accept this waste.

(2) PESTICIDE CONTAINERS. Farmers who generate waste pesticide containers or inner liners of the containers which are hazardous waste are exempt from all hazardous waste regulatory requirements if the waste pesticides containers or inner liners of the containers are handled as specified in this subsection:

- (a) The container or inner liner shall be triple rinsed using a solvent capable of removing the contents; or
- (b) The container or inner liner shall be cleaned by a method that has been shown in the scientific literature or by tests conducted by the generator to achieve results equivalent to those achieved by the method described in par. (a); or
- (c) The inner liner that prevented contact of the contents with the container shall be removed and properly managed.

(3) RINSE WATER FROM PESTICIDE CONTAINERS. Liquid which is generated in the process of triple rinsing pesticide containers or liners is exempt from all hazardous waste regulations if:

- (a) The rinse water shall be disposed of on the farm where it is generated in a manner consistent with the disposal instructions on the pesticide label and prescribed dosage.
- (b) The rinse water shall be handled to protect public health, safety, welfare and the environment.

(4) OTHER EMPTY CONTAINERS. Any hazardous waste that is remaining in either an empty container or inner liner removed from an empty container is exempt from the requirements of this chapter if all the requirements of this section are complied with.

(a) A container or an inner liner removed from a container that has held any hazardous waste except a waste that is a compressed gas, listed as an acute hazardous waste in s. NR 605.09 (2) (a), table II or (b), table III or identified in s. NR 605.09 (3) (b), table IV is empty if all wastes that can be removed from the container have been removed and:

1. No more than 2.5 centimeters (one inch) of residue shall remain on the bottom of the container or inner liner; or
2. No more than 3% by weight of the total capacity of the container shall remain in the container or inner liner if the container is less than or equal to 110 gallons in size; or
3. No more than 0.3% by weight of the total capacity of the container shall remain in the container or inner liner if the container is greater than 110 gallons in size.

(b) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric pressure.

(c) A container or an inner liner removed from a container that has held an acute hazardous waste listed in s. NR 605.09 (2) (a), table II or (b), table III or identified in s. NR 605.09 (3) (b), table IV is empty if:

1. The container or inner liner has been triple rinsed using a solvent capable of removing the contents; or
2. The container or inner liner shall be cleaned by a method that has been shown in the scientific literature or by tests conducted by the generator to achieve results equivalent to those achieved by the method described in subd. 1.; or
3. The inner liner, that prevented contact of the contents with the container, has been removed and properly managed as hazardous waste.

Note: Empty containers and the rinse water from cleaning or reconditioning empty containers are regulated as a solid waste under chs. NR 500 to 524. In addition, any rinse water from the cleaning or reconditioning of empty containers is subject to regulation as a hazardous waste if it exhibits any of the characteristics in s. NR 605.08.

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

NR 610.05 Hazardous waste determination. A person who generates a solid waste shall determine if that waste is a hazardous waste using the following procedure:

- (1) The generator shall first determine if the solid waste is excluded from regulation under s. NR 605.05 (1), (2), (3), (4) or (5).

(2) The generator shall then determine if the solid waste is listed in s. NR 605.09. If the waste is identified in this section it is a listed hazardous waste.

(3) For purposes of compliance with ch. NR 675 or if the waste is not listed as a hazardous waste in s. NR 605.09, the generator shall determine whether the waste is identified in s. NR 605.08. This determination shall be made by either:

(a) Testing the waste according to the methods in s. NR 605.08; or

(b) Applying knowledge of the hazard characteristic of the solid waste taking into account the materials or the processes used.

(4) If the waste is determined to be a hazardous waste, the generator shall refer to chs. NR 600 to 690 for possible exclusions or restrictions pertaining to management of that specific waste.

(5) If a generator changes any processes in a way that could affect the characteristics of any solid waste produced, the generator shall again follow the hazardous waste determination procedures of this section.

(6) A generator shall keep records of any test results, waste analyses or other determinations made in accordance with the requirements of this section for at least 3 years from the date that the waste was last sent to an on-site or off-site storage, treatment or disposal facility. The period of retention may be extended beyond 3 years upon written notice from the department. The notice shall specify the records or types of records that are to be retained.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (3) (intro.), Register, August, 1992, No. 440, eff. 9-1-92; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1992, No. 440; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1995, No. 473; am. (4), Register, May, 1998, No. 509, eff. 6-1-98.

NR 610.06 Determination of quantity of waste generated. In determining the quantity of hazardous waste generated the generator may not count any of the following:

(1) Hazardous waste removed from on-site storage if it was counted at the time of generation.

(2) Hazardous waste produced by on-site treatment including reclamation, if the hazardous waste receiving treatment was counted initially.

(3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as spent materials have been counted once.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (2), Register, May, 1995, No. 473, eff. 6-1-95.

NR 610.07 Very small quantity generators. (1) GENERAL. Except as provided in s. NR 610.09 which covers acute hazardous waste, any person who generates in a calendar month a total of less than 100 kilograms (220 pounds) of hazardous waste and does not accumulate at any time quantities of hazardous waste greater than 1000 kilograms (2,205 pounds) is exempt from full regulation if the following requirements are complied with:

(a) The very small quantity generator shall determine if its waste is a hazardous waste using the procedures in s. NR 610.05.

(b) The very small quantity generator shall treat, store, dispose or recycle the waste in an on-site facility which has been licensed or otherwise approved to accept the waste or is exempt from licensing under s. NR 630.04 which covers exemptions from the general standards for treatment, storage or disposal facilities; or

(c) The very small quantity generator shall ensure delivery of the waste to an off-site treatment, storage, disposal or recycling facility which meets the following requirements:

1. Facilities located outside of Wisconsin shall:

a. Be permitted by EPA under 40 CFR part 270; or

b. Have interim status under 40 CFR parts 265 and 270, July 1, 1990; or

c. Be permitted or approved by a state authorized by EPA under 42 USC 6926; or

d. Be permitted, licensed or registered by a state to manage municipal solid waste; or

e. Beneficially use, reuse, legitimately recycle or reclaim the waste; or

f. Treat the waste prior to beneficial use, reuse, legitimate recycling or reclamation; or

g. If the facility is managing a waste that is a universal waste, deliver the waste to a universal waste handler or destination facility subject to the requirements of ch. NR 690.

2. Facilities located in Wisconsin shall:

a. Have been issued an operating license, interim license, variance or waiver, under ch. NR 680 which covers plan review and licensing, or

b. Be exempt from licensing under s. NR 630.04, or

c. Be a licensed solid waste disposal facility which has been approved by the department to accept hazardous wastes from very small quantity generators; or

Note: The specific requirements for landfills accepting hazardous wastes from very small quantity generators is contained in s. NR 506.15.

Note: The publications containing the CFR references and Title 42 of the United States Code may be obtained from:

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U.S. Government Printing Office
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Pittsburgh, PA 15250-7954
(202) 512-1800

d. If the facility is managing a waste that is a universal waste, deliver the waste to a universal waste handler or destination facility subject to the requirements of ch. NR 690.

(d) The very small quantity generator shall comply with the manifest requirements of ss. NR 615.08 and 615.11 (2), if the generator uses the manifest.

(e) The very small quantity generator shall comply with the notification requirements of s. NR 600.05, if the generator uses the manifest.

(1m) SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY VERY SMALL QUANTITY GENERATORS. When making the quantity determinations of this section, the generator shall include all hazardous waste that it generates, except hazardous waste that is any of the following:

(a) Exempt from regulation under ss. NR 605.05 (2) to (5), 605.05 (1) (b), 605.06 (1) and 605.13.

(b) Managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities.

(c) Recycled, without prior storage or accumulation, only in an on-site process subject to regulation under s. NR 625.04 (4).

(d) Used oil managed under the requirements of s. NR 605.05 (1) (q) and ch. NR 590.

(e) Spent lead-acid batteries managed under the requirements of s. NR 625.12.

(f) Universal waste managed under ch. NR 690.

(2) MIXTURES. Very small quantity generators may mix their hazardous waste exempt from full regulation under sub. (1) with non-hazardous solid waste and remain exempt under sub. (1), even if the resultant mixture exceeds the 100 kilogram per month limit as long as the resultant mixture does not meet any of the characteristics of a hazardous waste contained in s. NR 605.08. A very small quantity generator mixing a hazardous waste exempt from full regulation under sub. (1) with a non-hazardous solid waste is exempt from the hazardous waste treatment requirements of chs. NR 600 to 685 if the mixture meets the requirements of this subsection.

Note: If any person mixes a hazardous waste not exempt from full regulation under sub. (1) with a solid waste the resultant mixture is subject to full regulation.

(3) STORAGE IN CONTAINERS OR TANKS. If the waste is placed in containers or tanks, the very small quantity generator shall meet all of the following requirements:

(a) All containers and tanks shall be leak proof and in good overall condition.

(b) If the container or tank begins to leak, the contents shall be removed and placed in a leak proof container or tank immediately. All spilled material shall be cleaned up and properly managed.

(c) Containers holding hazardous waste shall be kept closed except when it is necessary to add or remove waste.

(d) The container or tank shall be made or lined with materials which will not react with or be incompatible with the hazardous waste to be stored.

(e) Incompatible wastes or incompatible wastes and materials may not be placed in the same container or tank.

(f) The very small quantity generator shall mark each container or tank with the words "HAZARDOUS WASTE" or other words that identify the contents as hazardous waste.

(4) MIXTURES OF HAZARDOUS WASTE AND USED OIL. If a very small quantity generator mixes hazardous waste which is hazardous waste solely because it exhibits the characteristic of ignitability, or is listed hazardous waste solely because of the ignitability characteristic, with used oil, the resultant mixture is subject to ch. NR 590 if the mixture is burned for energy recovery pursuant to s. NR 590.14 (2).

(5) STABILIZATION WITH ABSORBENT MATERIAL. A very small quantity generator who combines absorbent material with hazardous waste generated on-site in a container for the purpose of eliminating free liquids without a license for hazardous waste treatment shall comply with the requirements of this subsection.

(a) The absorbent material shall be added when the waste is first placed in the container.

(b) All containers shall be leak proof and in good overall condition.

(c) If the container begins to leak, the contents shall be removed and placed in a leak proof container immediately. All spill material shall be cleaned up and properly managed.

(d) The container shall be made or lined with materials which will not react with or be incompatible with the hazardous waste to be accumulated.

(e) The addition of absorbent material shall be performed to prevent the waste from spilling. If spills occur, the spilled waste shall be contained, collected and properly managed.

(f) Incompatible wastes may not be stabilized in this manner.

(g) Stabilization of ignitable or reactive waste shall be conducted so that the mixture does not:

1. Generate extreme heat or pressure, fire or explosion, or violent reaction,

2. Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment,

3. Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions,

4. Damage the structural integrity of the device or facility containing the waste, or

5. Through other like means threaten human health or the environment.

(h) The very small quantity generator shall manage any treated hazardous waste in accordance with the requirements of chs. NR 600 to 685.

(6) INFORMATION ON HAZARDOUS CHARACTERISTICS. A generator shall inform the owner or operator of a storage, treatment or disposal facility of the known hazardous characteristics of the waste prior to offering the hazardous waste to a transporter for delivery to the storage, treatment or disposal facility to enable the owner or operator of the storage, treatment or disposal facility to

comply with the requirements of chs. NR 600 to 685 or with the conditions of the license issued under the provisions of ch. NR 680.

(7) TRANSPORTATION REQUIREMENTS. Except as provided in s. NR 620.04, very small quantity generators may offer hazardous waste for transportation only to a person who has obtained a transportation service license from the department in accordance with ch. NR 620.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (c) 1. b., Register, August, 1992, No. 440, eff. 9-1-92; cr. (3) to (7), Register, May, 1995, No. 473, eff. 6-1-95; am. (1) (c) 1. f., 2. c., (1) (d), (3) (f), cr. (1) (c) 1. g., (1) (c) 2. d., and (1m), Register, May, 1998, No. 509, eff. 6-1-98.

NR 610.08 Small quantity generators. Any person who generates in a calendar month a total of 100 kilograms (220 pounds) but less than 1,000 kilograms (2,205 pounds) of hazardous waste and does not accumulate at any time quantities of hazardous waste greater than 6000 kilograms (13,230 pounds) and who accumulates hazardous waste on-site in containers, in tanks or on drip pads without a storage license shall comply with all the requirements contained in sub. (1). Additional requirements applicable to small quantity generators are also contained in subs. (2) to (5).

(1) GENERAL REQUIREMENTS. The following requirements apply to all small quantity generators.

(a) *Hazardous waste determination.* Small quantity generators shall determine if their waste is a hazardous waste using the procedures in s. NR 610.05.

(b) *Notification.* Small quantity generators shall notify the department and EPA in accordance with the requirements of s. NR 600.05.

(c) *Identification number.* A small quantity generator may not treat, store, dispose, recycle, transport or offer for transportation hazardous waste without an identification number.

1. A generator who has not received an identification number shall obtain one by completing the notification form in accordance with s. NR 600.05.

2. A generator may not offer hazardous waste to transporters or to treatment, storage, disposal or recycling facilities that have not received an identification number.

(d) *Manifest system.* Small quantity generators shall comply with the manifest requirements specified in ss. NR 615.08 and 615.11 (2).

(e) *Waste minimization certification.* Small quantity generators in signing their hazardous waste manifest required by par. (d) shall certify that they have made a good faith effort to minimize their waste generation and select the best waste management method that is available to them and that they can afford.

(f) *Environmental repair fee.* Small quantity generators shall pay an environmental repair fee as specified in s. NR 685.09 (2) (b).

(g) *Reporting.* Small quantity generators shall complete an annual report on a form supplied by the department and submit it to the department by March 1st of the following year. The small quantity generator shall retain a copy of the annual report for at least 3 years from the due date of the report unless the department extends this period in writing. Any extension shall specify the type of information which shall be retained. The annual report shall cover generator activities for the previous calendar year and at a minimum contain the following information:

1. The identification number, name and address of the generator.

2. The name, address and identification number of each off-site hazardous waste treatment, storage or disposal facility where hazardous waste was shipped. If shipments are sent out of the United States, the report shall identify the name and address of the facility.

3. The name and identification number of each transporter used.

4. A description of each hazardous waste shipped off-site including the hazardous waste number, the DOT hazard class and the quantity.

5. A certification signed by the small quantity generator or authorized representative stating that: "I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

(h) *Exception reporting.* 1. A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit an exception report to the department which includes:

- a. A legible copy of the manifest along with an indication that the generator has not received confirmation of delivery; and
- b. A cover letter signed by the small quantity generator or an authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

2. Small quantity generators shall keep a copy of each exception report for a period of at least 3 years unless the department extends this period in writing. The information that a small quantity generator is required to retain for a period of more than 3 years will be specified by the department in its written notification of the extension.

(i) *Additional reporting.* The department may require small quantity generators to furnish additional reports concerning the quantity and disposition of wastes listed in ch. NR 605.

(j) *Packaging.* Before transporting or offering hazardous waste for transportation off-site, small quantity generators shall package the hazardous waste to be shipped in accordance with DOT regulations on packaging in 49 CFR Parts 173, 178 and 179, October 1, 1993.

(k) *Labeling and marking.* Before transporting hazardous waste or offering hazardous waste for transportation off-site, small quantity generators shall mark and label each package in accordance with applicable DOT regulations on hazardous materials in 49 CFR Part 172, October 1, 1993.

1. Before placing hazardous waste in an on-site storage area, the small quantity generator shall mark each container with the words "HAZARDOUS WASTE" or other words that identify the contents of the containers as hazardous waste.

2. Before transporting or offering hazardous waste for transportation off-site, a small quantity generator shall mark each container used to transport hazardous waste with the following words: "HAZARDOUS WASTE". State and federal law prohibits improper disposal. If found contact the nearest police department, the division of emergency government or the department of natural resources. Generator's name and address _____, Manifest document number _____. In addition to putting the manifest document number on the package, the generator shall also put the state manifest document number on the package, if the manifest has such a number. For the purpose of this section, "state manifest document number" means the document number printed on the manifest in item A by the state that provides the manifest.

(L) *Placarding.* Before transporting hazardous waste or offering hazardous waste for transportation offsite, a small quantity generator shall placard or offer the initial transporter the appropriate

placards required by DOT regulations for hazardous materials in 49 CFR Part 172, Subpart F, October 1, 1993.

Note: The publications containing the CFR references may be obtained from:
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(m) *International shipments.* When shipping hazardous waste outside the United States the small quantity generator shall comply with the requirements of s. NR 615.12.

(n) *Accumulation periods.* Small quantity generators that accumulate hazardous waste on-site in containers or tanks shall comply with the following requirements:

1. Within 180 days or less the accumulated waste shall be either:

a. Shipped off-site to a facility located outside of Wisconsin which is permitted by EPA or the authorized state, is exempt from permitting or has interim status under RCRA; or

b. Treated, stored, disposed of or recycled in an off-site facility which has been issued a final license, interim license, variance or waiver under ch. NR 680 or is exempt from licensing under s. NR 630.04; or

c. Treated, stored, disposed of or recycled in an on-site facility which has been licensed or otherwise approved to accept the waste or is exempt from licensing under s. NR 630.04.

2. In lieu of compliance with subd. 1., small quantity generators may accumulate hazardous waste onsite for up to 270 days if:

a. The waste is shipped to an off-site facility which meets the requirements specified in subd. 1. a. or b.

b. The waste shall be transported 200 miles or more from the generation site.

c. Written documentation is maintained on why the selected off-site facility was chosen.

3. Extensions of up to 30 days to either of the accumulation periods listed above may be granted by the department in writing due to unforeseen, temporary and uncontrollable circumstances. The generator shall provide the department with a written request for an extension along with all the necessary supporting justification. The department may revoke this extension at any time if it is necessary to protect human health and the environment.

(o) *Storage in containers.* If the waste is placed in containers, the small quantity generator shall meet the following requirements:

1. Inspect areas where containers are stored as well as inspect all containers used for storing hazardous waste at least weekly for evidence of leakage, corrosion or deterioration. Spill containment structures such as dikes shall also be inspected weekly for deterioration.

2. Record the inspections in an inspection log. These records shall be kept for at least 3 years from the date of the inspection. These records shall include the date and time of inspection, the name of the inspector, a notation of the observations made such as the condition of the containers and the date and nature of any repairs or other remedial actions taken.

3. All containers shall be leak proof and in good overall condition.

4. If the container begins to leak, the contents shall be removed and placed in a leak proof container immediately. All spilled material shall be cleaned up and properly managed.

5. Containers holding hazardous waste shall be kept closed except when it is necessary to add or remove waste.

6. Containers holding hazardous waste may not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

7. Storage containers holding hazardous waste which is incompatible with any other waste or materials stored nearby shall

be kept separated from them by means of a dike, berm, wall or other device.

8. The container shall be made or lined with materials which will not react with or be incompatible with the hazardous waste to be stored.

9. The date the current period of accumulation began shall be clearly marked and visible for inspection on each container.

10. Hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material unless the container has been properly cleaned so that placement of the waste or material in the container does not:

- a. Generate extreme heat or pressure, fire or explosion or violent reaction;
- b. Produce uncontrolled toxic mists, fumes, dusts or gasses in sufficient quantities to threaten human health or the environment;
- c. Produce uncontrolled flammable fumes or gasses in sufficient quantities to pose a risk of fire or explosion;
- d. Damage the structural integrity of the device or facility containing the waste; or
- e. Through other like means threaten human health or the environment.

11. Incompatible wastes or incompatible wastes and materials may not be placed in the same container.

(p) *Storage in tanks.* If the waste is placed in tanks, the small quantity generator shall meet the following requirements:

1. The small quantity generator shall inspect all tanks used for accumulating hazardous waste at least weekly to ensure compliance with the criteria listed in this subdivision. The small quantity generator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

a. Tank integrity shall be inspected to detect corrosion or leaking at fixtures or seams; and

b. Evidence of erosion or obvious signs of leakage, such as wet spots or dead vegetation in the immediate surrounding area of the tank and spill containment structures, such as dikes, shall be inspected.

2. The small quantity generator shall inspect all tanks used for the accumulation of hazardous waste at least once each operating day to ensure that discharge control equipment, such as waste feed cutoff systems, bypass systems and drainage systems are in good working order, to ensure that each tank is being operated according to its design by gathering data from monitoring equipment, such as pressure or temperature gauges and to ensure that the level of the waste in each uncovered tank complies with subd. 5.

3. The small quantity generator shall record the inspections in an inspection log. These records shall be kept for at least 3 years from the date of the inspection. At a minimum, these records shall include the date and time of inspection, the name of the inspector, a notation of the observations made such as the condition of each tank and the date and nature of any repairs or other remedial actions taken.

4. The small quantity generator shall ensure that tanks which contain volatile waste shall comply with all appropriate air management rules contained in chs. NR 400 to 499, regarding the control of organic compound emissions.

5. Uncovered tanks shall be operated to ensure at least 60 centimeters (2 feet) of freeboard unless the tank is equipped with a containment structure, a drainage control system or a diversion structure with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

6. Hazardous waste or treatment reagents may not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.

7. Ignitable or reactive waste may not be placed in a tank unless:

a. The waste is treated, rendered or mixed before or immediately after placement in the tank so that the resulting waste, mixture or dissolution of material is no longer ignitable or reactive and the requirement of s. NR 630.17 (2) shall be complied with; or

b. The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

c. The tank is used solely for emergencies.

8. A small quantity generator who stores ignitable or reactive waste in covered tanks shall comply with the requirements of ch. Comm 10 for the maintenance of protective distances between the waste boundary and any public ways, streets, alleys or an adjoining property line that can be built upon.

9. Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow, such as a waste feed cutoff system or a bypass system to a standby tank.

Note: Waste feed cutoff or bypass systems are intended to be used in the event of a leak or overflow from the tank due to a system failure, such as a malfunction in the treatment process or a crack in the tank.

10. Upon closure of the facility, the small quantity generator shall remove all hazardous waste from tank systems, discharge control equipment and discharge confinement structures.

11. Hazardous waste may not be placed in an unwashed tank which previously held an incompatible waste or material unless the tank has been properly cleaned so that placement of the hazardous waste does not:

a. Generate extreme heat or pressure, fire or explosion or violent reaction;

b. Produce uncontrolled toxic mists, fumes, dusts or gasses in sufficient quantities to threaten human health or the environment;

c. Produce uncontrolled flammable fumes or gasses in sufficient quantities to pose a risk of fire or explosion;

d. Damage the structural integrity of the device or facility containing the waste; or

e. Through other like means threaten human health or the environment.

12. Incompatible wastes or incompatible wastes and materials may not be placed in the same tank.

13. The date the current period of accumulation began shall be clearly marked and visible for inspection on each tank.

Note: If any solid waste is removed from the tank system, the generator shall determine whether the waste is a hazardous waste. If the waste is a hazardous waste, the generator shall manage it in accordance with all applicable requirements of chs. NR 600 to 685.

(q) *Preparedness and prevention.* The small quantity generator shall comply with s. NR 630.21 which covers preparedness and prevention procedures.

(r) *Storage locations.* The identity and location of all stored hazardous waste shall be known at all times by the small quantity generator.

(s) *Storage to prevent discharge.* The storage of hazardous waste shall be conducted in a manner so that no discharge of hazardous waste occurs.

(t) *Potential for discharge.* A small quantity generator shall comply with any of the requirements of chs. NR 600 to 685 as specified by the department if the department determines that there is a potential for discharge of the hazardous waste or hazardous constituents or determines that a discharge has occurred.

(u) *Employee training.* The small quantity generator shall ensure that all employees are properly trained and thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

(v) *Accumulation of 1000 kilograms or more.* If the small quantity generator accumulates at least 1000 kilograms but not

more than 6,000 kilograms of hazardous waste, the generator shall:

1. Maintain a written description of the training program as required in s. NR 630.16;
2. Ensure that all employees required to be trained take part in an annual review of the training; and
3. Maintain records that document that the training and annual review requirements have been given to and completed by all employees required to be trained.

(w) *Emergency procedures.* All small quantity generators shall comply with the following emergency procedure requirements:

1. At least one employee responsible for coordinating all emergency response measures shall at all times be on the premises or be able to reach the facility within a short period of time. This employee shall be the emergency coordinator.

2. The small quantity generator shall post the following information next to any telephone with an outside line that may be used when responding to an emergency:
 - a. The name and telephone number of the emergency coordinator or the procedures for contacting that person;
 - b. The location of the nearest fire extinguisher, spill control material and fire alarm; and
 - c. The telephone number of the fire department unless the facility has a direct alarm.

3. In the event of a discharge or spill of hazardous waste, a fire or explosion or an imminent threat that has the potential for damaging human health or the environment, the facility's emergency coordinator or designee shall:
 - a. Activate internal alarms or communication systems to notify all personnel of the imminent or actual emergency situation;
 - b. In the event of a fire, call the fire department and if appropriate attempt to extinguish the fire;

Note: Other agencies such as the department of commerce and occupational safety and health administration regulate requirements for fire fighting responses.

- c. In the event of a discharge or spill, contain the flow of hazardous waste to the extent possible;
- d. Telephone the division of emergency government and comply with the requirements of s. 292.11, Stats., ch. NR 158 and the emergency planning and community right-to-know act of 1986, 42 USC 11001 et seq., and if the discharge of hazardous waste is from an underground storage tank system, the reporting requirements of ch. NR 705;

Note: The division of emergency government's 24-hour toll-free number is 1-800-943-0003. In addition, 40 CFR 302, July 1, 1993 may require the small quantity generator to notify the national response center of certain releases.

Note: The publications containing the CFR references may be obtained from:
 Superintendent of Documents
 U.S. Government Printing Office
 P.O. Box 371954
 Pittsburgh, PA 15250-7954
 (202) 783-3238

- e. Take all reasonable measures necessary to ensure that fires, explosions and discharges do not occur, reoccur or spread to other parts of the facility. Where applicable, these measures include stopping processes and operations, collection and containing discharged wastes and removing or isolating containers;

- f. As soon as practical arrange for and complete cleanup of the hazardous waste and any contaminated materials or soils. The removal and subsequent containerization, transportation, treatment, storage or disposal of any hazardous waste shall be in accordance with the requirements of chs. NR 600 to 685.

4. In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the national response center and submit a report which includes the following information:

- a. The name, address and EPA identification number of the generator;
- b. The date, time and type of incident;
- c. The quantity and type of hazardous waste involved in the incident;
- d. The extent of injuries, if any; and
- e. The estimated quantity and disposition of recovered materials, if any.

Note: The national response center's toll free 24-hour phone number is (800) 424-8802.

(x) *Land disposal restrictions.* All small quantity generators shall comply with the requirements contained in ch. NR 675.

(y) *Drip pads.* If the waste is allowed to accumulate on a drip pad, the small quantity generator shall comply with the drip pad standards in s. NR 656.07 and maintain the following records:

1. A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

2. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(2) SATELLITE ACCUMULATION. (a) Small quantity generators may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in s. NR 605.09 (2) (a), table II or (b), table III, or identified in s. NR 605.09 (3) (b), table IV in containers at or near any point of generation where wastes initially accumulate if:

1. An individual shall be designated to be in charge of the area.

2. All containers shall be leak proof and in good overall condition.

3. If the container begins to leak, the contents shall be removed and placed in a leak proof container immediately. All spilled material shall be cleaned up and properly managed.

4. Containers holding hazardous waste shall be kept closed except when it is necessary to add or remove waste.

5. Containers holding hazardous waste may not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

6. The container shall be made or lined with materials which will not react with or be incompatible with the hazardous waste to be accumulated.

7. The generator shall mark all containers with the words "HAZARDOUS WASTE" or other words that identify the contents of the containers.

8. A generator who accumulates either hazardous waste or acutely hazardous wastes listed in s. NR 605.09 (2) (a), table II or (b), table IV in excess of the amounts allowed under this paragraph at or near the point of generation shall immediately mark each container holding this excess accumulation with the date the excess amount began accumulating, and with respect to that amount of excess waste, comply within 3 days with all other provisions of sub. (1) (n) or other applicable provisions of chs. NR 600 to 685. During the 3-day period, the generator shall continue to comply with subs. 1. to 7.

9. Any hazardous waste removed from a satellite accumulation area shall be managed in accordance with the requirements of this section.

(b) A small quantity generator who stores waste in a satellite accumulation area in accordance with this section shall be exempt from the accumulation periods specified in sub. (1) (n).

(3) ACCUMULATION OF SPILLS OR LEAKS IN TANKS. A small quantity generator may accumulate hazardous waste on-site in tanks used for containment of spills or leaks if the following requirements are met:

- (a) The tank shall be kept empty unless a spill or leak occurs.

(b) The generator shall remove all hazardous wastes which accumulate in the tank as a result of a spill or leak within 24 hours or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and

(c) The generator shall comply with all applicable tank requirements contained in sub. (1) (p).

(d) The generator shall manage any hazardous waste which is removed from the tank in accordance with the requirements of this section.

Note: A material that does not initially meet the definition of a hazardous waste can become a hazardous waste after it is spilled or leaked. This would be true if:

1. The spilled or leaked material will not be used without treatment, for its originally intended purpose; and

2. The material is a listed hazardous waste under s. NR 605.09 or exhibits any of the characteristics of a hazardous waste under s. NR 605.08.

(4) STABILIZATION WITH ABSORBENT MATERIAL. A small quantity generator who combines absorbent material with hazardous waste generated on-site in a container for the purpose of eliminating free liquids without a license for hazardous waste treatment shall comply with the requirements of this subsection.

(a) The absorbent material shall be added when the waste is first placed in the container.

(b) All containers shall be leak proof and in good overall condition.

(c) If the container begins to leak, the contents shall be removed and placed in a leak proof container immediately. All spill material shall be cleaned up and properly managed.

(d) The container shall be made or lined with materials which will not react with or be incompatible with the hazardous waste to be accumulated.

(e) The addition of absorbent material shall be performed to prevent the waste from spilling. If spills occur, the spilled waste shall be contained, collected and properly managed.

(f) Incompatible wastes may not be stabilized in this manner.

(g) Stabilization of ignitable or reactive waste shall be conducted so that the mixture does not:

1. Generate extreme heat or pressure, fire or explosion, or violent reaction,

2. Produce uncontrolled toxic mists, fumes, dusts or gasses in sufficient quantities to threaten human health or the environment,

3. Produce uncontrolled flammable fumes or gasses in sufficient quantities to pose a risk of fire or explosions,

4. Damage the structural integrity of the device or facility containing the waste, or

5. Through other like means threaten human health or the environment.

(h) The generator shall manage any treated hazardous waste in accordance with the requirements of chs. NR 600 to 685.

(5) LICENSING REQUIREMENTS. (a) A small quantity generator may accumulate hazardous waste onsite in containers or tanks for 180 days or less without a storage license if the small quantity generator meets the requirements of subs. (1) and (2).

(b) A small quantity generator may accumulate hazardous waste on-site in a tank used for spill or leak containment without

a storage license if the small quantity generator meets the requirements of sub. (3).

(c) A small quantity generator who accumulates hazardous waste on-site in containers or tanks without a storage license and who does not meet the requirements of subs. (1) to (3) is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in chs. NR 630, 640 and 645 and the licensing requirements for storage facilities in ch. NR 680.

(d) A small quantity generator may combine absorbent material with a waste generated on-site without a treatment license if the generator meets the requirements of sub. (4).

(e) A small quantity generator who combines hazardous waste generated on-site in containers without a treatment license and who does not meet the requirements of sub. (4) is an operator of a hazardous waste treatment facility and is subject to the treatment facility requirements in chs. NR 630 and 640 and the licensing requirements for treatment facilities in ch. NR 680.

(6) INFORMATION ON HAZARDOUS CHARACTERISTICS. A generator shall inform the owner or operator of a storage, treatment or disposal facility of the known hazardous characteristics of the waste prior to offering the hazardous waste to a transporter for delivery to the storage, treatment or disposal facility to enable the owner or operator of the storage, treatment or disposal facility to comply with the requirements of chs. NR 600 to 685 or with the conditions of the license issued under the provisions of ch. NR 680.

(7) Except as provided in s. NR 620.04, small quantity generators may offer hazardous waste for transportation only to a person who has obtained a transportation service license from the department in accordance with ch. NR 620.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (h), (i) (intro.), (j) and (n) 3. d., Register, August, 1992, No. 440, eff. 9-1-92; correction made in (1) (n) 8. under s. 13.93 (2m) (b) 7., Stats., Register, August, 1992, No. 440; am. (intro.), (2) (a) 7., renum. (1) (e) to (v) to be (1) (g) to (x) and am. (j), (k) (intro.), (l), (p) 11. b., (w) 3. d., cr. (1) (e), (f), (y), (6), (7), r. and rec. (2) (a) 8., Register, May, 1995, No. 473, eff. 6-1-95; correction in (3) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1995, No. 473; am. (1) (d), (2) (b), Register, May, 1998, No. 509, eff. 6-1-98; correction in (2) (w) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509; **correction in (1) (p) 8. made under s. 13.93 (2m) (b) 7., Stats.**

NR 610.09 Generators of acute hazardous waste.

(1) Any person who generates or accumulates in a calendar month acute hazardous waste in quantities equal to or less than the following requirements shall be subject only to the very small quantity generator regulations contained in s. NR 610.07. Persons who exceed the following quantities shall be subject to regulation as a large quantity generator under ch. NR 615:

(a) A total of one kilogram (2.2 pounds) of any acute hazardous waste listed in s. NR 605.09 (2) (a), table II, s. NR 605.09 (2) (b), table III, or identified in s. NR 605.09 (3) (b), table IV.

(b) One hundred kilograms (220 pounds) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, of any acute hazardous waste listed in s. NR 605.09 (2) (a), table II or (b), table III, or any commercial chemical product or manufacturing chemical intermediate listed in s. NR 605.09 (3) (b), table IV.

(2) The period under s. NR 615.05 (4) for accumulation of waste on-site begins when the accumulated acute hazardous waste exceeds the applicable exclusion limits in sub. (1).

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