

Chapter NR 636

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

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NR 636.01 Purpose. The purpose of this chapter is to specify provisions for corrective action management units (CAMUs) and temporary units (TUs) to function solely to manage remediation wastes generated at a hazardous waste facility.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 636.02 Applicability. This chapter applies to any hazardous waste treatment, storage or disposal facility that had or should have had an interim license. This chapter does not apply to solid waste facilities that manage only non-hazardous solid waste, metallic mining wastes resulting from a mining operation as defined in s. 293.01 (5), Stats., or polychlorinated biphenyls (PCBs), except where portions of this chapter are referenced in ch. NR 157.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; correction made under s. 13.93 (2m) (b) 7., Register, May, 1998, No. 509.

NR 636.03 Definitions. The definitions in s. NR 600.03 apply to this chapter.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 636.04 Exemptions. The requirements of this chapter do not apply to the following:

(1) Solid waste disposal facilities licensed under chs. NR 500 to 524 provided that:

(a) The solid waste disposal facility has been approved under s. NR 506.15 to accept hazardous waste only from very small quantity generators; and

(b) The solid waste disposal facility does not meet the definition of a solid waste management unit.

(2) Only non-hazardous solid waste facilities that do not meet the definition of solid waste management unit.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats.

NR 636.40 Corrective action management units (CAMU). (1) For the purpose of implementing remedies under s. NR 635.17 or s. 291.37, Stats., the department may designate an area at the facility as a corrective action management unit, as defined in s. NR 600.03, in accordance with the requirements of this section. One or more CAMUs may be designated at a facility.

(a) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

(b) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(2) (a) The department may designate a regulated unit, as defined in s. NR 635.05 (1), as a CAMU, or may incorporate a regulated unit into a CAMU, if:

1. The regulated unit is closed or closing, meaning it has begun the closure process under s. NR 685.05; and

2. Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions for the facility.

(b) The requirements of chs. NR 630 to 685 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

(3) The department shall designate a CAMU in accordance with the following:

(a) The CAMU shall facilitate the implementation of reliable, effective, protective and cost-effective remedies;

(b) Waste management activities associated with the CAMU may not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

(c) The CAMU shall include uncontaminated areas of the facility, only if including these areas for the purpose of managing remediation waste is more protective than management of these wastes at contaminated areas of the facility;

(d) Areas within the CAMU, where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases, to the extent practicable;

(e) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;

(f) The CAMU shall enable the use, when appropriate, of treatment technologies, including innovative technologies, to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility or volume of wastes that will remain in place after closure of the CAMU; and

(g) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(4) The owner or operator shall provide sufficient information to enable the department to designate a CAMU in accordance with the criteria in s. NR 636.40.

(5) The department shall specify, in the license or order, requirements for CAMUs to include the following:

(a) The areal configuration of the CAMU.

(b) Requirements for remediation waste management to include the specification of applicable design, operation and closure requirements.

(c) Requirements for groundwater monitoring that are sufficient to:

1. Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and

2. Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

(d) Closure and post-closure requirements.

1. Closure of corrective action management units shall:

a. Minimize the need for further maintenance; and

b. Control, minimize or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff or hazardous waste decomposition products to the ground, to surface waters or to the atmosphere.

2. Requirements for closure of CAMUs shall include the following, as appropriate and as deemed necessary by the department for a given CAMU:

- a. Requirements for excavation, removal, treatment or containment of wastes;
- b. For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and
- c. Requirements for removal and decontamination of equipment, devices and structures used in remediation waste management activities within the CAMU.

3. In establishing specific closure requirements for CAMUs under s. NR 636.40 (5), the department shall consider the following factors:

- a. CAMU characteristics;
- b. Volume of wastes which remain in place after closure;
- c. Potential for releases from the CAMU;
- d. Physical and chemical characteristics of the waste;
- e. Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases; and
- f. Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

4. Post-closure requirements as necessary to protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover or other containment system.

(6) The department shall document the rationale for designating CAMUs and shall make such documentation available to the public.

(7) Incorporation of a CAMU into an existing plan approval shall be approved by the department according to the procedures under s. NR 680.07.

(8) The designation of a CAMU does not change the department's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509.

NR 636.41 Temporary units (TU). (1) For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required

under s. NR 635.17 or s. 144.735, Stats., the department may determine that a design, operating or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.

(2) Any temporary unit to which alternative requirements are applied in accordance with sub. (1) shall be:

- (a) Located within the facility boundary; and
- (b) Used only for treatment or storage of remediation wastes.

(3) In establishing standards to be applied to a temporary unit, the department shall consider the following factors:

- (a) Length of time such unit will be in operation;
- (b) Type of unit;
- (c) Volumes of wastes to be managed;
- (d) Physical and chemical characteristics of the wastes to be managed in the unit;
- (e) Potential for releases from the unit;
- (f) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(g) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(4) The department shall specify in the license or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The department shall also specify the design, operating and closure requirements for the unit.

(5) The department may extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the license or order, if the department determines that:

(a) Continued operation of the unit will not pose a threat to human health and the environment; and

(b) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(6) Incorporation of a temporary unit or a time extension for a temporary unit into an existing plan approval shall be approved in accordance with the procedures under s. NR 680.07.

(7) The department shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509.