

The statement of scope for this rule, SS 112-24, was approved by the Governor on October 31, 2024, published in Register No. 828A1 on December 2, 2024, and approved by the Natural Resources Board on February 26, 2025. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING; RENUMBERING; CONSOLIDATING, RENUMBERING, AND AMENDING;  
RENUMBERING AND AMENDING; AMENDING; REPEALING AND RECREATING;  
RENUMBERING, REPEALING, AND RECREATING; AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to do all of the following, relating to non-landfill solid waste management and affecting small business:

- **Repeal** NR 157.03 (2) (c) 4., 157.07 (3) (Note), 157.20 (2), (2) (Note), (3), (3) (Note), and (5) (Note), 500.03 (39), (56), (64), (73), (154), (167), (238m), and (253), 500.08 (2) (f), 502.04 (2) (a) 1. and (c) 2. (Note) and (4) (a), 502.05 (6) (a), (b), and (d) to (h) and (8) to (10), 502.06 (2) (ar), (b), and (i) and (5), 502.07 (2d) to (2m), (2r) (e) 1., (4) (f), (h), (j), (k), (n), (p), and (v), (5) (a), and (7) (L), (q), and (s), 502.08 (2) (i), (4) (e) and (f), (5) (a) and (d), and (6) (i), (j), (o) and (p), 502.09 (4) (c) (intro.) and (5) (b), (e), (i), and (q), 502.10 (3) (c) and (4) (k), 502.11 (2) (f) and (4) (c), 502.12 (8) (a) 4., (10) (a) (Note), (d), (d) (Note), (e) (Note), (g) (Note), (h) (Note), (j), and (j) (Note), (13) (o) and (p), (15) (a) 1. a. (Note) and (b) 6. (Note), and (16) (b) 1. to 3., 502.13 (3) (c) (intro.) and (k) (intro.) and 1., (4) (b), (i), and (q), (5) (f) 3., and (6) (b) 4. and (g) 8. (Note), 520 Table 2 and table notes 1 to 3, 526.04 (1) and (8) (Note), 526.05 (1) (a) 1. and 2. and (3), 526.055 (2) (b) (Note), 526.06 (2) to (4), 526.09 (intro.) and (2) (a), 526.10 (3) (a), (b), and (c) 2. and 3., (4) (b) and (f), and (5), 526.11 (2) (f) 3. (Note), 526.12 (5), 526.14 (1) (b) (Note), 526.15 (2) (Note), 526.16 (2) (a) and (b), 526.18 (4), 526.19 (3) (a), 526.20 (1), and 526.21 (1) (c) and (f) and (2).
- **Renumber** NR 157.07 (1), 500.02 (2), 500.03 (44), (51), (52), and (181), 500.04, 500.05 (4) (a), 500.08 (5) (b) 2., 502.05 (5) (d) to (L), 502.07 (4) (t), NR 502.09 (4) (c) 1., 2., 4., and 5., 502.13 (3) (c) 1., 2., 4., and 5. and (k) 2., (5) (a), (e), and (f) (intro.) and 1., and (6) Table 1., 526.16 (2) (intro.), and 526.20 (intro.).
- **Consolidate, renumber, and amend** NR 500.08 (5) and (5) (a).
- **Renumber and amend** NR 500.05 (4) (a), 500.08 (5) (b) (intro.) and 1., 502.09 (4) (c) 3., 502.13 (3) (c) 3. and (k) 3., (5) (f) 2., and (6) Table 1. Rows I and III and Row III A. (Note), 520.07 (1), 526.05 (1) (a) (intro.), 526.09 (5), and 526.21 (intro.), (intro.) (Note), and (1).
- **Amend:**
  - **NR 157:** NR 157.01, 157.02 (3), (8) and (9), 157.03 (1) (intro.) and (2) (a) and (c) (intro.) and 3., 157.04 (2) and (3) (c), 157.05 (2), (3) (c), and (4), 157.06 (1) and (3) (a) and (b), and 157.07 (title), (3), (4), and (5) (b).
  - **NR 500:** NR 500.03 (3), (19), (22), (45), (53), (63), (71g), (71r), (88m), (88m) (Note), (105), (108), (112), (119), (121), (139), (209), (224), (238), and (239), 500.05 (1) and (6) (intro.) and (a), 500.06 (1), (3), (4), and (4) (Note), 500.065 (2), 500.07, 500.08 (1) (a) and (2) (intro.), (a), (d) and (e), 500.09, and 500.11.

- **NR 502:** NR 502.04 (1) (a) (intro.) and 1., (2) (a) (intro.) and 9., (b) (intro.) and 4., (c) (intro.), and (d), (3) (a), (b), and (c) 1. and 2., (4) (intro.), and (6), 502.05 (5) (title), (intro.), (a), and (c), (6) (title) and (intro.), and (7) (title) and (intro.), 502.06 (title), (1) (a), (b), and (c) (Note), (2) (intro.), (a), (ag), (ag) (Note), (am), (c) to (h), (j), and (k), (4) (a) to (e), (eg) (intro.) and 1., (er) (intro.), and (ew) to (g), 502.07 (1) (a) to (d), (2r) (title), (a), (e) 2. and 3., and (f) (intro.), (3) (a) 2. and (b), (4) (g), (m), (o), (q), (r), and (u), (5) (b) and (c), and (7) (a) to (c), (e), (f) to (h), (j), (k), (m), and (n), 502.08 (1) (a), (2) (a), (c), (fg) and (fr), (3) (a) (intro.) and 2., (4) (c), (d), (h), (i), (k), (m) to (p), (s), (t), (v), and (x), (5) (b) and (c), (6) (a) to (h), and (k) to (n), and (7), 502.09 (1) (a), (2) (a) and (b), (3) (a) 2., (4) (b), (d), and (i), and (5) (c) and (f), 502.10 (title), (1) (a), (2) (a) 2., and (4) (a) to (h), (L), (m), and (p) to (s), 502.11 (1) (a), (2) (intro.), (a), (b), (d), and (e), (3) (a) 2., 5., 6., 8., and 9. and (b), (4) (b), and (5) (a) to (c), (f), (g), (j), (L), and (m), 502.12 (title), (1), (1) (Note), (2), (3) (title), (a), and (b), (4) (title), (intro.), (b), and (e) (intro.), 1., 3., and 4., (5) (title), (intro.), (c), and (e), (6) (title), (b), and (e), (7) (title), (intro.), and (f), (8) (a) (intro.), 3., and 6., (b) 1. and 2., and (c), (10) (a), (b), (e), (g), (h) (intro.), 2., and 3., and (i), (11) (d) and (e), (12) (b), (13) (b) to (h) and (j) to (m), (15) (a) (intro.), 1. (intro.), (intro.) (Note), a., and b., and 2. to 4. and (b) (intro.) and 3., and (16) (intro.) and (b) (intro.), and 502.13 (title), (1) (a) and (b), (2) (a) 2., (3) (d) and (i), (4) (c), (e), and (v), (6) (a) and (b) 1. and 2., (c), (c) (Note), (d), and (g) (Note), (8) (a), (9) (a), (b), and (e), and (10) (a).
- **NR 520:** NR 520.04 (4) (f), 520.05 (1) Table 1 Row 4, 520.07 (1m) (intro.) and (2m) (a) (intro.), and 520.08 (intro.).
- **NR 526:** NR 526.01, 526.02 (1), (2), and (4), 526.03, 526.04 (2) to (4), (8) to (10), and (10) (Note), 526.055 (title), (1) (a) to (c), (2), and (3) (intro.), 526.06 (1), 526.07 (intro.), (1), (2) (c), (3), and (4), 526.08 (intro.) and (1) to (3), 526.09 (2) (c) and (d) and (4) (a) to (h), 526.10 (3) (c) 1. and 4. and (4) (intro.) and (a), 526.11 (1) (b) and (g) and (2) (b) 1. and 3., (d) 1., and (e), 526.12 (2) (b), (4) (c) 3. and 4., and (d) 3., 526.14 (1) (a) and (b), (2) (a) 1. and (b) 1. and 2., (3) (a) to (c) and (e), and (4) (a) to (c), 526.15 (1) and (2), 526.16 (1), 526.17 (intro.), 526.18 (2) and (5), 526.19 (2) (b), (3) (b), (4), and (8) (a) 1., 526.21 (1) (e) and (g), and 526.22.
- **Repeal and recreate** NR 157.20 (1), (1) (Note), and (4), 157.21, 502.05 (title) and (6) (c), 502.06 (4) (intro.), (h) and (i), 502.07 (2), (4) (intro.), (d), (e), (i), (s), and (w), and (7) (intro.), 502.08 (3) (b), (4) (intro.) and (w), and (6) (intro.), 502.09 (title), (4) (intro.), and (5) (intro.) and (h), 502.10 (3) (intro.) and (4) (intro.), 502.11 (4), (5) (intro.), and (11) (intro.), 502.12 (4) (c), (10) (intro.) and (h) 1., (12) (title) and (intro.), (13) (intro.), and (14), 502.13 (3) (intro.), (4) (intro.) and (h), and (5) (c), 520.07 (2m) (a) 2. and 3., 520.12 (1), 526.09 (title), (1), and (2) (intro.) and (b), 526.09 (3) and (4) (intro.), 526.10 (1), (2), and (3) (intro.) and (d), 526.12 (1), (2) (intro.) and (a), (3), and (4) (intro.), 526.13, and 526.15 (intro.).
- **Renumber, repeal, and recreate** NR 502.06 (3) (a) and 502.11 (2) (c).
- **Create:**
  - **NR 157:** NR 157.02 (1g), (1r), (3m) and (3m) (Note), and 157.07 (1g).
  - **NR 500:** NR 500.03 (19r), (24m), (30k), (30n), (41m), (44) (b), (44e), (51) (b), (52) (b), (63) (Note), (124fm), (154m) (155g), (156g), (167m), (167m) (Note), (181m), (209f), (215) (Note), (219m) (Note), (224m), (234m), and (241m), 500.04 (2), 500.05 (4) (ae), 500.065 (2) (Note), (3), and (4), 500.08 (2) (ag), (ar), and (ar) (Note), and 500.085.

- **NR 502:** NR 502.04 (intro.) (Note) and (4) (dg) and (dr), 502.045, 502.05 (1) to (4), (4m), (5) (am), (am) (Note), (m), and (m) (Note), and (6) (i) to (m), 502.06 (2) (bm), (j) (Note), and (m), 502.07 (1) (e), (4) (am), (dm), (je), (jm), (js), (nm), (rm), and (x) to (zd), and (7) (fm), (u), and (v), 502.08 (3) (c) and (d), (4) (am), (im), (km), (nm), (o) (Note), and (y), and (6) (h) (Note), (Lm), and (q), 502.09 (1) (c) and (2) (b) (Note), 502.10 (2) (c), (3) (d), and (4) (kg) and (kr), 502.11 (1) (am), (2) (intro.) (Note), (3m), (4) (d) and (e), and (5) (am), (n), and (n) (Note), 502.12 (3) (c), (4) (cm), (5) (am), (5m), (6) (f) and (f) (Note), (8) (bm), (10) (dg), (dg) (Note), (dr), (hm), (k), (L), and (L) (Note), (11) (f), (13) (i) (Note) and (n) (Note), and (15) (b) 7., and 502.13 (3) (km) and (5) (ag) (intro.).
- **NR 518:** NR 518.04 (L).
- **NR 520:** NR 520.04 (4) (em) and (fm), 520.05 (1) Table 1 Row 5, 520.07 (1m) (c) and (2m) (c), and 520 Table 2a and footnotes 1 and 2, Table 2b and footnotes 1 and 2, Table 2c and footnotes 1 and 2, and Table 2d.
- **NR 526:** NR 526.02 (2) (Note), 526.055 (1) (am), (2e), (2m), (2s), and (4) to (6), 526.09 (2) (ae), (am), (as), and (e), NR 526.10 (3) (d) (Note) and (4) (g), 526.11 (2) (c) 3., 526.135, 526.15 (intro.) (Note) and (1g), and 526.19 (2) (b) Note.

**WA-14-24**  
**Non-Landfill Solid Waste Management**  
**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted:**

Sections 227.11(2)(a)(intro.), 287.03, 289.05(1), 289.06(1), and 289.61, Stats.

**2. Statutory Authority**

Sections 227.11(2)(a)(intro.), 287.03, 289.05(1), 289.06(1), and 289.61, Stats.

**3. Explanation of Agency Authority:**

Section 227.11(2)(a)(intro.), Stats., provides that a state agency “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute,” subject to certain restrictions.

Section 287.03, Stats., directs the department to promulgate rules necessary to implement ch. 287, Stats., related to solid waste reduction, recovery, and recycling.

Section 289.05(1), Stats., requires the department to promulgate rules establishing minimum standards for construction and operation of solid waste facilities.

Section 289.06(1), Stats., provides rule making authority to the department to promulgate rules implementing ch. 289, Stats.

Section 289.61, Stats., requires the department to adopt by rule a graduated schedule of reasonable license and review fees to be charged for solid waste license and review activities. The statute requires that the review fees are established at a level anticipated to recover the costs for solid waste program staff conducting solid waste review activities.

The proposed rule includes revisions to chs. NR 157 and 500 to 526, Wis. Adm. Code, which were promulgated under these statutory authorities. Related Statutes or Rules:

No directly related statutes or rules are under development at this time.

#### **4. Plain Language Analysis:**

The proposed rule makes updates to code that impact “nonlandfill” solid waste facilities. “Nonlandfill” facilities manage waste before it goes to a landfill (transport or transfer of solid waste or infectious waste, or treatment of infectious waste) or in place of going to a landfill (combustion, composting, processing for recycling, landspreading for agricultural benefit, using it as fill material or other beneficial reuse). These rules regulate large facilities that require solid waste approvals and licenses as well as small facilities that are exempt from licensing, approval requirements and some operating requirements.

The rule is being proposed to adapt to the changing industry technology, waste materials, landfill reduction goals, and the focus on management of materials separated from municipal solid waste that the industry now expects. The rule also streamlines and clarifies parts of the code that have been found to be confusing to the industry over the last 20 years.

The proposed rule language creates updates in line with feedback from stakeholders and department nonlandfill staff. The department collected input from stakeholders in several ways and used this to inform the proposed language, along with feedback collected through contact with stakeholders via routine inspections, the plan review process, and informal discussions. The department proposes to adjust fees to be representative of current workload required to provide services to the industry as well as department costs. It adds flexibility desired by the regulated industry for situations that are difficult to address under the current rule structure such as temporary facilities for managing storm disaster debris.

Licensed nonlandfill solid waste facilities would be the primary entities impacted by the rule.

Without this rule, the department would continue to fit modern situations into an outdated regulatory framework which takes additional time both for regulated entities and for department staff, results in less consistency across facilities and less flexibility for waste management.

#### *Summary of proposed changes to ch. NR 157, which regulates “Management of PCBs and Products Containing PCBs”:*

Polychlorinated biphenyls (PCBs) at concentrations over 50 parts per million are regulated under the Toxic Substance Control Act (TSCA) under 40 CFR 761. This waste is regulated by the U.S. Environmental Protection Agency (EPA) and not by individual states. Wisconsin adopted ch. NR 157 in the 1970s before TSCA was in place, and the proposed language in this rule modernizes some aspects of the code to better match current federal requirements, while continuing to address PCB waste at concentrations of less than 50 ppm. The department’s proposed revision would do the following:

- Requires manifests for shipments of TSCA-regulated PCB waste off-site. PCB generators and receiving facilities are required to use manifests but not to obtain EPA ID numbers. They have the option of using the federal e-Manifest system if they register with the EPA’s RCRAInfo system. Disposal facilities must comply with federal Discrepancy and Unmanifested Waste Reporting requirements.

- Updates definitions and test methods to align with TSCA definitions and standards. The Wisconsin State Lab of Hygiene confirmed these standards were appropriate for use in Wisconsin.

*Proposed changes throughout chs. NR 500, 502, 520 and 526 to do the following:*

- Improves language and readability.
- Streamlines requirements that in some cases were originally drafted only with municipal solid waste or with disposal sites in mind.
- Revises word choices to make the rule language more understandable to a wider audience.
- Standardizes language and practices across similar types of operations.
- Codifies current practices.

*Summary of proposed changes to ch. NR 500, which regulates “General Solid Waste Management Requirements”:*

- Updates the definition of “air curtain destructor” to include above ground units.
- Updates the definition of an “electronic device” to not include refrigeration equipment.
- Creates a definition of vermicomposting.
- Adds additional compostable packaging materials in the definition of “food residuals”.
- Adds a definition of “productive manner” to help determine when materials are being recycled instead of speculatively accumulated.
- Updates the definition of when a waste material is considered containerized.
- Adds new, clarifying language to describe what information and sampling are needed to request that waste materials be exempted from solid waste requirements under a low-hazard exemption application and approval.
- Adds exemptions to allow for certain uses of specific low-hazard wastes without needing approval from the department provided they meet certain standards. Those low-hazard materials include street sweepings and catch-basin materials (without sampling exceedances) as fill, gypsum wallboard as an agricultural supplement, and concrete coated with lead-bearing paint as fill.
- Adds exemptions to allow for certain uses of specific low-hazard wastes under a streamlined concurrence process, provided they meet certain standards. These low-hazard materials and uses include: street sweepings and catch-basin materials (with sampling exceedances) as fill; tire-derived aggregate as geotechnical fill; and clean container glass as drainage medium, aggregate under a structure, aggregate under roads, flowable fill medium, waste and waste water filter medium or other similar uses.
- Adds definitions and language to improve understanding of what wastes and waste soils can be used under a self-implementing fill exemption without department approval, as requested in stakeholder feedback sessions.
- Updates the definition of “medical sharps” to exclude still-packaged sharps waste and update the definition of “medical sharps treatment” to not require them to be broken in all cases, as suggested by medical waste treatment stakeholders during rulemaking.
- Adds clear procedures for carrying out the Statutory authority to deny, suspend, or revoke operating licenses for grievous and continuous noncompliance.
- Adds clear procedures for all facility types (including landfills) for reviewing compliance history before granting license renewal and carrying out the Statutory authority, to suspend or revoke licenses if a solid waste facility has not paid required fees or has

grievously and continuously failed to comply with an approved plan of operation or with the requirements of chs. NR 500 to 538.

- Adds the authority to transfer a license and plan approval for any type of solid waste facility (including landfills) due to an ownership change.

*Summary of proposed changes to ch. NR 502, which regulates “Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructors, Processing, Wood Burning, Composting and Municipal Solid Waste Combustors”:*

Proposed updates to ss. NR 502.01 to 502.04 regarding general requirements across all facility types:

- Allows the department to require, if needed, an environmental review for an air curtain destructor or a woodburning facility.

Proposed updates to s. NR 502.045 regarding generator responsibilities (new):

- Clarifies that generators of solid waste must ensure that waste is managed at a licensed or approved facility.
- Requires generators of nonresidential waste that contract with licensed transporters to provide “sufficient information about the waste for the transporter to be able to determine a delivery location” or an “acceptable delivery location” based on responses during stakeholder feedback sessions.

Proposed updates to s. NR 502.05 regarding solid waste storage:

- Removes operating and licensing requirements for separate solid waste storage facilities. Operating requirements for storing solid waste remain largely in place and all other solid waste handlers (transfer facilities, processors, etc.) must follow them when storing solid waste as part of their operations.
- Manages current licensed and license exempt storage facilities as transfer facilities.
- Specifies that container covers do not have to seal when closed unless an issue is observed.
- Allows non-putrescible waste that is containerized to be stored for up to one year instead of having to comply with a general requirement for emptying all waste containers once per week.
- Specifies that waste can only be stored uncontainerized if it is non-putrescible or brush and wood, and that storage of uncontainerized material cannot be likely to result in environmental pollution.

Proposed updates to s. NR 502.06 regarding solid waste transportation services:

- Exempts waste materials that have minimal requirements for use as fill, such as waste brick and concrete, from needing a license to transport.
- Removes a seldom used and confusing licensing exemption regarding transport only of certain landfill-banned recyclables only from non-residential sources.
- Narrows the license exemption for businesses transporting less than 20 tons per year to be specific to businesses whose primary purpose is not collecting and hauling waste based on stakeholder feedback session responses.

- Adds a requirement that the services claiming the license exemption due to size must be able to show department records of amounts transported.
- Exempts government vehicles hauling street sweepings from license requirements.
- Specifies what requirements apply to solid waste transport by rail.

Proposed updates across all ss. NR 502.07 to 502.13 regarding nonlandfill solid waste facilities:

- Standardizes exemption authority for each facility type to account for the wide variations in facility proposals due to new waste streams, technologies, and reuse ideas.
- Reduces requirements for engineering plans to be more specific to nonlandfill facility review needs instead of language that originated from landfill requirements.
- Adds the ability to include conditions on plan approvals to reduce back and forth with the proposed facilities, add clarity, and reduce health and safety risks. This change was supported by responses from stakeholder feedback sessions.
- Refines plan of operation submittal requirements based on what is currently needed to approve a submittal.
- Creates more specific descriptions of nuisance conditions based on facility type.

Proposed updates to s. NR 502.07 regarding solid waste transfer facilities:

- Merges and restructures the exemptions section from storage code with transfer code.
- Requires that license-exempt transfer facilities for the transfer of landfill-banned recyclables keep the materials in a marketable condition.
- Exempts the temporary collection and transfer of residential materials generated due to a storm or natural disaster.
- Exempts the transfer of off-site yard residuals for up to 50 cubic yards at one time and for a maximum of 15 days between April and September and 30 days between October and March.
- Changes the exemption for waste from hand-unloaded vehicles from vehicles not exceeding one ton in capacity to vehicles not exceeding two tons in capacity.
- Requires a facility plan of operation submittal to provide identifying information for the nonlandfill end markets used by the transfer facility.
- Requires that a plan of operation submittal includes an operator training and safety manual.
- Makes several changes to allow for the controlled transfer of non-municipal solid waste, as requested during stakeholder feedback sessions, including standards for what can be transferred outside of the 3-walled building and a maximum timeframe for material to be stored of one year or until effective transfer quantities are reached.
- Extends the maximum storage time for waste to be on the transfer floor from 24 to 48 hours.

Proposed updates to s. NR 502.08 regarding solid waste processing facilities:

- Removes the self-implementing license and approval exemption for processing facilities that create a material that can be incorporated into a structural material, converted into a consumer product, or used as a raw material in a commercial or industrial process. This exemption adds confusion because it creates additional requirements in situations where a material may no longer be considered a waste and because the descriptions of facilities covered leave so much up for interpretation. Facilities covered under this

exemption would instead not be considered solid waste processors or would become solid waste processors exempt from fee requirements.

- Creates locational allowances for facilities that want to have mobile operations, as requested in the stakeholder feedback sessions, where processing takes place at non-reviewed locations for up to 24 hours per year. Temporary locations are required to follow storage requirements, process on a reduced permeability surface, manage stormwater, and meet performance standards.
- Requires a facility plan of operation submittal to fully address facility operations and become more consistent with other nonlandfill plan of operation requirements by requiring details of the nonlandfill end markets used by the processing facility, contingency procedures for routine stoppages, an operator training and safety manual, and daily and periodic cleanup procedures.
- Standardizes annual reporting requirements, as requested in the feedback sessions, and adds a universal due date of March 1, as a date that is currently the most common date used in approval specific plan approvals and allows facilities time to compile all necessary information.
- Removes the requirement that an electronics processor must notify its transporters of the operating requirements for hauling electronics.

Proposed updates to s. NR 502.09 regarding solid waste incineration facilities:

- Removes the ash characterization requirements but adds general and storage requirements for license exempt incinerators with a capacity of 500 pounds per hour or less and for license exempt incinerators burning only clean wood.

Proposed updates to s. NR 502.10 regarding waste wood air curtain destruction facilities:

- Creates locational allowances for facilities that want to have mobile operations, as requested in stakeholder feedback sessions, where processing takes place at non-reviewed locations for up to 24 hours per year. Operations are required to follow storage requirements, process on a reduced permeability surface, manage stormwater, and meet performance standards.
- Replaces the requirement for receiving consent from landowners within a ¼ mile of the facility with a demonstration of compliance with the air permitting requirements.
- Adjusts language to account for above-ground units in addition to in-ground pits.
- Adds an option to use a bunker with reduced firebreak distances.

Updates to s. NR 502.11 regarding woodburning facilities and solid waste open burning:

- Updates open burning allowances language to match open burning restrictions under ch. NR 429, Wis. Adm. Code.
- Revises the amount that is allowed to be burned under the household exemption from “small quantities” to “2 cubic yards or less”.
- Changes the allowance for burning structures as fire department training to a note because the purpose of the burn is for fire training, not waste management, and therefore the process of burning is not under solid waste regulatory authority.
- Removes the allowance for visually screening of the facility as a way to meet certain locational criteria.
- Adds nonresidential property types to the facilities that need to provide written consent on establishing a woodburning facility within ¼ mile of their property.

- Adds an allowance to operate a woodburning site on a closed landfill in certain circumstances where the landfill is not generating combustible gas.
- Requires a facility plan of operation submittal to specify a method for wood ash disposal.
- Adds an option to use a bunker with reduced firebreak distances.
- Adds specifications for the design of the wood pile and the weather at the time of the burn for hotter and cleaner combustion.
- Adds an operating requirement to notify the local fire protection agency in advance of each day of burning.
- Adds an operating requirement that ash be removed and disposed of a minimum of every five burns.

Updates to s. NR 502.12 regarding solid waste composting facilities:

- Reorganizes the code so that all solid waste composting will be regulated under this section of code instead of having some composting regulated under processing facility code in s. NR 502.08, where it was previously located.
- Adds a limitation for facilities which are license-exempt because they process less than 50 cubic yards at one time of source-separated compostable materials, that if they accept food waste containing proteins, dairy, or fats and oils, their finished compost may only be spread on non-food producing areas. This revision was requested by the Wisconsin Composting Council.
- Adds a licensing and annual reporting requirement for on-farm composting sites that take up to 25% off-site source-separated compostable material, based on stakeholder feedback session responses that it would be beneficial to have a list of these sites. These facilities still retain plan of operation exemptions, and the license is free for these facilities.
- Requires that on-farm carcass composting facilities that begin operation after the date of rule implementation meet locational criteria such as operating a minimum of 250 feet from surface waters or private wells.
- Removes the additional restrictions for the use of compost made from manure from ruminant animals. This compost is still required to be used for agricultural landspreading.
- Creates a new license and plan approval exemption for animal carcass composting after a disease outbreak other than chronic wasting disease. Facilities are exempt from approval, licensing, and reporting requirements but must follow locational criteria, operation and design standards, temperature and turning monitoring requirements, and stormwater monitoring requirements. Facilities also have to provide written notification to the department, follow Department of Agriculture, Trade and Consumer Protection (DATCP) requirements, operate for less than 1 year, and use the finished compost for agricultural landspreading.
- Adds filtration media as an acceptable use for finished compost.
- Adds an alternative of visual screening to be used as a way to meet the setback requirements from property owned by others.
- Adds a locational criteria exemption for fully indoor facilities.
- Adds aquatic plants to the compost feedstocks that must be incorporated within 72 hours of receipt.
- Adds an option for the use of staging piles prior to windrow placement.
- Expands the range of acceptable compost operating conditions, including increasing the temperature at which turning is required from 160 to 165 degrees Fahrenheit and lowering the minimum allowed moisture content from 50% to 45%.

- Changes the temperature and turning requirements that were previously a method of demonstrating finished compost into a required operational standard.
- Creates specific operational requirements for carcass composting such as incorporation within 8 hours of arriving at the facility and construction of windrows with a 12-inch-thick base of carbon material and a 6-inch-thick cap.
- Requires a facility plan of operation submittal to include documentation of potential feedstock contaminants.

Proposed updates to s NR 502.13 regarding municipal solid waste combustion facilities:

- All changes are already addressed under the description of general changes.

*Summary of proposed changes to ch. NR 518, which regulates “Landspreading of Solid Waste”:*

- Adds aquatic plants to materials that can be landspread for agricultural purposes without requiring department approval.

*Summary of proposed changes to ch. NR 520, which regulates “Solid Waste Management Fees and Financial Responsibility Requirements”:*

- Updates NR 520 Table 2 with new plan review and licensing fees, most of which had not been changed since 2006, for nonlandfill solid waste facilities. Updates were based on current average waste management specialist review and inspection costs and would be implemented in a staged increase over two years.
- Adds a license fee exemption for transporters hauling only source-separated compostable materials for nonlandfill management.
- Updates owner financial responsibility procedures to better cover changes made in a past rule update for materials recovery facilities.
- Creates an expedited plan review category for simple plan modification requests expected to take five hours or less of department time, with a fee of \$300.
- Removes the fee differences between small and large transfer facilities.
- Removes a fee category for solid waste storage plan review and licensing as these facilities will now be merged with transfer facilities under s. NR 502.07.
- Creates a low-hazard exemption concurrence review fee that is half the cost of a full low-hazard exemption plan review fee.

*Summary of proposed changes to ch. NR 526, which regulates “Medical Waste Management”:*

- Adds infectious disease testing sites to the reporting exemption already in place for infectious disease vaccination sites.
- Incorporates regulations previously for trace chemotherapy waste into regulations for nonhazardous chemotherapy waste, which may include bulk chemotherapy waste.
- Removes the requirement to label trace chemotherapy waste with the words “incinerate only”.
- Allows infectious waste to be mixed with nonhazardous pharmaceutical waste that will be incinerated, as requested by a stakeholder during rule drafting.
- Exempts businesses that collect infectious waste only from residential customers and hand-unload the waste at their business property, such as a house cleanout company.
- Removes the record keeping requirements for sharps collection stations.

- Allows transporting containerized infectious waste by roll-off or dumpster as requested by a stakeholder during rule drafting.
- Specifies information needed to review an infectious waste treatment plan of operation including operating parameters, descriptions of waste loads, bench testing evidence, validation testing processes, and quality control testing processes.
- Creates an option for disposal of sharps waste that has been rendered noninfectious but not broken to be disposed of that way as long as: the unbroken sharps are contained using the same standards that untreated sharps are; the sharps go to a landfill with a special waste acceptance plan that meets several safety standards; and the treatment facility has a contract with the landfill stating that the unbroken sharps will be managed under the special waste acceptance plan. Alternatives to sharps grinding have been repeatedly requested by stakeholders.
- Broadens language on who can submit an infectious waste annual report and medical waste reduction policy/updates from the “director” to the “director or director’s designee.”
- Changes the filing fee for an infectious waste annual report from \$55 to \$125 starting in 2029.
- Eliminates the calculation, and instructions for calculating, a medical waste reduction rate from the required components of a waste audit.

## **5. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

There are no existing or proposed federal regulations for nonlandfill solid waste management.

## **6. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:**

The department held a virtual preliminary public hearing on the statement of scope on January 30, 2025, and 24 members of the public attended the hearing. No one registered in support or opposition of the scope statement; all attendees stated they were attending the hearing for information only. No one provided public testimony.

### *Written Public Comment*

The public comment period ended on January 30, 2025. The department received one written comment on the proposed statement of scope. The written comment was from Wisconsin Manufacturers and Commerce requesting that the department ensure any rule changes related to the management of rechargeable battery waste are “consistent with and explicitly authorized by law” and expressing support for various places in the scope where goals are to “streamline, simplify and clarify regulation”.

The comment received did not require changes to the scope statement for this rule.

During the rule drafting process, the department collected additional feedback from stakeholders through the Waste and Materials Management Study Group, the Wisconsin Compost Association, and the Wisconsin Integrated Resource Management Conference.

## **7. Comparison with Similar Rules in Adjacent States:**

With the exception of wastes containing greater than 50 ppm PCBs, there is no federal standard for the regulation of nonlandfill solid waste facilities. This has led to the development of highly

variable program structures from state to state. The dramatically different methods for regulating nonlandfill facilities means that there is frequently no equivalent standard in the border states to which Wisconsin's proposed changes may be compared. In areas where this rule makes the broadest changes, a general description of other state programs is provided.

*PCB waste management:*

All states must follow the federal TSCA regulations for PCB waste, but they may adopt additional requirements for TSCA-regulated PCBs or for PCBs that are not covered by TSCA. Proposed rule changes related to PCBs are meant to align Wisconsin rules with TSCA regulations. Wisconsin PCB regulations apply to PCB wastes containing 50 ppm or more.

Illinois rules specify that PCB-containing wastes that are TSCA wastes must go to an appropriately permitted facility. PCB-containing wastes that are municipal solid wastes may be placed with the regular garbage and accepted by a municipal waste landfill.

Iowa only regulates PCB waste at concentrations over 50 ppm, which are regulated by TSCA.

Michigan rules state that TSCA regulations govern PCB wastes under 40 CFR 761.

Minnesota rules are regulated by two separate but overlapping sets of requirements: federal TSCA regulations and state hazardous waste regulations. In Minnesota, all wastes that contain PCBs at concentrations of more than 50 ppm must be disposed of as regulated hazardous wastes, even if the wastes would be eligible for reduced disposal requirements under just the federal TSCA regulations. Such wastes include fluorescent lighting ballasts, small capacitors, sealants, and coatings.

*State programs allowing certain wastes to be disposed of outside of a landfill:*

Wisconsin rules currently have self-implementing exemptions for certain demolition materials and soil, earth materials, wood residue, railroad ties and utility poles, clean wood, and dredged material and for the beneficial use of clean container glass and clean wood ash. The rules also allow for the self-implementing beneficial use of clean container glass as aggregate under a roadway and clean wood ash as an agricultural supplement. Any other waste may be considered for a written low-hazard exemption from the department for final use outside of a landfill.

The proposed rule better defines when demolition materials and soil are considered exempt instead of using the term "clean". It adds the following to the list of self-implementing exemptions: street sweepings and catch-basin materials (without sampling exceedances) as fill, gypsum wallboard as an agricultural supplement, and concrete coated with lead bearing paint as fill. It also adds street sweepings and catch basin materials (with sampling exceedances) as fill, tire-derived aggregate as geotechnical fill, clean container glass as drainage medium, aggregate under a structure, flowable fill medium, waste and waste water filter medium or other similar uses, as materials where beneficial reuse can be allowed using a streamlined concurrence process. It better defines what should be submitted for a written low-hazard exemption request.

Illinois uses the terms "clean" for construction and demolition debris and "uncontaminated" for soil that can be used as fill. Construction and demolition debris that is painted can be used as fill if it is first evaluated by a professional engineer or professional geologist. "Clean" and

“uncontaminated” are not further defined. Other beneficial use proposals are case-specific and require approval of an application.

Iowa allows “uncontaminated” soil and demolition materials (“rubble”) to be used without restriction for fill. They specify that uncontaminated asphalt rubble may not be placed in a waterway, wetland, waters of the state, or the high-water table. Uncontaminated is not further defined. They also allow the beneficial use of certain solid by-products as resources. Materials qualifying for self-implementing exemptions that overlap with the Wisconsin proposed changes include: “uncontaminated, unleaded glass” for use as fill material, and gypsum wallboard that has not been treated to be water resistant or flame retardant as a soil amendment. They also have an application process for materials not covered by the self-implementing exemption process.

Michigan does not consider “uncontaminated” soil, dredge, or asphalt or concrete pavement from public right of ways to be solid waste. They define uncontaminated as “not contaminated by a hazardous substance”. Michigan allows reduced regulation for some materials as source-separated material, including gypsum drywall. Michigan has a program for petitioning for materials to be considered an inert material, source-separated material, or a low-hazard industrial waste.

Minnesota uses the term “uncontaminated” when determining if the reuse of concrete and brick can happen without approval. Uncontaminated is not further defined. Minnesota has a similar “standing beneficial use determination” program for the following materials that overlap with Wisconsin’s proposed additions: reclaimed glass as road aggregate, tire shreds for fill under roads, and byproduct limes as agricultural additives. Minnesota also has a “case specific beneficial use determination” that defines the requirements of a request.

*Non-landfill facility requirements other than compost facilities:*

Wisconsin has licensing, plan of operation, and operating requirements codified for many nonlandfill solid waste facilities. The proposed rule updates the details for these facilities to be easier to understand and more relevant to current industry scenarios, and to better cover management of wastes other than municipal solid waste.

Illinois does not have dedicated solid waste rules for solid waste non-disposal facilities. They have some transport requirements for special wastes and some facilities are covered under air regulations.

Iowa has similar requirements to Wisconsin for operation, construction, permitting, and locational requirements for solid waste transfer and transport. Their rules generally assume solid waste refers to municipal solid waste.

Michigan has some operational requirements but does not approve operation plans for non-disposal solid waste facilities. Transfer and processing facilities are required to have an approved construction certification. They have a quarterly inspection requirement for these facilities.

Minnesota has similar requirements to Wisconsin for operation, construction, permitting, and locational requirements for non-disposal facilities except for transport services and processing. Requirements are designed more broadly than for municipal solid waste, including allowing storage for up to 3 years.

### *Compost facilities:*

The proposed rule makes changes to how Wisconsin manages carcass composting with respect to infectious disease and routine carcass composting. While all states have compost operating standards, only Iowa has detailed carcass specific composting requirements, which are similar to the proposed rule in regard to routine carcass composting.

### *Infectious waste facilities:*

Wisconsin currently has licensing, plan of operation, and operating requirements codified for many infectious waste facilities. The proposed rule updates the details of these facilities to be easier to understand and more relevant to current industry scenarios, to allow more flexibility, such as alternatives to grinding medical waste sharps prior to disposal, and to assist treatment facilities with understanding the requirements for submitting an approvable plan of operation.

Illinois requires infectious waste treatment facilities to submit written procedures for initial efficacy tests and periodic verification tests that are similar to new language in the proposed rule.

Iowa requires infectious waste sharps to be “shredded, blunted, granulated, incinerated, or mechanically destroyed in addition to being “rendered nonpathological”. This is a treatment standard for which Wisconsin’s proposed rules provide an alternative process.

Michigan allows infectious waste sharps to be placed in rigid, puncture-resistant sharps containers and transported to the landfill in a manner that retains the integrity of the container, if the sharps are not ground until they are rendered unrecognizable. This is a similar option to that being proposed by Wisconsin for flexibility; however, the Wisconsin rule requires certain provisions for unground sharps disposal at the landfill.

Minnesota requires infectious waste storage and “decontamination facilities” to be certified with a plan of operation that must be modified before changes are made to facility operations. Treatment methods are proposed by the facility for review by Minnesota Pollution Control staff. There is no codified standard specific to treatment.

## **8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

The department collected input from stakeholders in several ways and used this to inform the proposed language, along with feedback collected through contact with stakeholders via routine inspections, the plan review process, and informal discussions. Input collection methods included:

- A series of five virtual meetings, each focused on a different stakeholder group, with polling questions to obtain feedback on the existing rule language. These were held between September and November 2024.
- A presentation with polling questions to the Wisconsin Towns Association in October 2024 to obtain feedback on the existing rules.
- A presentation with polling questions at the Wisconsin Integrated Resource Management Conference in February 2025 to obtain feedback on the existing rules.

- Presentations on the proposed rule content at meetings to the Waste and Materials Management Study Group (which are open to the public) in May 2025 and February and May 2026.
- A meeting on the proposed rule content with the Wisconsin Compost Association Board in February 2026.
- Individual stakeholder meetings as requested.

Proposed fee increases were based on analysis of time required by nonlandfill staff involved in plan reviews and licensing for nonlandfill facilities. The survey results were averaged and then multiplied by the current average salary and fringe of these staff to estimate costs. For facility types where plan review is not frequent enough to obtain time estimates from current staff, Bureau of Labor inflation adjustments were used to assist with estimations instead.

**9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:**

Waste and Materials Management Program staff interactions with licensed facilities, such as during inspections or when providing technical assistance during meetings or phone calls, were used to determine the types of licensed nonlandfill solid waste facilities where some owners are likely to be small businesses. Estimates were based on staff experience over many years with facility interactions.

**10. Effect on Small Business (initial regulatory flexibility analysis):**

The proposed rule changes aim to make submittal and operating requirements as streamlined as possible based on different amounts of waste being managed. This generally results in small businesses having reduced regulations.

The greatest number of small businesses would likely see impacts due to solid waste transporter code and fee updates, which have a proposed incremental annual license fee increase of \$83 in years 2 and 3 of rule implementation. This would be an increase from the current license fee of \$110 to a future fee of \$275. A smaller number of small businesses may be impacted by a combination of code and fee updates for air curtain destructor, woodburning, and partially exempt transfer facilities. These code and fee updates have a proposed incremental annual license fee increase of \$145 in years 2 and 3 of rule implementation. This would be an increase from the current license fee of \$165 to a future fee of \$455. Composting facilities and processing facilities with a primary purpose of recycling may also include small business ownership; however, these facilities do not currently pay annual license fees and the proposed rule maintains that standard.

**11. Agency Contact Person:**

Casey Krausensky  
 101 S. Webster St. Madison WI  
[Casey.Krausensky@wisconsin.gov](mailto:Casey.Krausensky@wisconsin.gov)  
 608-577-3643

**12. Place where comments are to be submitted and deadline for submission:**

Written comments may be submitted at the public hearings, by regular mail, or email to:

Casey Krausensky WA/5  
Department of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921  
608-577-3643  
[Casey.Krausensky@Wisconsin.gov](mailto:Casey.Krausensky@Wisconsin.gov)

Comments may be submitted to the department contact person listed above or to [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov) until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar. [Access the Wisconsin Administrative Register \(https://docs.legis.wisconsin.gov/code/register\)](https://docs.legis.wisconsin.gov/code/register). [Access the department's Hearings and Meetings Calendar \(https://dnr.wisconsin.gov/calendar\)](https://dnr.wisconsin.gov/calendar). [Submit comments through the Wisconsin Administrative Rules Website \(https://docs.legis.wisconsin.gov/code/chr/active\)](https://docs.legis.wisconsin.gov/code/chr/active).

The consent of the Attorney General will be requested for the incorporation by reference of test methods listed under 40 CFR 761.19, dated December 2024, which can be found at [eCFR :: 40 CFR Part 761 -- Polychlorinated Biphenyls \(PCBs\) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions](#).

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## RULE TEXT

### SECTION 1. NR 157.01 is amended to read:

**NR 157.01 Applicability.** The provisions of ss. NR 157.02 ~~through~~ to 157.07 establish procedures for the storage, collection, transportation, processing, and final disposal of PCBs and products containing PCBs taken out of service for disposal. These provisions do not affect PCBs and products containing PCBs in use. The provisions of ss. NR 157.20 and 157.21 establish procedures for methods and manner of sampling, preparing samples, and analyzing PCBs or products containing PCBs manufactured or purchased for use within the state subject to the provisions of s. 299.45, Stats., as well as PCBs or products containing PCBs which require disposal. PCBs are also regulated at the federal level under the Toxic Substances Control Act of 1976 and associated regulations found in 40 CFR 761.

### SECTION 2. NR 157.02 (1g) and (1r) are created to read:

**NR 157.02 (1g)** "Designated facility" means the off-site disposer or commercial storer of PCB waste designated on the manifest as the facility that will receive a manifested shipment of PCB waste.

(1r) "Facility" means all contiguous land and structures, other appurtenances, and

improvements on the land, used for the treatment, storage, or disposal of PCB waste. A facility may consist of one or more treatment, storage, or disposal units.

**SECTION 3. NR 157.02 (3) is amended to read:**

**NR 157.02 (3)** “Generator” means any person ~~who possesses for disposal PCBs or products containing PCBs whose act or process produces PCBs, whose act first causes PCBs to become subject to regulation, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated and therefore is subject to disposal requirements.~~

**SECTION 4. NR 157.02 (3m) and (3m) (Note) are created to read:**

**NR 157.02 (3m)** “Manifest” means the shipping document EPA form 8700-22 and any continuation sheet attached to EPA form 8700-22, originated and signed by the generator of PCB waste in accordance with the instructions included with the form and 40 CFR part 761.

**Note:** “Manifest” includes both paper and electronic manifests. The EPA form 8700-22 is also referred to as the Uniform Hazardous Waste Manifest.

**SECTION 5. NR 157.02 (8) and (9) are amended to read:**

**NR 157.02 (8)** “Transporter” means any person who transports PCBs or products containing PCBs for disposal or to a service facility or designated facility.

**(9)** “Waste tracking form” ~~is~~ means a form ~~provided or approved by the department for use in recording all movement of PCBs or products containing PCBs for disposal or shipment to a service facility, and includes the Wisconsin hazardous waste manifest form~~ or designated facility.

**SECTION 6. NR 157.03 (1) (intro.) is amended to read:**

**NR 157.03 (1) HANDLING AND STORAGE.** The generator shall handle and store PCBs and products containing PCBs for disposal in a manner ~~which~~ that will prevent losses to the environment. Except for transformers, containers used for the transportation or storage of PCBs or products containing PCBs may not be used for the storage or transportation of any other material. All generators, except as exempt under 40 CFR part 761, shall notify the EPA and receive an EPA identification number by submitting EPA Form 7710-53, prior to engaging in

PCB waste handling activities. The department may require written handling and storage plans when it is determined by the department that the generator disposes of more than 500 pounds of PCBs annually, either in liquid form or incorporated in products. The department may also require written handling and storage plans ~~when~~ if the department determines that the handling and storage practices of the generator are inadequate to prevent losses to the environment. The department's preliminary determination and the bases thereof shall be set forth in writing and transmitted to the generator, and the generator shall be allowed 10 business days to comment thereon. After receipt and consideration of the generator's comments, the department shall make its final determination. When the department determines that written handling and storage plans are required, the department shall review and approve, deny, or deem the plans incomplete within 65 business days of receipt. Written handling and storage plans may include ~~but are not limited to:~~

**SECTION 7. NR 157.03 (2) (a) and (c) (intro.) and 3. are amended to read:**

**NR 157.03 (2)** (a) The generator shall make provisions with a service facility or ~~disposal~~ a designated facility to accept the PCBs or products containing PCBs before permitting shipment for disposal. Shipment to service ~~facilities~~ or ~~disposal~~ designated facilities in the state of Wisconsin shall be limited to those facilities ~~which~~ that meet the requirements of ss. NR 157.06 and 157.07. If for any reason, delivery of the shipment is rejected by the service facility or ~~disposal~~ the designated facility, the generator shall make provisions for immediate return of the shipment or delivery to another service facility or ~~disposal~~ designated facility.

(c) The generator shall make provisions with the transporter and the service facility or ~~disposal~~ designated facility to aid the generator in completing the waste tracking forms or manifest. The waste tracking forms, ~~provided or approved by the department~~ or manifest shall be completed in accordance with ~~the following steps~~ all of the following:

3. The generator shall retain one copy for 3 years and give the remaining copies to the transporter to be delivered with the PCBs or products containing PCBs to the service facility or ~~disposal~~ designated facility.

**SECTION 8. NR 157.03 (2) (c) 4. is repealed.**

**SECTION 9. NR 157.04 (2) and (3) (c) are amended to read:**

**NR 157.04 (2)** The transporter of PCBs or products containing PCBs shall complete the applicable portions of the waste tracking forms or manifest and deliver the remaining copies to the operator of the service facility or ~~disposal~~ designated facility.

(3) (c) Provisions are adopted for the repackaging of the PCBs and continuation of the shipment to the service facility or ~~disposal~~ designated facility and for noting the amount spilled and disposition of spilled waste on the waste tracking forms or manifest on resumption of the trip.

**SECTION 10. NR 157.05 (2), (3) (c), and (4) are amended to read:**

**NR 157.05 (2)** The full-service contractor shall be responsible for contracting with a facility to accept the PCBs or products containing PCBs. Shipment to service facilities or ~~disposal~~ designated facilities in the state of Wisconsin shall be limited to those facilities ~~which~~ that meet the requirements of ss. NR 157.06 and 157.07. If, for any reason, delivery of the shipment is rejected by the service or ~~disposal~~ designated facility, the contractor shall immediately make provisions for delivery to another service facility or ~~disposal~~ designated facility or shall make provisions for storage of the rejected shipment not to exceed 60 days. The department may extend the ~~60-day~~ 60-day period upon a showing by the ~~full-service~~ full-service contractor that a service facility or ~~disposal~~ designated facility capable of accepting for disposal PCBs or products containing PCBs is not available. Any handling or storage by the contractor shall be done in a manner ~~which~~ that will prevent losses to the environment.

(c) Provisions are adopted for the repackaging of the PCBs and continuation of the shipment to the service facility or ~~disposal~~ designated facility and for noting the amount spilled and disposition of spilled waste on the waste tracking forms on resumption of the trip.

(4) The full-service contractor shall make provisions with generators and service facilities or ~~disposal~~ designated facilities to complete waste tracking forms ~~provided or approved by the department~~. These forms shall be retained by the contractor for ~~the inspection of the department~~ 3 years.

**SECTION 11. NR 157.06 (1) and (3) (a) and (b) are amended to read:**

**NR 157.06 (1)** ~~Existing facilities~~ Facilities for repair or salvaging of PCBs or products containing PCBs in amounts greater than 2 pounds per unit shall register with the department

by January 1, 1978. Any such facility which has failed to register by the required date may not accept for repair or salvaging PCBs or products containing PCBs until such registration has been accomplished.

(3) (a) The service facility shall make provisions with a ~~disposal~~ designated facility to accept PCBs or products containing PCBs before permitting shipment for disposal. Shipment to a ~~disposal~~ designated facility in the state of Wisconsin shall be limited to those facilities ~~which~~ that meet the requirements of s. NR 157.07. If, for any reason, delivery of the shipment is rejected by the ~~disposal~~ designated facility, the service facility shall make provisions for immediate return of the shipment or delivery to another ~~disposal~~ designated facility.

(b) The service facility shall make provisions with approved transporters and ~~disposal~~ designated facilities to complete the waste tracking forms ~~provided or approved by the department~~. A copy of the ~~form~~ forms shall be retained by the service facility operator for the inspection of the department, and a copy shall be delivered with the PCBs or products containing PCBs to the ~~disposal~~ designated facility.

**SECTION 12. NR 157.07 (title) is amended to read:**

**NR 157.07 Disposal methods and designated facilities.**

**SECTION 13. NR 157.07 (1) is renumbered NR 157.07 (1r).**

**SECTION 14. NR 157.07 (1g) is created to read:**

**NR 157.07 (1g) GENERAL.** The provisions of this section establish methods for disposal and requirements for designated facilities for disposal. Disposal methods and options are based on the PCB concentrations and waste types. PCB wastes are also regulated at the federal level under the Toxic Substances Control Act of 1976 and associated regulations found in 40 CFR 761, which may contain additional disposal criteria or restrictions.

**SECTION 15. NR 157.07 (3) is amended to read:**

**NR 157.07 (3) LANDFILL FACILITIES.** A landfill for disposal of PCBs and products containing PCBs ~~shall~~ may not be established or operated in the state of Wisconsin until written approval of the department is obtained for such disposal ~~as provided in s. NR 660.18 (2) (a)~~. ~~The~~ A proposed landfill shall be established and licensed in accordance with the requirements of chs. NR 664, 665 and 670 and all other state and federal requirements applicable to disposal

of PCBs and products containing PCBs. Such a landfill must provide complete long-term protection for the quality of surface and subsurface waters from PCBs deposited therein and must prevent hazards to public health and the environment. Such sites must be located or engineered to avoid direct hydraulic continuity with surface and subsurface waters. Generated leachates ~~must~~ shall be contained and subsurface flow into the disposal area eliminated. Monitoring wells ~~must~~ shall be established, and a sampling and analysis program conducted as specified in ~~s. NR 670.403~~ under subch. F of ch. NR 664.

**SECTION 16. NR 157.07 (3) (Note) is repealed.**

**SECTION 17. NR 157.07 (4) and (5) (b) are amended to read:**

**NR 157.07 (4)** The operator of the incineration or landfill facility shall, upon utilization or final disposal of the PCBs or products containing PCBs, sign the remaining copies of the waste tracking form, or manifest and retain a copy and immediately mail a copy to the generator, full-service contractor, or service facility for 3 years.

**(5) (b)** The department will consider applications for alternate disposal procedures and alternate disposal designated sites provided the applicant can demonstrate that the alternatives will not result in environmental pollution. Within 90 days of the receipt of an application for an alternate disposal method or disposal designated site, the department shall notify the applicant of approval or rejection or shall specify the additional information ~~which~~ that is required to determine whether to approve the proposed procedures or sites.

**SECTION 18. NR 157.20 (1) and (1) (Note) are repealed and recreated to read:**

**NR 157.20 (1)** Testing of PCBs and products containing PCBs shall follow all applicable requirements under 40 CFR 761 and shall follow the specified test methods listed under 40 CFR 761.19, dated December 2024, which are incorporated by reference.

**Note:** Links to the test methods listed under sub. (1) can be found in 40 CFR 761.19.

**SECTION 19. NR 157.20 (2), (2) (Note), (3) and (3) (Note) are repealed.**

**SECTION 20. NR 157.20 (4) is amended to read:**

**NR 157.20 (4)** For wastewater and wastewater treatment sludges containing PCBs, testing methods are ~~defined~~ identified in ch. NR 219 and 40 CFR part 136.

**SECTION 21. NR 157.20 (5) (Note) is repealed.**

**SECTION 22. NR 157.21 is amended to read:**

**NR 157.21 Approval of alternate test procedures.** Applications for approval of alternate test procedures for wastewater analysis ~~must~~ shall be made ~~as directed~~ following the procedures in ~~s. ss.~~ NR 149.42 and 219.033.

**SECTION 23. NR 500.02 (2) is renumbered NR 500.02 (2) (intro.) and amended to read:**

**NR 500.02 (2)** This chapter does not apply to ~~the~~ any of the following:

(a) The design, construction or operation of industrial wastewater facilities, sewerage systems, and waterworks treating liquid wastes approved under s. 281.41, Stats., or ~~permitted regulated~~ under ch. 283, Stats., ~~nor to facilities~~

(b) A facility used solely for the disposal of liquid municipal or industrial wastes ~~which have that has~~ been approved under s. 281.41, Stats., or permitted under ch. 283, Stats., ~~except for facilities used for the disposal of solid waste.~~

**SECTION 24. NR 500.03 (3) and (19) are amended to read:**

**NR 500.03 (3)** “Air curtain destructor” means a solid waste facility that ~~combines a fixed wall, open pit and mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood, brush, stumps or trees~~ uses an engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of clean wood and brush materials placed in an adjacent earthen pit or refractory lined box. An air curtain destructor is not considered an incinerator as defined under sub. (108).

**(19)** “Beneficial use” or ~~“beneficial reuse”~~ means the utilization of ~~a solid waste or an industrial by-product~~ in a productive manner.

**SECTION 25. NR 500.03 (19r) is created to read:**

**NR 500.03 (19r)** “Beneficial reuse” means the utilization of a solid waste in a productive manner.

**SECTION 26. NR 500.03 (22) is amended to read:**

**NR 500.03 (22)** “Bulk blood and body fluids” means ~~drippable or pourable quantities that~~ flake, drip, or pour or items saturated with whole blood or blood components, blood specimens, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, amniotic fluid, peritoneal fluid, peritoneal dialysate, pericardial fluid, pleural fluid, and other body fluids visibly contaminated with blood.

**SECTION 27. NR 500.03 (24m), (30k), and (30n) are created to read:**

**NR 500.03 (24m)** “Catch basin materials” refers to the accumulated materials that are removed from stormwater catch basins, such as sand, silt, leaves, and debris.

**(30k)** “Clean container glass” means processed glass with less than 5 percent by weight contamination.

**(30n)** “Clean gypsum wallboard” means unused gypsum wallboard free from glue, paint, fire retardants, pesticides, and other contaminants and manufacturing additions.

**SECTION 28. NR 500.03 (39) is repealed.**

**SECTION 29. NR 500.03 (41m) is created to read:**

**NR 500.03 (41m)** “Community space” means a private or public area designed for people to gather or recreate including a school, park, playground, or bike path.

**SECTION 30. NR 500.03 (44) is renumbered NR 500.03 (44) (intro.) and amended to read:**

**NR 500.03 (44)** “Compost” means a material ~~which~~ that has been decomposed by one of the following methods and to the specified extent:

(a) Microbial composting to the extent that the material will not significantly reheat due to action of microorganisms when subjected to optimum oxygen, moisture, nutrients, and thermal conditions.

**SECTION 31. NR 500.03 (44) (b) and (44e) are created to read:**

**NR 500.03 (44) (b)** Vermicomposting to the extent that castings are dark brown and uniform in texture and there is little to no compostable material left.

**(44e)** “Compost leachate” means water or other liquid that has percolated through compost materials other than clean carbon or finished compost.

**SECTION 32. NR 500.03 (45) is amended to read:**

**NR 500.03 (45)** “Composting” means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. “Composting” includes vermicomposting. Composting does not include the biological degradation and transformation of human remains.

**SECTION 33. NR 500.03 (51) is renumbered NR 500.03 (51) (intro.) and amended to read:**

**NR 500.03 (51)** “Construction documentation report” means ~~a~~ any of the following:

(a) A written report submitted under the seal of a registered professional engineer in the state of Wisconsin documenting that a solid waste facility has been constructed in substantial compliance with ~~a department-approved~~ department-approved plan of operation or chs. NR 500 to 538.

**SECTION 34. NR 500.03 (51) (b) is created to read:**

**NR 500.03 (51) (b)** A written report providing validation testing results for an infectious waste treatment facility.

**SECTION 35. NR 500.03 (52) is renumbered NR 500.03 (52) (a) and amended to read:**

**NR 500.03 (52) (a)** “Container” means a manufactured receptacle or man-made receptacle used to confine or hold solid waste. A building that is enclosed on 4 sides and has a leak proof floor and roof is considered a container.

**SECTION 36. NR 500.03 (52) (b) is created to read:**

**NR 500.03 (52) (b)** “Container” does not include a building that can be enclosed on 4 sides but in which a substantial portion of a side is open to the ground, such as a garage door, while waste is being stored.

**SECTION 37. NR 500.03 (53) is amended to read:**

**NR 500.03 (53)** “Containerized storage facility” means a storage facility designed and operated to use the use of containers for the storage and containment of solid waste. A building which is enclosed on 4 sides and has a floor and roof is considered a container for the purposes of this definition.

**SECTION 38. NR 500.03 (56) is repealed.**

**SECTION 39. NR 500.03 (63) is amended to read:**

**NR 500.03 (63)** “Director” means the person in the ~~highest ranking~~ highest-ranking position in a medical facility, ~~including but not limited to~~ and may include the administrator, chief executive officer, or chair of the board of directors.

**SECTION 40. NR 500.03 (63) (Note) is created to read:**

**NR 500.03 Note:** Ch. NR 526.20 (1m) allows the director to designate another person to conduct activities required of the director.

**SECTION 41. NR 500.03 (64) is repealed.**

**SECTION 42. NR 500.03 (71g) and (71r) are amended to read:**

**NR 500.03 (71g)** “Electronic device” has the meaning specified under s. 287.17 (1) (gm), Stats., but does not include a major appliance, as defined under sub. (136), refrigeration equipment, as defined under s. NR 488.02 (4), or a motor vehicle.

**(71r)** “Electronics processing facility” means a solid waste processing facility that accepts electronic devices or components derived from electronic devices for the purpose of electronics ~~processing~~ processing.

**SECTION 43. NR 500.03 (73) is repealed.**

**SECTION 44. NR 500.03 (88m), (88m) (Note), (105), (108), (112), (119), and (121) are amended to read:**

**NR 500.03 (88m)** “Food residuals” means unconsumed raw or cooked compostable material that results from handling, preparation, cooking, sale, or consumption of food, and includes whole, ground, and pulped food scraps, as well as compostable food packaging,

utensils, tableware, kitchenware, bags, and food containers that are completely made of compostable fibers such as paper, bamboo, or sugarcane, or that meet either the ASTM – D-6400 or the D-6868 standard. “Food residuals” includes vegetable and non-vegetable food residuals, but does not include rendering or slaughterhouse wastes or animal carcasses.

**Note:** Copies of ASTM standards D-6400 and D-6868 may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, (610) 832-9585, [www.astm.org](http://www.astm.org). Copies of the standard are available for inspection at the offices of the ~~department of natural resources and legislative reference bureau.~~

**(105)** “Household waste” means any solid waste including garbage, ~~trash, and sanitary waste in septic tanks which~~ and trash that is derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

**(108)** “Incinerator” means a processing facility designed and operated for controlled burning of solid wastes primarily to achieve volume and weight reduction or to change waste characteristics. Incinerator does not include a facility that uses solid waste as a supplemental fuel where less than ~~30%~~ 30 percent of the heat input to the facility is derived from such supplemental fuel.

**(112)** “Infectious waste treatment” means rendering an infectious waste non-infectious such that exposure of a susceptible human or animal to the solid waste could not cause the human or animal to contract an infectious disease. For human tissue, this term means rendering the waste both non-infectious and unrecognizable as human tissue. ~~For sharps, this term means rendering the sharp non-infectious and rendering the sharp broken and not able to be reused, such as by a grinding or shredding process.~~

**(119)** “Land disposal facility” means a solid waste facility where solid waste is placed in-a ~~landspreading facility, a landfill, or surface impoundment facility for disposal purposes, or~~ landspreading facility.

**(121)** “Landspreading facility” means a land disposal facility where solid waste is discharged, deposited, placed, or injected in thin layers onto the land surface of the facility, or is incorporated into the top several feet of the surface soil, for agricultural, or silvicultural ~~or waste disposal~~ purposes.

**SECTION 45. NR 500.03 (124fm) is created to read:**

**NR 500.03 (124fm)** “Lead-bearing paint” means any paint or other surface coating material containing more than 0.06 percent lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint, more than 0.5 percent lead by weight in the dried film of applied paint, or more than 1 milligram of lead per square centimeter in the dried film of applied paint.

**SECTION 46. NR 500.03 (139) are amended to read:**

**NR 500.03 (139)** “Manifest” has the meaning given in s. 299.51 (1) (am), Stats., and includes electronic or paper documents.

**SECTION 47. NR 500.03 (154) is repealed.**

**SECTION 48. NR 500.03 (154m) and (155g) are created to read:**

**NR 500.03 (145m)** “Non-hazardous chemotherapy waste” means waste chemotherapy drugs or waste items that have come into contact with chemotherapy drugs, such as drug dispensing devices and gloves, that do not meet the definition of hazardous waste in s. NR 661.0003.

**(155g)** “Nonlandfill facility” means a solid waste facility other than a landfill such as a transfer, processing, air curtain destruction, incineration, woodburning, composting, municipal solid waste combustion, or landspreading facility.

**SECTION 49. NR 500.03 (156g) is created to read:**

**NR 500.03 (156g)** “Nuisance conditions” means conditions that result in a threat or danger to public health, safety, or welfare, or to the environment.

**SECTION 50. NR 500.03 (167) is repealed.**

**SECTION 51. NR 500.03 (167m) and (Note) are created to read:**

**NR 500.03 (167m)** “Pavement” has the meaning specified under s. 182.0175 (1) (bu), Stats.

**Note:** Pavement means asphalt or concrete pavement.

**SECTION 52. NR 500.03 (181) is renumbered NR 500.03 (181) (a) and amended to read:**

**NR 500.03 (181)** (a) “Processing facility” means a solid waste facility at which solid waste is baled, shredded, pulverized, composted, classified, separated, combusted, or otherwise treated or altered by some means to facilitate further transfer, processing, utilization, or disposal. ~~Processing facilities do not include~~

(b) “Processing facility” does not include operations conducted by a facility compacting waste if no other processing is taking place or a facility processing operations conducted by scrap metal, paper, fiber, or plastic processors which that are excluded from the definition of “solid waste facilities” in this section.

**SECTION 53. NR 500.03 (181m) is created to read:**

**NR 500.03 (181m)** “Productive manner” means a manner of using a solid waste where the waste meets all of the following criteria:

- (a) Provides a functional benefit.
- (b) Substitutes for the use of a virgin material that must be otherwise obtained.
- (c) Meets relevant product specifications, regulatory standards, or design standards when available.
- (d) Is not used in quantities that exceed the amount needed for the functional benefit.

**SECTION 54. NR 500.03 (209) is amended to read:**

**NR 500.03 (209)** “Sharps” means medical equipment or clinical laboratory articles that may cause punctures or cuts. Sharps include, ~~but are not limited to, contaminated, used, unused but unpackaged,~~ and disinfected items listed in s. NR 526.05 (1) (a) such as hypodermic needles, syringes with needles attached, scalpel blades, lancets, broken glass vials, broken rigid plastic vials, and laboratory slides.

**SECTION 55. NR 500.03 (209f), (215) (Note), and (219m) (Note) are created to read:**

**NR 500.03 (209f)** “Sharps collection station” means a facility that accepts sharps from

infectious waste generators that generate less than 50 pounds of sharps per month and that meets the requirements under s. NR 526.095.

**(215) Note:** The term “solid waste” has a different definition under ch. NR 660, which is only used for the purpose of determining whether a material is a hazardous waste. That definition of “solid waste” is not applicable to determinations made under ch. 289, Stats., and ch. NR 500 et. seq. A material that does not meet the definition of solid waste for the purpose of determining whether regulations under chs. NR 660 to 679 apply may still be a solid waste for the purpose of regulation under chs. NR 500 to 544.

**(219m) Note:** Food residuals has the definition found in (88m) and includes “compostable food packaging, utensils, tableware, kitchenware, bags, and food containers that are completely made of compostable fibers such as paper, bamboo, or sugarcane, or that meet either the ASTM – D-6400 or the D-6868 standard”.

**SECTION 56. NR 500.03 (224) is amended to read:**

**NR 500.03 (224)** “Storage ~~facility~~” means ~~a solid waste facility~~ for the storage of solid waste, on a temporary basis in ~~such a manner as not to~~ that does not constitute ultimate disposal of solid waste.

**SECTION 57. NR 500.03 (224m) and (234m) are created to read:**

**NR 500.03 (224m):** “Street sweepings” means materials such as sand, salt, leaves, and debris removed from municipal streets, parking lots, and sidewalks to prevent these materials from being washed into storm sewers and surface waters, and to improve the appearance of public roadways.

**(234m)** “Tire-derived aggregate” means waste tires shredded into pieces of varying sizes for beneficial reuse as an alternative to natural aggregate.

**SECTION 58. NR 500.03 (238) is amended to read:**

**NR 500.03 (238)** “Transfer facility” means a solid waste facility at which ~~transferring the consolidation and transfer~~ of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transporting to the point of processing or disposal. Transfer facility operations may include compaction and sorting out of incidental amounts of recyclable

materials, incidental amounts of materials that pose a potential threat to transfer operations, and incidental amounts of other materials separated for the intent of reuse or recycling.

**SECTION 59. NR 500.03 (238m) is repealed.**

**SECTION 60. NR 500.03 (239) is amended to read:**

**NR 500.03 (239)** “Transportation service” means ~~an operation which transports vehicles or containers or both vehicles or other means of conveying solid waste from the primary source of collection and includes~~ a solid waste facility that transports solid waste or that utilizes containers, vehicles, or other means for the collection of solid waste from the primary source, including all activities up to such time as the waste is delivered to a facility for transfer, processing, treatment or disposal.

**SECTION 61. NR 500.03 (241m) is created to read:**

**NR 500.03 (241m)** “Uncontaminated soil” means soil that does not contain a hazardous substance as defined in s. 292.01 (5), Stats.

**SECTION 62. NR 500.03 (253) is repealed.**

**SECTION 63. NR 500.04 is renumbered NR 500.04 (1) and amended to read:**

*[Note to LRB: The title for NR 500.04 stays with s. NR 500.04 and does not move to sub. (1).]*

**NR 500.04 Initial site inspection.** (1) Any person intending to establish a new solid waste disposal facility or expand an existing solid waste disposal facility shall contact the ~~department’s district or area office as appropriate~~ department to arrange for an initial site inspection in accordance with ch. NR 509 for the purpose of evaluating compliance with the applicable locational criteria and performance standards of ch. NR 502 and s. NR 504.04. This inspection shall be completed prior to ~~submittal of~~ submitting an initial site report or a plan of operation report.

**SECTION 64. NR 500.04 (2) is created to read:**

**NR 500.04 (2)** Any person intending to establish a new solid waste facility or expand an existing solid waste facility not covered under sub. (1) shall contact the department to arrange for an initial site inspection in accordance with s. NR 502.04 (2). This inspection shall be

completed prior to submitting a plan of operation report.

**SECTION 65. NR 500.05 (1) is amended to read:**

**NR 500.05 (1) REVIEW FEE.** The appropriate review fee specified ~~in~~ under s. NR 520.04 shall be identified. The department ~~will~~ shall send an invoice for the plan review fee to the contact for the facility upon receipt of the submittal. Payment ~~in check or money order~~ shall be sent to the ~~department's bureau of finance~~ department within 30 days after receipt of the invoice. Submittals requiring review fees shall be considered incomplete until the correct review fee is received by the department.

**SECTION 66. NR 500.05 (4) (a) is renumbered NR 500.05 (4) (am) and amended to read:**

**NR 500.05 (4) (am)** ~~The~~ For nonlandfill facilities, the reports and plan sheets shall be under the seal of a licensed professional engineer if the facility has construction or installation of non-prefabricated equipment or construction of structural components designed specifically to meet the requirements of chs. NR 500 to 526. ~~In addition~~ If under the seal of a professional engineer, the following certification under par. (as) shall be included: in the report.

(as) "I, \_\_\_\_\_, hereby certify that I am a licensed professional engineer in the State of Wisconsin in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 500 to 538, Wis. Adm. Code."

**SECTION 67. NR 500.05 (4) (ae) is created to read:**

**NR 500.05 (4) (ae)** For all landfill sites, the reports and plan sheets shall be under the seal of a licensed professional engineer. In addition, the certification under par. (as) shall be included.

**SECTION 68. NR 500.05 (6) (intro.) and (a) are amended to read:**

**NR 500.05 (6)** Visuals. Maps, figures, photographs, and tables shall be provided to clarify information or conclusions. The visuals shall be legible. All ~~paper~~ copies of maps, plan

sheets, drawings, isometrics, cross-sections, and aerial photographs for solid waste disposal facilities shall meet the following requirements:

(a) ~~No Paper copies~~ no larger than 32 inches by 44 inches and no smaller than ~~8½~~ 8.5 inches by 11 inches.

**SECTION 69. NR 500.06 (1), (3), (4), and (4) (Note) are amended to read:**

**NR 500.06 (1) LICENSE FEE.** The appropriate fee as specified ~~in~~ under s. NR 520.04 ~~in check or money order~~ payable to the department. Except as provided ~~in~~ under s. NR 500.065, license fees are not ~~transferable~~, proratable or refundable.

**(3) FINANCIAL RESPONSIBILITY.** For all land disposal facilities with plans of operation approved under s. 289.30, Stats., and for other solid waste facilities as required by their plan of operation, proof of financial responsibility as specified ~~in~~ under s. NR 520.05.

**(4) AFFIDAVIT OF FACILITY REGISTRY.** ~~Submittal~~ For all land disposal facilities, submittal on form 4400-067 that proof that a notation of the existence of the facility has been recorded in the office of the register of deeds in each county in which a portion of the facility is located. Owners of landfills applying for relicensure need only submit this form if the legal description of the landfill has changed from that identified on a previously submitted form 4400-067.

**Note:** This form may be obtained from the Department of Natural Resources, ~~Bureau of Waste Management, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707-7921, (608) 266-2111.~~ This form may be obtained from the Department of Natural Resources, Bureau of Waste Management, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707-7921, [dnrwastemanagement@wisconsin.gov](mailto:dnrwastemanagement@wisconsin.gov).

**SECTION 70. NR 500.065 (2) is amended to read:**

**NR 500.065 (2) RENEWALS.** The department shall make a determination on a license renewal application for a solid waste facility license within 90 days of receipt of all of the information specified ~~in~~ under s. NR 500.06, ~~or by the end of the current license period, whichever occurs later.~~ The renewal determination may consider compliance history, including timely payment of fees, as authorized under s. 289.31, Stats. If a determination is not made within these time constraints, the department shall refund the license renewal application fee paid by the applicant.

**SECTION 71. NR 500.065 (2) (Note), (3), and (4) are created to read:**

**(2) Note:** Under s. 289.31 (1), Stats., the department may deny, suspend, or revoke the operating license of a solid waste facility for failure to pay fees required under ch. 289, Stats., or for grievous and continuous failure to comply with the approved plan of operation under ch. 289, Stats., or, if no plan of operation exists with regard to the facility, for grievous and continuous failure to comply with the standards adopted under s. 289.05 (1) and (2), Stats.

**(3) LICENSE SUSPENSION AND REVOCATION.** If the department finds that a solid waste facility has not paid required fees or has grievously and continuously failed to comply with an approved plan of operation or with the requirements of chs. NR 500 to 538, the department may take any of the following actions:

(a) Modify or condition the facility plan of operation.

(b) Suspend the license issued under sub. (1) or (2) until required fees are submitted or until the department determines that the facility is in compliance with the approved plan of operation or the requirements of chs. NR 500 to 538.

(c) Revoke the license issued under sub. (1) or (2) using the procedures under s. NR 289.95 (2).

**(4) LICENSE TRANSFERS.** A facility license may be transferred by the department from the prior facility owner to a new facility owner only in the case of a change in facility ownership. To initiate transfer of a license, the new facility owner shall submit to the department all of the following within 30 days of the transfer date:

(a) Written proof of the change in ownership.

(b) The date of ownership transfer.

(c) Either a statement certifying that the facility is in compliance with all active plan approvals and orders relating to the facility or a complete plan modification that accounts for all proposed changes in facility operations.

**SECTION 72. NR 500.07 is amended to read:**

**NR 500.07 Review times.** Except as otherwise provided ~~in~~ under chs. NR 500 to 538, the department shall review and approve, deny, or deem incomplete requests for plan approvals or exemptions within 90 days after receiving the request. For the purposes of determining department compliance with review times specified ~~in~~ under chs. NR 500 to 538 and ch. 289, Stats., the review time starts when complete versions of the appropriate copies and the review fee are received.

**SECTION 73. NR 500.08 (1) (a) and (2) (intro.) and (a) are amended to read:**

**NR 500.08 (1) (a)** Facilities used for the disposal of routine household solid waste, excluding any business activity and waste from special activities such as renovation or demolition projects, from a single family or household on the property where it is generated if that property is owned by the solid waste generator.

**(2) OTHER FACILITIES.** The following facilities shall be established in conformance with the locational requirements of s. NR 504.04 (3) (c) and (4) (a) to (f) and shall be operated and maintained in a ~~nuisance-free and aesthetic~~ manner that does not create nuisance conditions but are exempt from licensing and the requirements of chs. NR 500 to 538:

(a) Facilities where only ~~clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint are disposed~~ that is unpainted, untreated, and free of other introduced materials are disposed of.

**SECTION 74. NR 500.08 (2) (ag), (ar), and (ar) (Note) are created to read:**

**NR 500.08 (2) (ag)** Facilities where only concrete and reinforced concrete that are not painted with lead-bearing paint and that are free of other introduced materials are disposed of.

(ar) Facilities only for the disposal of uncontaminated soil that do not have a reasonable probability of creating environmental pollution as defined in s. 292.01 (4), Stats. and

**Note:** "Uncontaminated soil" is defined in s. NR 500.03 (241m) and means soil that does not contain a hazardous substance as defined in s. 292.01 (5), Stats.

**SECTION 75. NR 500.08 (2) (d) and (e) are amended to read:**

**NR 500.08 (2)** (d) Facilities where railroad ties, ~~or utility poles,~~ or similar treated-wood materials are used as structural timbers for landscaping purposes in accordance with generally accepted practices.

(e) Facilities where untreated, unpainted wood wastes including wood chips, bark, and sawdust are handled and stored properly and used ~~for landscaping or trail surface course purposes~~ in accordance with generally accepted practices.

**SECTION 76. NR 500.08 (2) (f) is repealed.**

**SECTION 77. NR 500.08 (5) and (5) (a) are consolidated, renumbered NR 500.08 (5), and amended to read:**

**NR 500.08 (5) BENEFICIAL REUSE.** The department may grant exemptions to solid waste facilities from the requirements of ch. 289, Stats., for the purpose of allowing or encouraging the beneficial reuse or recycling of solid wastes. Any exemptions granted under this section shall be issued in writing in accordance with the requirements of s. 289.43, Stats.

**SECTION 78. NR 500.08 (5) (b) (intro.) is renumbered NR 500.08 (5m) (intro.) and amended to read:**

**NR 500.08 (5m) Facilities-WOOD ASH.** The department may grant exemptions to facilities where wood ash is stored, handled, transported, ~~or landsread~~ for beneficial reuse provided either of the following is met:

**SECTION 79. NR 500.08 (5) (b) 1. is renumbered NR 500.08 (5m) (a) and amended to read:**

**NR 500.08 (5m) (a)** Wood ash is derived from the combustion of untreated wood with no additives, preservatives, ~~or other alterations other than kiln drying from generators who produce 10 dry tons or less of ash per year and is managed in a nuisance free manner~~ used in compliance with s. NR 518.04 (6) (a) 2. to 5.

**SECTION 80. NR 500.08 (5) (b) 2. is renumbered NR 500.08 (5m) (b).**

**SECTION 81. NR 500.085 is created to read:**

**NR 500.085 Low-hazard waste exemptions. (1) GENERAL.** Disposal or beneficial reuse facilities for solid waste that are determined by the department to be low hazard in

accordance with s. 289.43 (8), Stats., shall be established and operated in accordance with the performance standards under s. NR 502.04 (1) and the storage requirements of s. NR 502.05 and shall be operated and maintained in a nuisance-free and aesthetic manner. A disposal or beneficial reuse facility is exempt from licensing and the requirements of chs. NR 500 to 538 provided it meets the applicable requirements under sub. (2), (3), (4), (5), or (6), or follows the procedures under subs. (1g) and (1r).

**(1g) EXEMPTION APPLICATION REQUIREMENTS.** A disposal or beneficial reuse facility that does not qualify for an exemption under subs. (2) to (6) may be granted an exemption from licensing and the requirements of chs. NR 500 to 538 if it submits a written request in compliance with this subsection, receives written approval from the department under sub. (1r) prior to any disposal or beneficial reuse activity, and operates in compliance with the approval and any conditions of the approval. The facility may be allowed to omit a specific requirement under pars. (a) to (d) if the department has notified the facility, in writing, that the department has determined certain requirements under pars. (a) to (d) do not apply based on a review of the waste material characteristics and information provided by the facility. A person requesting approval of a low-hazard exemption shall submit an application with all of the following information at least 90 days prior to the desired date of the waste beneficial reuse or disposal:

(a) A description and analysis of each waste type proposed to be beneficially reused or disposed of. Unless otherwise approved by the department in writing, data on waste types shall include all of the following:

1. The name, organizational affiliation, address, telephone number, and e-mail of the generator and owner who is responsible for the waste.

2. The sources, processes, or treatment systems from which the wastes originate, including a list of all chemicals added during these processes. Material safety data sheets or other data sources providing information specific to these chemicals shall be included.

3. The waste pretreatment or waste processing techniques utilized prior to proposed use or disposal, if any.

4. The volume of low-hazard solid waste material to be stored and beneficially reused or disposed.

5. The physical characteristics of the waste material.
  6. A sampling and testing plan, including sample parameters frequency.
  7. An analysis of the waste material for all of the following parameters, as applicable:
    - a. The metal content, including arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver.
    - b. A bulk chemical analysis for additional parameters if required by the department based on any information provided under subds. 2. to 7. a.
    - c. A leach test of the waste if required by the department based on any information provided under subds. 2. to 7. b.
- (b) Information on the facility beneficially reusing or disposing of the waste materials, including all of the following:
1. The name, title, organizational affiliation, address, telephone number, and email of the person who will be working on the proposed low-hazard waste exemption request.
  2. A description of how the waste material will be managed, including storage, processing, and final placement, such as the depth the waste will be placed and, if applicable, details about the waste cover.
  3. A description of land uses at the disposal or beneficial reuse location, if known, and current land uses on surrounding properties.
  4. A description of any quality assurance procedures used to identify off-specification waste, reject materials, or other indications of waste variability used to monitor the process and/or the generated waste.
- (c) The timeline for the proposed project.
- (d) An explanation of how it was determined that the contaminants and placement of the waste will not result in a potential hazard to public health or the environment.

**Note:** A low-hazard exemption does not relieve the applicant of obligations to comply with all other applicable federal, state, and local regulations.

**(1r) EXEMPTION APPROVAL AND EXPIRATION.** If the application submitted under sub. (1) is not complete or any of the requirements are not met, the department shall issue a written denial to the application with an explanation. If the application is complete and the department determines that the waste and proposed reuse or disposal is a low hazard to public health or the environment, the department shall issue a written approval. A low-hazard exemption approval shall expire 5 years from the date of issuance unless the department approves a different expiration date in writing.

**(2) LOW-HAZARD WASTE EXEMPTION FOR STREET SWEEPINGS AND CATCH-BASIN MATERIALS USED AS FILL.** The temporary storage, dewatering, screening, and subsequent use of street sweepings and catch basin materials by a municipality or county shall be established in conformance with the performance standards of s. NR 502.04 (1) and the storage requirements of s. NR 502.05, and shall be operated and maintained in a nuisance-free and aesthetic manner. The storage, dewatering, screening, and final placement as fill of street sweepings and catch basin materials by a municipality or county are exempt from licensing and the requirements of chs. NR 500 to 538 if established and operated in accordance with all of the following requirements:

(a) Materials shall be stored physically separate from other waste materials and clearly labeled.

(b) Materials shall be stored and processed a minimum of 5 feet from the seasonal high groundwater table or on a low permeability surface, such as asphalt, concrete, or compacted clay.

(c) The storage and processing locations shall be where contact water is able to flow to a storm water control, such as a retention pond or buffer strip.

(d) Materials shall not be stored or processed within any of the following:

1. 100 feet of any wetland or critical habitat area.
2. 250 feet of any potable or non-potable water supply well.
3. 250 feet of any navigable surface water.
4. A floodplain.

(e) Any materials stored for more than 9 months shall be covered with a minimum of 6-millimeter-thick polyethylene plastic film or tarps.

(f) Materials shall be processed to remove litter, organics, and other non-fines prior to use as fill. The residuals from the screening process are stored containerized in accordance with s. NR 502.05 (4m) and (5) and disposed of in a licensed landfill.

(g) The municipality or county shall take composite samples that are representative of each year, season, and road type included in the materials and submit sample results to the department as required under par. (h) 4. The materials shall be sampled and analyzed in accordance with all of the following:

1. Sampling, sample handling, and sample analysis to demonstrate compliance with this section shall be performed in accordance with the methods under ch. NR 149.

2. A minimum of one composite sample shall be collected for every 200 cubic yards of street sweepings.

3. If previous sampling data or other available information indicate the potential for the presence of contaminants not listed in Table 4, the department may require additional analysis.

4. The applicant shall collect enough representative samples from the street sweepings to yield data that accurately represent the contaminant characteristics of the material in accordance with Table 4.

5. Sample collection and laboratory analysis shall be conducted in a timely manner so that materials with exceedances can be used in compliance with par. (i) 1.

(h) If sample results from street sweepings or catch-basin materials are at or below the standards listed in Table 4, the municipality or county may beneficially reuse them without meeting the requirements under par. (i).

(i) If sample results from street sweepings or catch-basin materials exceed any of the standards listed in Table 4, the municipality or county may beneficially reuse the materials if all of the following requirements are met:

1. The materials shall be used within one year of being generated.

2. The materials shall be placed beneath an impervious surface consisting of no less than two feet of compacted clay, an asphalt or concrete pavement, or other similar materials.

3. The materials shall be placed so that they are not within any of the following:

- a. A floodplain.
- b. 100 feet of any wetland or critical habitat area.
- c. 250 feet of any potable or non-potable water supply well.
- d. 5 feet of the seasonal high groundwater table.
- e. 250 feet of any navigable surface water.
- f. An area regularly accessed by humans.

4. The municipality or county submits an application requesting concurrence from the department at least 60 days prior to the beginning of placement of street sweepings and catch basin materials. The application shall be submitted on a form provided by the department and shall, at a minimum, include all of the following information:

- a. The address or location by quarter-quarter section of the fill site or sites.
- b. The name, address, and contact information of the primary contacts.
- c. A signed certification statement that all locational criteria for final placement will be met.
- d. A map or aerial image showing the proposed fill location or locations.
- e. The approximate total volume of materials to be used as fill.
- f. The intended uses of the area the fill material would be placed.
- g. All laboratory analytical data for samples collected from the street sweepings and catch basin materials proposed to be used.
- h. Confirmation that the facility will operate in compliance with the information required under pars. (a) to (i) 3.

i. The timeline for the proposed project.

**Note:** An application form for requesting an exemption under this section may be obtained from the Department of Natural Resources, Waste and Materials Management Program, [dnrwastemanagement@wisconsin.gov](mailto:dnrwastemanagement@wisconsin.gov).

5. If the application under subd. 4. is not complete or if any of the requirements are not met, the department shall issue a written objection to the application with an explanation. If the department does not provide a written objection to the application within 30 days of receipt by the department, the applicant may proceed under this exemption. After an objection, the applicant may resubmit a new application and associated review fees that address the objections made by the department.

6. A low-hazard exemption for storage, dewatering, screening, and final placement as fill of street sweepings and catch-basin materials by a municipality or county shall expire 5 years from the date of department concurrence unless a different expiration date is approved by the department in writing. A low-hazard exemption does not relieve the applicant of obligations to comply with all other applicable federal, state, and local regulations.

**Table 4. Standards for street sweepings and catch-basin materials to be used as fill**

| Test Type/Parameter              | Comparison Value  |
|----------------------------------|---|
| A. Totals Test (solids analysis) | Non-Industrial Direct Contact Comparison Standard (mg/kg), s. NR 720.12 |
| Aluminum                         | 77,500  |
| Boron                            | 15,600  |
| Lead                             | 400   |
| Molybdenum                       | 391   |
| Nickel                           | 1,550   |
| Selenium                         | 391   |
| Silver                           | 391   |
| Thallium                         | 0.782   |
| Acenaphthene                     | 3,590   |
| Anthracene                       | 17,900  |
| Benzo(a)anthracene               | 11.4  |
| Benzo(a)pyrene                   | 1.15  |

|  |   |
|--|---|
| Benzo(b)fluoranthene                       | 11.5  |
| Benzo(k)fluoranthene                       | 115   |
| Chrysene                                   | 1,150   |
| Dibenzo(a,h)anthracene                     | 1.15  |
| Fluoranthene                               | 2,390   |
| Fluorene                                   | 2,390   |
| Indeno(1,2,3-cd)pyrene                     | 11.5  |
| Methyl-1-Naphthalene                       | 17.6  |
| Methyl-2-Naphthalene                       | 239   |
| Naphthalene                                | 5.52  |
| Pyrene                                     | 1,790   |
| <b>B. Totals Test (solids analysis)</b>    | <b>Background Threshold Values (mg/kg)</b>                    |
| Arsenic                                    | 8   |
| Manganese                                  | 2,900   |
| <b>C. ASTM Water Leach Test inorganics</b> | <b>Groundwater Preventive Action Limit (ug/l), ch. NR 140</b> |
| Aluminum                                   | 40  |
| Arsenic                                    | 1   |
| Boron                                      | 200   |
| Lead                                       | 1.5   |
| Manganese                                  | 60  |
| Molybdenum                                 | 8   |
| Nickel                                     | 20  |
| Selenium                                   | 10  |
| Silver                                     | 10  |
| Thallium                                   | 0.4   |

**(3) LOW-HAZARD WASTE EXEMPTION FOR TIRE-DERIVED AGGREGATE USED AS GEOTECHNICAL FILL.** The temporary storage and subsequent use of tire-derived aggregate as geotechnical fill shall be established and operated in conformance with the performance standards of s. NR 502.04 (1) and the storage requirements of s. NR 502.05, and shall be operated and maintained in a nuisance-free and aesthetic manner. The temporary storage and subsequent use of tire-derived aggregate as geotechnical fill shall be exempt from facility licensing and the requirements of chs. NR 500 to 538 if established and operated in accordance with all of the following requirements:

(a) The use of tire-derived aggregate as geotechnical fill will have a demonstrable benefit over traditional aggregate.

(b) Tire-derived aggregate may not be stored within:

1. 100 feet of any wetland or critical habitat area.
2. 250 feet of any potable or non-potable water supply well.
3. 250 feet of any navigable surface water.
4. A floodplain.

(c) Tire-derived aggregate shall be stored with fire lanes that are a minimum of 60 feet between storage piles and 60 feet between storage piles and any structure.

(d) Storage piles of tire-derived aggregate may not be greater than any of the following:

1. 50 feet wide.
2. 250 feet long.
3. 15 feet high.

(e) Tire-derived aggregate shall be processed by a licensed solid waste processor, or another processor exempt from licensing in Wisconsin.

(f) The size of the tire-derived aggregate should be consistent with the proposed geotechnical fill use as supported by industrial standards or research.

(g) A water leach test shall be performed on a representative sample of tire-derived aggregate and the results shall be below the standards in Table 5 prior to use as geotechnical fill.

(h) The tire-derived aggregate shall be placed as geotechnical fill beneath asphalt, pavement, a building floor, or if under a pervious surface, fully within geotextile using best management practices.

**Note:** Best management practices under this paragraph may include ASTM D6270-17 when tire-derived aggregate is used for civil engineering applications.

(i) The final placement location of the tire-derived aggregate must be above the high-groundwater table and may not be placed within:

1. Twenty feet of navigable surface water.
2. Twenty feet of any potable or non-potable water supply well.
3. Twenty feet of any wetland or critical habitat area.

(j) The tire-derived aggregate shall be covered as soon as practical after placement of the fill material.

(k) When placed directly within soil, tire-derived aggregate shall be placed in soils with a pH no less than 5 and no greater than 9 units.

(L) Tire-derived aggregate shall be placed and covered within 9 months of being brought to the site where it will be stored and used as geotechnical fill.

(m) The use of tire-derived aggregate at active, licensed solid waste disposal facilities shall be subject to the conditions of the plan of operation and any other applicable solid waste approvals associated with the facility.

(n) At least 60 days prior to the beginning of placement of tire-derived aggregate under this exemption, the facility owner or contractor for the facility owner shall submit an application on a form provided by the department requesting a concurrence from the department. The form shall include all of the following information.

1. The address or location by quarter-quarter section of the final placement site.
2. The name, address, and contact information of the primary contacts.
3. The intended uses of the geotechnical fill materials with an explanation of how the use of tire aggregate has a demonstrative benefit over traditional aggregate.
4. A map or aerial image showing the final placement location or locations.
5. The total volume of materials to be placed.
6. The laboratory analytical data for samples collected from the tire-derived aggregate.

7. Confirmation that the facility will operate in compliance with the information required under pars. (a) to (m).

8. The timeline for the proposed project.

**Note:** An application form for requesting an exemption under this section may be obtained from the Department of Natural Resources, Waste and Materials Management Program, [dnrwastemanagement@wisconsin.gov](mailto:dnrwastemanagement@wisconsin.gov).

(o) If the application under par. (n) is not complete or any of the requirements are not met, the department shall issue a written objection to the application with an explanation. If the department does not provide a written objection to the application within 30 days of receipt by the department, the applicant may proceed under this exemption. After an objection, the applicant may resubmit a new application and associated review fees that address the objections made by the department.

(p) A low-hazard exemption for temporary storage and subsequent use of tire-derived aggregate as geotechnical fill shall expire 5 years from the date of department concurrence unless a different expiration date is approved by the department in writing. A low-hazard exemption does not relieve the applicant of obligations to comply with all other applicable federal, state, and local regulations.

**Table 5: Standards for a Water Leach Test ASTM 3987 for tire-derived aggregate used as geotechnical fill**

| Parameter | Groundwater Preventive Action Limit (ug/l), ch. NR 140 |
|-----------|--|
| Arsenic   | 10   |
| Barium    | 2,000  |
| Cadmium   | 5  |
| Chromium  | 100  |
| Lead      | 15   |
| Mercury   | 2  |
| Selenium  | 50   |
| Silver    | 50   |

**(4) LOW-HAZARD EXEMPTION FOR GYPSUM WALLBOARD USED AS AGRICULTURAL SUPPLEMENT.** The temporary storage and subsequent use of pre-consumer clean gypsum

wallboard used as an agricultural supplement shall be established and operated in conformance with the performance standards of s. NR 502.04 (1) and the storage requirements of s. NR 502.05, and shall be operated and maintained in a nuisance-free and aesthetic manner but is otherwise exempt from facility licensing and the requirements of chs. NR 500 to 538 if established and operated in accordance with all of the following requirements:

(a) Gypsum wallboard shall be unused wallboard free from glue, paint, fire retardants, pesticides, and other contaminants and manufacturing additions.

(b) Gypsum wallboard may not be stored or processed within any of the following:

1. 100 feet of any wetland or critical habitat area.
2. 250 feet of any potable or non-potable water supply well.
3. 250 feet of any navigable surface water.
4. A floodplain.

(c) Best management practices shall be followed to prevent stored gypsum from being windblown and to control stormwater run-on and runoff.

(d) Gypsum wallboard shall be stored covered and in a manner that protects it from wind and water.

(e) Gypsum wallboard shall be processed to 0.25 inch by 0.25 inch in size or smaller, unless an alternate size is approved by the department in writing.

(f) Gypsum wallboard shall be applied only where it has value as a soil or plant additive and will not result in detrimental effects to the soil or vegetation at the rates and mixtures to be used, or as an additive to produce compost.

(g) If used as a compost additive, the gypsum wallboard shall comprise less than 2.5 percent, by weight, of the compost mixture.

(h) If the gypsum wallboard will be landspread on agricultural land, the fields must currently be in use, or be used in the next growing season, for crop production. Fall application

of gypsum wallboard shall be restricted to fields used for fall planted crops or for silvicultural use.

(i) Gypsum wallboard may not be applied at rates that cause any of the following:

1. Excessive accumulation of hazardous substances in soil or vegetation.
2. A detrimental effect on surface water quality.
3. A detrimental effect on groundwater quality that would result in an exceedance of the groundwater quality standards specified in ch. NR 140.
4. A detrimental effect on soil permeability or cause ponding, pooling, or runoff in the area.

(j) Gypsum wallboard shall be applied in accordance with accepted agricultural practices and in a nuisance-free manner.

(k) Gypsum wallboard that is surface applied to agricultural soil shall be incorporated into the soil as soon as is feasible after application to land.

(L) A low-hazard exemption for pre-consumer clean gypsum wallboard used as an agricultural supplement shall expire if any of the requirements under pars. (a) to (k) are not met. A low-hazard exemption does not relieve obligations to comply with all other applicable federal, state, and local regulations.

**(5) LOW-HAZARD EXEMPTION FOR THE USE OF CONCRETE COATED WITH LEAD-BEARING PAINT AS FILL.** The temporary storage, processing, and subsequent use of concrete coated with lead-bearing paint as fill shall be established and operated in conformance with the performance standards of s. NR 502.04 (1) and the storage requirements of s. NR 502.05, and shall be operated and maintained in a nuisance-free and aesthetic manner but is otherwise exempt from facility licensing and the requirements of chs. NR 500 to 538 if established and operated in accordance with all of the following requirements:

(a) Concrete may not be stored or processed within any of the following:

1. 100 feet of any wetland or critical habitat area.

2. 250 feet of any potable or non-potable water supply well.
3. 250 feet of any navigable surface water.
4. A floodplain.

(b) Concrete shall be placed and covered within 9 months of being brought to the site where it will be stored or used as fill under this section.

(c) Storage before and after processing shall be done in a nuisance-free manner, and in a manner that will minimize wind and water transport.

(d) If being crushed, the concrete coated with lead-bearing paint shall be processed in a manner that minimizes fugitive dust.

(e) The final placement location of the concrete coated with lead-bearing paint may not be placed within any of the following:

1. 100 feet of any wetland or critical habitat area.
2. 250 feet of any potable or non-potable water supply well.
3. 250 feet of any navigable surface water.
4. A floodplain.
5. An area regularly accessed by humans.
6. Three feet above the high groundwater table

(f) An initial water leach test shall be performed on a composite sample of all paint layers on the lead-bearing concrete, and results shall be compared to standards in Table 6 to determine placement requirements in accordance with the following:

1. Sample results of concrete coated with lead-bearing paint that are below the standards in Table 6 may be used as fill without being placed beneath an impervious surface.

2. Sample results of concrete coated with lead-bearing paint exceeding the standards in Table 6 shall be placed beneath an impervious surface consisting of no less than 2 feet of compacted clay, an asphalt or concrete pavement, or other similar materials.

(g) A low-hazard exemption for storage, processing, and use of concrete coated with lead-bearing paint as fill shall expire if any of the requirements under pars. (a) to (h) are not met. A low-hazard exemption does not relieve obligations to comply with all other applicable federal, state, and local regulations.

**Table 6: Standards for a water leach test for concrete coated with lead-bearing paint used as fill**

| <b>Parameter</b> | <b>Groundwater Preventive</b> |
|------------------|-------------------------------|
| Cadmium          | 5                             |
| Chromium         | 100                           |
| Lead             | 15                            |

**(6) LOW-HAZARD EXEMPTION FOR CLEAN CONTAINER GLASS.** The temporary storage and subsequent use of clean container glass as a drainage medium, aggregate under a structure, aggregate under roads, flowable fill medium, waste and waste water filter medium, or other similar uses shall be established in conformance with the performance standards of s. NR 502.04 (1) and the storage requirements of s. NR 502.05, and shall be operated and maintained in a nuisance-free and aesthetic manner. The temporary storage and subsequent use of clean container glass as a drainage medium, aggregate under a structure, aggregate under roads, flowable fill medium, waste and wastewater filter medium, or other similar uses is exempt from facility licensing and the requirements of chs. NR 500 to 538 if established and operated in accordance with all of the following requirements:

(a) Glass may not be used in areas where the glass will be exposed and may pose a safety threat or in areas that will be frequently disturbed.

(b) The glass shall have sufficient properties to perform the function of the material it replaces. The use of glass particles greater than 0.5 inch in size requires written department approval.

(c) Processed glass used for the purposes designated under this exemption may contain incidental contamination from neck rings, bottles, labels, caps, lids, and other non-container glass but may not contain more than 5 percent by weight of non-container glass material.

(d) Processed glass must meet industry standards for the end use.

(e) Glass shall be stored in a nuisance-free manner. Glass stockpiles shall have controlled access to prevent the general public from coming in contact with the glass piles. The number of stockpiles shall be kept to a minimum and may not be spread over a large area. Stockpiles shall be stored on a hard, low-permeability, all-weather surface such as asphalt or concrete.

(f) Glass shall be placed and covered within 9 months of being brought to the site where it will be stored and used as geotechnical fill.

(g) At least 60 days prior to the beginning of placement of the glass under this exemption, the facility or contractor for the facility shall submit an application on a form provided by the department requesting a concurrence from the department. The form shall include all of the following information:

1. The address or location by quarter-quarter section of the final placement site.
2. The name, address, and contact information of the primary contacts.
3. The uses of the glass with an explanation of how the use of glass has a demonstrative benefit over traditional drainage medium or aggregate.
4. A map or aerial image showing the final placement location or locations.
5. The total volume of materials to be placed.
6. The timeline for the proposed project.
7. Confirmation that the facility will operate in compliance with the information required under pars. (a) to (f).

**Note:** An application form for requesting an exemption under this section may be obtained from the Department of Natural Resources, Waste and Materials Management

Program, [dnrwastemanagement@wisconsin.gov](mailto:dnrwastemanagement@wisconsin.gov).

(h) If the application under par. (g) is not complete or any of the requirements are not met, the department shall issue a written objection to the application with an explanation. If the department does not provide a written objection to the application within 30 days of receipt by the department, the applicant may proceed under this exemption. After an objection, the applicant may resubmit a new application and associated review fees that address the objections made by the department.

(i) A low-hazard exemption for the beneficial reuse of clean container glass as a drainage medium, aggregate under a structure, aggregate under roads, flowable fill medium, waste and waste water filter medium, or other similar uses shall expire 5 years from the date of department concurrence unless a different expiration date is approved by the department in writing. A low-hazard exemption does not relieve the applicant of obligations to comply with all other applicable federal, state, and local regulations.

**(7) EXISTING EXEMPTIONS.** This section does not abrogate, rescind, or terminate an approval or grant of exemption that was issued under s. 289.43 (7) or (8), Stats. Nothing in this section limits the authority of the department to modify, terminate, or rescind any approval or grant of exemption as provided by law.

**SECTION 82. NR 500.09 is amended to read:**

**NR 500.09 Construction inspection.** The department may require as a condition of a grant of exemption, the approval of a feasibility report, plan of operation, groundwater monitoring plan, closure plan, site investigation report and remedial action options report, validation of testing results, or a modification to any approval that critical construction steps of a facility, as specified in the approval, be inspected by the department. The applicant shall pay an inspection fee as specified ~~in~~ under s. NR 520.04 (5).

**SECTION 83. NR 500.11 is amended to read:**

**NR 500.11 Enforcement.** If the department has reason to believe that a violation of the requirements of ch. 289, Stats., or chs. NR 500 to 538 has occurred, it may take enforcement action as authorized under subch. VIII of ch. 289, Stats., or as authorized in

applicable enforcement provisions for landfill and solid waste disposal program requirements in under chs. NR 500 to 538.

**SECTION 84. NR 502.04 (intro.) (Note) is created to read:**

**NR 502.04 Note:** “Facility” may refer to a specific part of operations. A facility that is conducting both a license-exempt activity and an activity requiring solid waste licensing must follow full requirements for the nonexempt part of their operations, even if the site has some activities that are exempt under this chapter.

**SECTION 85. NR 502.04 (1) (a) (intro.) and 1. and (2) (a) (intro.) are amended to read:**

**NR 502.04 (1) (a)** Unless an exemption is granted by the department under par. (b), no person may establish, construct, operate, maintain or permit the use of property for any facility regulated under this chapter, or any non-commercial soil borrow source designated to be used in the construction of a specific facility regulated under ~~this chapter~~ chs. NR 500 to 538, within an area where there is reasonable probability that the facility will cause any of the following:

1. A detrimental effect on any ~~surface~~ surface waters of the state as defined in s. 283.01 (20), Stats.

**(2) (a)** Any person intending to establish or expand a solid waste facility listed in subds. ~~4. 2.~~ to 8. which is subject to locational criteria under this chapter or a soil borrow source listed in subd. 9. shall submit a written request to the department for an initial site inspection for the purpose of evaluating compliance with the performance standards listed in sub. (1) and the applicable locational criteria contained in this chapter:

**SECTION 86. NR 502.04 (2) (a) 1. is repealed.**

**SECTION 87. NR 502.04 (2) (a) 9., (b) (intro.) and 4., and (c) (intro.) are amended to read:**

**NR 502.04 (2) (a) 9.** Non-commercial soil borrow source designated to be used in the construction of a specific solid waste facility listed in subds. ~~4. 2.~~ to 8.

**(b)** The written request for initial site inspection shall comply with s. NR 500.05 (5) to (8) and shall ~~contain a cover letter identifying~~ identify all of the following:

4. Location by quarter — quarter section or GPS coordinates.

(c) The written request for initial site inspection for solid waste facilities listed in par. (a) ~~4. 2.~~ to 8. shall contain all of the following additional information:

**SECTION 88. NR 502.04 (2) (c) 2. (Note) is repealed.**

**SECTION 89. NR 502.04 (2) (d), (3) (a) and (b), (c) 1. and 2., and (4) (intro.) are amended to read:**

**NR 502.04 (2) (d)** The department shall conduct an initial site inspection within ~~22 business days~~ 30 days of receipt of a written request ~~which that~~ that complies with the requirements of this subsection and payment of the fee identified in ch. NR 520 Table 2, whichever is later. Depending on the season, ~~follow-up~~ follow-up inspections may be necessary to identify any obscured features of the proposed property such as wetlands. Within ~~22 business days~~ 30 days of completing the inspection, the department shall render a preliminary opinion regarding the suitability of the site location and identify any additional studies or information that is to be submitted to determine if a proposed solid waste facility or soil borrow source complies with the performance standards listed ~~in~~ under sub. (1) and the applicable locational criteria contained in this chapter. A favorable opinion from the department under this paragraph does not guarantee that the proposed facility will meet performance standards or locational criteria ~~will be met.~~

**(3) (a)** Within 5 calendar days after ceasing to accept and actively process waste at the facility, remove all putrescible waste and containerize, properly utilize, or dispose of all other waste.

**(b)** Within 60 days after ceasing to accept and actively process waste at the facility, remove all waste.

**(c) 1.** At least 60 days prior to ceasing to accept waste at the facility for an extended period, ~~department shall be notified in writing and a sign shall be posted in a prominent location notifying the facility owner shall notify users and notify the department in writing~~ of the date on which the facility will cease to accept waste. In the case of ceasing to accept waste for an extended period due to unplanned and unforeseeable circumstances, such as fire or equipment failure, department and user notification ~~and sign posting~~ shall be completed as soon as practical. ~~Alternatives to posting a sign may be implemented with department concurrence for facilities which are not open to the general public.~~

**2.** Within 60 days of ceasing to accept ~~and actively process~~ waste, the facility shall be closed in accordance with the approved plan of operation.

**(4) ENVIRONMENTAL REVIEW.** The department may require an applicant for an initial

license or for approval of expansion of ~~an~~ any of the following existing solid waste facility types listed in the following pars. (a) to (f) to submit information with the plan of operation report as specified by the department to determine the need for an environmental impact report or environmental impact statement:

**SECTION 90. NR 502.04 (4) (a) is repealed.**

**SECTION 91. NR 502.04 (4) (dg) and (dr) are created to read:**

**NR 502. (4) (dg)** Air curtain destruction facilities.

(dr) Woodburning facilities.

**SECTION 92. NR 502.04 (6) is amended to read:**

**NR 502.04 (6) FINANCIAL RESPONSIBILITY.** The department may require the owner or operator of any facility for which a plan is required under this chapter to provide proof of financial responsibility for the cost of closure of the facility. The department may require the owner or operator to submit closure cost estimates for removal, transport, and ultimate disposal of the wastes. If proof of financial responsibility or adjustment to financial responsibility is required by the department, it shall be submitted prior to licensing or relicensing of the facility, or as otherwise specified by the department.

**SECTION 93. NR 502.045 is created to read:**

**NR 502.045 Waste generator responsibility.** (a) Unless exempt under ch. NR 500.08 (1) (a), a person generating solid waste shall do one of the following:

1. Transport the waste to a facility that is licensed or approved by the department.
2. Transport the waste to a facility that is exempt from licensing by the department, and that is able to accept the type of waste being transported.
3. Arrange for waste collection with a transportation service licensed by the department for that purpose.
4. Arrange for waste collection with a transportation service that is exempt from licensing under s. NR 502.06 (2).

(b) A nonresidential generator of solid waste that contracts with a licensed or exempt transporter shall provide one of the following to the transporter in writing:

1. Sufficient information about the waste for the transporter to be able to determine an acceptable delivery location.

2. An acceptable delivery location.

**SECTION 94. NR 502.05 (title) is repealed and recreated to read:**

**NR 502.05 Solid waste storage.**

**SECTION 95. NR 502.05 (1) to (4) are repealed.**

**SECTION 96. NR 502.05 (4m) is created to read:**

**NR 502.05 (4m) OPERATIONAL REQUIREMENTS FOR ALL STORAGE.** A person may only store solid waste in conformance with the following requirements unless the department issues a written exemption to a requirement:

(a) All-weather access shall be provided and maintained.

(b) Effective means shall be provided to control flies, rodents, and other vectors.

(c) All waste shall be stored in a sanitary, nuisance-free manner that controls odors and leachate and protects the environment and public health.

(d) Adequate storm water drainage shall be maintained.

**SECTION 97. NR 502.05 (5) (title), (intro.), and (a) are amended to read:**

**NR 502.05 (5) OPERATIONAL REQUIREMENTS FOR CONTAINERIZED STORAGE-FACILITIES.** ~~No~~ A person may operate or maintain a containerized storage facility except may only store containerized solid waste in conformance with sub. (4m) and the following minimum operational requirements unless the department issues a written exemption to a requirement:

(a) Storage containers shall be durable, rust resistant, nonabsorbent, leak-proof, easy to clean, and able to effectively contain the stored waste. If garbage or similar putrescible wastes are stored, the containers shall have close-fitting, fly-tight covers, and be constructed of light-

weight durable material. If odors, vectors, or a release of waste material are identified, the facility shall use a cover that is sealed when material is not being added or removed.

**SECTION 98. NR 502.05 (5) (am) and (Note) are created to read:**

**NR 502.05 (5) (am)** Containers or packaging material holding only waste electronic devices shall be adequate to prevent breakage and spills, compatible with the contents, and manufactured of material that will remain structurally sound for the length of time the material is stored. Electronic devices shall be stored in a manner that will prevent damage from weather, theft, or vandalism.

**Note:** A container that otherwise contains only waste electronic devices may contain de minimis amounts of packaging or contamination.

**SECTION 99. NR 502.05 (5) (c) is amended to read:**

**NR 502.05 (5) (c)** ~~Containers handling municipal solid~~ Any person storing putrescible waste shall demonstrate that the waste is removed and emptied at least once per week, or more often if conditions warrant. Containers handling nonputrescible industrial waste shall be removed and emptied as necessary, but at least once every 90 days. Any person storing nonputrescible waste shall demonstrate that no waste is stored for longer than one year or beyond the capacity of the container, whichever comes first.

**SECTION 100. NR 502.05 (5) (d) to (L) are repealed.**

**SECTION 101. NR 502.05 (5) (m) and (Note) are created to read:**

**NR 502.05 (5) (m)** If recycling containers are provided, they shall be clearly labeled, and the recyclables shall be maintained in a marketable condition.

**Note:** Under s. NR 500.03 (52), a container includes a building that is enclosed on 4 sides and has a leak proof floor and a roof.

**SECTION 102. NR 502.05 (6) (title) and (intro.) are amended to read:**

**NR 502.05 (6)** OPERATIONAL REQUIREMENTS FOR NONCONTAINERIZED STORAGE FACILITIES. ~~No A person may operate or maintain a~~ may only store noncontainerized storage facility except solid waste in conformance with an approved plan of operation sub. (4m) and the

following ~~minimum operational~~ requirements unless the department issues a written exemption to a requirement:

**SECTION 103. NR 502.05 (6) (a) and (b) are repealed.**

**SECTION 104. NR 502.05 (6) (c) is repealed and recreated to read:**

**NR 502.05 (6) (c)** Any person storing noncontainerized waste shall demonstrate that no waste is stored for longer than one year.

**SECTION 105. NR 502.05 (6) (d) to (h) are repealed.**

**SECTION 106. NR 502.05 (6) (i) to (m) are created to read:**

**NR 502.05 (6) (i)** Waste materials shall be stored in such a way that they cannot be moved by wind or water.

(j) Waste materials may not be putrescible except for brush and yard residuals.

(k) Waste materials may not absorb stormwater.

(L) Waste materials may not impact stormwater that comes into contact with it in a manner that is likely to result in environmental pollution.

(m) Waste materials shall be stored in a manner that will prevent damage from weather, theft, or vandalism.

**SECTION 107. NR 502.05 (7) (title) and (intro.) are amended to read:**

**NR 502.05 (7) OPERATIONAL REQUIREMENTS FOR MUNICIPAL SOLID WASTE COMBUSTOR RESIDUE STORAGE FACILITIES.** ~~Except for on site storage at a municipal solid waste combustor approved under s. NR 502.13, no~~ A person may maintain or operate a storage facility for ~~may store~~ residue produced by burning municipal solid waste ~~unless the person has obtained an operating license under sub. (1), and written approval of a plan of operation under sub. (8), for the facility. Residue storage areas shall be designed, operated and maintained in compliance with the applicable operational requirements specified under sub.~~ in conformance with sub. (4m), subs. (5) or (6) as applicable, and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 108. NR 502.05 (8) to (10) are repealed.**

**SECTION 109. NR 502.06 (title), (1) (a), (b), and (c) (Note), and (2) (intro.), (a), (ag), (ag) (Note), and (am) are amended to read:**

**NR 502.06 ~~Collection and transportation~~ Transportation services.**

(1) (a) Owners and operators of solid waste ~~collection and transportation~~ services shall comply with the general requirements in s. NR 502.04, the storage requirements in s. NR 502.05, and this section.

(b) Unless exempt under sub. (2), no person may operate or maintain a ~~collection or~~ transportation service unless the person has obtained an operating license from the department.

(c) **Note:** Services for ~~collection and~~ transportation of asbestos waste are required to meet the minimum requirements of the applicable air management rules in chs. NR 400 to 499.

(2) EXEMPTIONS. The following ~~collection or~~ transportation services shall comply with the general requirements ~~specified in s. NR 502.04~~ and the storage requirements in s. NR 502.05, but are exempt from all other requirements of this chapter:

(a) Services for the ~~collection and~~ transportation of only gravel pit spoils, quarry materials, ~~earth materials~~ rocks, materials being disposed of or used as fill under s. NR 500.08 (2) (a) to (ar) or salvageable materials other than those listed in s. 287.07 (3) or (4), Stats.

(ag) Services for the ~~collection and~~ transportation of only waste electronic devices, or components derived from electronic devices, destined for reuse or recycling that comply with general operational requirements under sub. (4) (b), (d), (e), (f), and (g).

**Note:** ~~A container that otherwise contains only waste~~ Waste electronic devices destined for reuse or recycling may contain de minimis amounts of packaging or contamination.

(am) Services for the ~~collection and~~ transportation of the materials listed under s. 287.07 (3) and (4), Stats., or non-hazardous materials derived from electronic devices, after the materials have been processed for reuse or recycling by conversion into a consumer product or a product that is used as a raw material in a commercial or industrial process.

**SECTION 110. NR 502.06 (2) (ar) and (b) are repealed.**

**SECTION 111. NR 502.06 (2) (bm) is created to read:**

**NR 502.06 (2) (bm)** For a person whose primary business purpose is not collecting and transporting waste, services for the transportation of less than 20 tons of solid waste per year. A person shall make available records of the amounts of solid waste transported upon request to the department.

**SECTION 112. NR 502.06 (2) (c) to (h) are amended to read:**

**NR 502.06 (2) (c)** Services for the ~~collection and~~ transportation of sludge from municipal wastewater or water supply treatment plants, or waste materials going to a wastewater treatment plant, provided ~~it is~~ that the sludge or waste materials are handled in accordance with ch. 283, Stats.

(d) Services for the ~~collection and~~ transportation of only waste materials regulated and licensed under s. 281.48, Stats.

(e) Governmental services consisting solely of vehicles used to collect and transport roadside litter or street sweepings and catch basin materials from a town, village, city, county, state, and federal highway right-of-way. Litter shall be disposed of at a licensed disposal facility. Street sweepings shall be disposed of at a licensed disposal facility or in accordance with s. NR 500.085 (2).

(f) Services for the ~~collection and~~ transportation of dredge material regulated by permit or contract under s. 30.20, Stats.

(g) Services for the ~~collection and~~ transportation of wastes generated by an industrial company ~~which~~ that do not travel on public roads and ~~which~~ that utilize vehicles owned by the company.

(h) Services for the ~~collection and~~ transportation of whey or waste materials from fruit or vegetable processing operations.

**SECTION 113. NR 502.06 (2) (i) is repealed.**

**SECTION 114. NR 502.06 (2) (j) is amended to read:**

**NR 502.06 (2) (j)** Services for the ~~collection and~~ transportation of contaminated soil in compliance with ch. NR 718.

**SECTION 115. NR 502.06 (2) (j) (Note) is created to read:**

**NR 502.06 (2) (j) Note:** Contaminated soil hauled commercially by a contractor is not covered under ch. NR 718. Only contaminated soil hauled privately in vehicles owned by the generator of the waste is covered under ch. NR 718.

**SECTION 116. NR 502.06 (2) (k) is amended to read:**

**NR 502.06 (2) (k)** Services for the ~~collection and~~ transportation of industrial byproducts in compliance with ch. NR 538.

**SECTION 117. NR 502.06 (2) (m) is created to read:**

**NR 502.06 (2) (m)** Services for the transportation of solid waste by rail that comply with general operational requirements under sub. (4) (b) to (e) and (f) to (h).

**SECTION 118. NR 502.06 (3) (a) is renumbered NR 502.06 (3) (intro.), repealed, and recreated to read:**

**NR 502.06 (3)** A person may only operate or maintain a transportation service for the residue produced by burning municipal solid waste in conformance with the general requirements under sub. (4) and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 119. NR 502.06 (4) (intro.) is repealed and recreated to read:**

**NR 502.06 (4) GENERAL OPERATIONAL REQUIREMENTS.** A person may only operate or maintain a solid waste transportation service in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 120. NR 502.06 (4) (a) to (e), (eg) (intro.) and 1., (er) (intro.), and (ew) to (g) are amended to read:**

**NR 502.06 (4) (a)** Each vehicle shall have “WDNR” followed by the license number ~~lettered~~ displayed on the driver’s side door. The letters shall be at least 2 inches high ~~with a~~

~~minimum 1/2 inch brush stroke. The lettering shall contrast with the background so it is, contrast with the background, and be easy to read.~~

(b) Solid waste shall be transported only to facilities ~~which~~ that are licensed or approved by the department ~~which or that~~ are exempt from ~~regulation~~ licensing by the department, and that are able to accept the type of waste being transported.

(c) Vehicles or containers used for the ~~collection and~~ transportation of solid waste shall be durable, easy to clean, and leak-proof, if necessary, considering the type of waste and its moisture content. All vehicles and containers shall be cleaned as frequently as necessary to prevent nuisances or insect breeding and shall be maintained in good repair.

(d) Vehicles or containers used for the ~~collection and~~ transportation of solid waste shall be loaded and moved in such a manner that the contents do not fall, spill, or leak. Covers shall be provided to prevent littering and spillage. If spillage does occur, the operator shall immediately return spilled materials to the vehicle and shall properly clean the spill area. In the event of a spill of a hazardous substance the department shall be notified under s. 292.11, Stats., and the spill material shall be collected and the environment restored as provided in ch. NR 708.

(e) Services for the ~~collection and~~ transportation of recyclable materials listed in s. 287.07, Stats., and municipal solid wastes shall comply with the prohibitions on land disposal and incineration ~~in~~ under s. 287.07, Stats.

(eg) Services for the ~~collection and~~ transportation of municipal solid wastes shall notify their clients of the need to comply with state and local laws requiring recycling. In this paragraph, "client" means the contracting entity or the entity that arranges for service provision in the case where there is no formal contract. The service provider shall meet all of the following notification requirements:

1. Notification for all clients ~~except households in single family and 2 to 4 unit dwellings~~ those listed under subd. 2. shall be written, and shall be provided at the time of entering into a contract or otherwise arranging for collection and transportation services and annually thereafter.

(er) A service for the ~~collection and~~ transportation of recyclable materials shall do all of the following:

(ew) A service for the ~~collection and~~ transportation of recyclable materials specified under s. 287.07 (4), Stats., shall notify a responsible unit within one week of a change in materials recovery facility used.

(f) Services for the ~~collection and~~ transportation of recyclable materials shall maintain the ~~cleanliness~~ marketability of those materials for recycling purposes.

(g) Upon the request of the department, a service for the ~~collection and~~ transportation of recyclable materials shall provide satisfactory documentation to the department that the recyclable materials have been delivered to brokers, processors, or end users of the materials. Records shall be retained for a period of 3 years from the time of delivery.

**SECTION 121. NR 502.06 (4) (h) and (i) are repealed and recreated to read:**

**NR 502.06 (4) (h)** Licensed solid waste transporters shall notify the department in writing at least 30 days prior to the effective date of all significant changes in service, including any of the following:

1. Adding a vehicle.
2. Removing a vehicle.
3. Replacing a vehicle.
4. Changing the destination to which solid waste is hauled.
5. Terminating service.

(i) Any waste storage within the transport vehicle shall meet the requirements of s. NR 502.05 (5) and (5m).

**SECTION 122. NR 502.06 (5) is repealed.**

**SECTION 123. NR 502.07 (1) (a) to (d) are amended to read:**

**NR 502.07 (1)** (a) Unless exempt under sub. ~~(2m)~~ (2), owners and operators of solid waste transfer facilities shall comply with the performance standards and closure requirements ~~in~~ under s. NR 502.04 (1) and (3) (a) and (b).

(b) Unless exempt under sub. (2), ~~(2d), (2f), or (2m)~~, an owner or operator of a new or expanded solid waste transfer facility shall comply with initial site inspection requirements under s. NR 502.04 (2) and demonstrate compliance with the locational criteria under sub. (3).

(c) Unless exempt under sub. (2), ~~(2d), (2f), (2m), or (2r)~~, no person may operate or maintain a solid waste transfer facility unless the person has received approval of a plan of operation as specified under sub. (4).

(cm) Unless exempt under sub. (2), ~~(2d), (2f), or (2m)~~, no person may operate or maintain a solid waste transfer facility unless the person has obtained an operating license from the department.

(d) No person may operate or maintain a transfer facility for infectious waste or items mixed with infectious waste unless the person also complies with s. NR 526.09.

**SECTION 124. NR 502.07 (1) (e) is created to read:**

**NR 502.07 (1) (e)** Except as provided in sub. (2) no person may operate or maintain a transfer facility unless storage of waste not being actively transferred is in compliance with s. NR 502.05.

**SECTION 125. NR 502.07 (2) is repealed and recreated to read:**

**NR 502.07 (2) EXEMPTIONS.** (am) *Full exemptions.* All of the following facilities are exempt from all requirements of this chapter:

1. Containers and transfer areas for household waste that serve a single household and are located on the property where the waste is generated.

2. Pit silos used for the storage of by-products from fruit, vegetable, or grain processing operations where the by-products are to be used for animal feed, provided the facility is in compliance with applicable portions of ch. NR 213.

3. A facility for the transfer of infectious wastes that is exempt from licensing under s. NR

526.09 (2).

4. A facility for contaminated soil storage or transfer that is in compliance with ch. NR 718.

5. A facility for the storage or transfer of industrial byproducts that are managed in compliance with ch. NR 538.

6. Transfer facilities for used oil that are managed in compliance with ch. NR 679.

(bm) *Partial exemptions.* All of the following facilities are exempt from the requirements of this chapter except that they shall meet the performance standards and closure requirements under s. NR 502.04 (1) and (3) (a) and (b) and shall meet any other requirements that they are subject to as specified under subs. 1. to 11.:

1. Containers and transfer areas that serve apartments, commercial establishments, business establishments, and industries and that are located on the premises served, provided the facility complies with the storage requirements under s. NR 502.05.

2. A facility for high-volume industrial waste or wood residue where the waste is stored at the point of generation for less than 72 hours prior to being transported for disposal or beneficial reuse, provided the facility complies with the general requirements listed under s. NR 502.04 and the storage requirements under s. NR 502.05, and is operated and maintained in an environmentally sound and nuisance-free manner.

3. Short-term uncontainerized transfer facilities, provided they follow the storage requirements of s. NR 502.05 and all of the following practices:

a. The facility exists for less than 9 months, which encompasses the time of initial waste acceptance to the removal of all waste.

b. The volume of waste managed at the facility does not exceed 5,000 cubic yards at any time.

c. The combined total volume of waste transferred at the facility over the allowable 9-month period does not exceed 10,000 cubic yards.

d. Waste handling does not occur within a floodplain, within 20 feet of the facility

property boundary, or within 100 feet of any public or private water supply well, navigable lake, pond, flowage, river, or stream.

4. A facility for the transfer of waste electronic devices intended for recycling, provided that the facility complies with the storage requirements under s. NR 502.05 and is operated and maintained in a nuisance-free manner.

5. A facility only for the transfer of recyclable materials listed under s. 287.07 (4), Stats., provided that the facility complies with the operational requirements under sub. (7) (a), (c), (d), (i), (k), and (o), the storage requirements under s. NR 502.05, and, for new or expanded facilities, the locational criteria under sub. (3), and provided that the recyclable materials are maintained in a marketable condition.

6. A temporary facility organized by a municipal or county government specifically for drop-off and transfer of residential materials that were generated due to a storm or natural disaster, provided that the facility complies with the storage requirements under s. NR 502.05 and the facility is operated and maintained in conformance with all of the following practices:

a. Where mechanical equipment is a part of the operation, public access is limited to those times when an attendant is on duty. Access restrictions and an attendant may be required by the department for a non-mechanical facility.

b. The transfer facility is closed within 60 days of the end of a natural disaster event, meaning a severe natural or human-caused flood or a severe tornado, heavy rain, or storm that resulted in a federal or state disaster declaration, or within 30 days of a storm event other than a natural disaster.

c. Waste transfer does not occur within a floodplain, within 20 feet of the facility property boundary, or within 100 feet of any public or private water supply well, navigable lake, pond, flowage, river or stream.

7. A facility for the transfer of scrap metal that is sent off-site for recycling at a salvage facility at least one time per year, provided that the facility complies with the storage requirements of s. NR 502.05 and is operated and maintained in a controlled and nuisance-free manner.

8. A facility for the transfer of wastes that can be disposed of or used as fill under s. NR 500.08 (2) (a) to (ar), provided that the facility complies with the storage requirements of s. NR 502.05 and is operated and maintained in a controlled and nuisance-free manner.

9. A facility managing only yard residuals generated on the premises served by apartments, commercial establishments, business establishments, or industries, provided the facility complies with the storage requirements of s. NR 502.05 (4m).

10. A facility for the transfer only of yard residuals, provided that the facility is operated and maintained in a controlled and nuisance-free manner; complies with the storage requirements of s. NR 502.05 (4m), the locational criteria under sub. (3) except for the airport setback under sub. (3) (a) 7., the operational requirements in sub. (7) (bm), (d), and (h); and meets all of the following requirements:

a. The yard residuals, excluding brush, are stored for a maximum of 15 days if received from April to September or a maximum of 30 days if received from October to March. If concerns with vectors, leachate, or odors arise, a shorter storage time may be required.

b. The volume of yard residuals, excluding brush, shall not exceed 50 cubic yards at any time.

c. If grass clippings or incidental spoiled fruit and vegetables from noncommercial sources are received, they shall be debagged and incorporated with enough carbon to prevent anaerobic conditions within 72 hours of receipt at the facility. If concerns with vectors, leachate, or odors arise, these materials shall be incorporated within 24 hours.

11. Transfer facilities that accept waste from individual users or persons who transport waste in vehicles not exceeding two tons in capacity and who hand-unload the waste, provided the facility complies with the storage requirements of s. NR 502.05. Where mechanical equipment is a part of the operation, public access shall be limited to those times when an attendant is on duty.

**SECTION 126. NR 502.07 (2d) to (2m) are repealed.**

**SECTION 127. NR 502.07 (2r) (title) and (a) are amended to read:**

**NR 502.07 (2r)** ~~EXEMPT TRANSFER~~ TRANSFER FACILITIES ACCEPTING LESS THAN 50 TONS PER DAY.

(a) Comply with performance standards and closure requirements ~~in~~ under s. NR 502.04 (1) and (3) (a) and (b) and the storage requirements under s. NR 502.05.

**SECTION 128. NR 502.07 (2r) (e) 1. is repealed.**

**SECTION 129. NR 502.07 (2r) (e) 2. and 3. and (f) (intro.) are amended to read:**

**NR 502.07 (2r) (e) 2.** Do not accept sewage solids, sludge, asbestos, or wastes containing free liquids or combustor residue.

3. At the end of each operating day, ~~place~~ containerize all putrescible waste in leak-proof vehicles or containers with impermeable tops, except for brush and yard residuals, in accordance with s. NR 502.05.

(f) Prior to or with the initial license application, and with each subsequent license renewal application, submit a cover letter containing the following certification:

**SECTION 130. NR 502.07 (3) (a) 2. and (b) are amended to read:**

**NR 502.07 (3) (a) 2.** Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

(b) The locational criteria listed under par. (a) 2. to 7., do not apply to waste transfer activities located within an enclosed building where openings to the ground, such as garage doors, are fully closed for the majority of facility operations and when the facility is not operating. However, the department may require enclosed solid waste transfer facilities to meet specified locational criteria ~~in~~ under par. (a) if there is significant potential for the facility to cause environmental pollution as defined ~~in~~ under s. 283.01 (6m), Stats., nuisance conditions or bird hazard to aircraft. The department may grant exemptions from the requirements of par. (a) 2. to 7., only upon demonstration by the applicant of circumstances ~~which~~ that warrant the exemption. Exemptions from compliance with par. (a) 1. may not be granted.

**SECTION 131. NR 502.07 (4) (intro.) is repealed and recreated to read:**

**NR 502.07 (4) PLAN OF OPERATION.** Unless exempt under sub. (2) or (2r), a person may

only establish or operate a solid waste transfer facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; contain engineering plans specified under sub. (5); provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (3), and the operational requirements under sub. (7); and include, the following information:

**SECTION 132. NR 502.07 (4) (am) is created to read:**

**NR 502.07 (4) (am)** When an initial site inspection is required under s. NR 502.04 (2), confirmation that the proposed designated area is consistent with the designated area for which the department issued a preliminary opinion.

**SECTION 133. NR 502.07 (4) (d) is repealed and recreated to read:**

**NR 502.07 (4) (d)** The persons responsible for facility construction, if proposed, and operation.

**SECTION 134. NR 502.07 (4) (dm) is created to read:**

**NR 502.07 (4) (dm)** An operating schedule for the facility.

**SECTION 135. NR 502.07 (4) (e) is repealed and recreated to read:**

**NR 502.07 (4) (e)** Information to document that the size and configuration of the facility grounds, building, and equipment, including the facility layout, drainage structures, building design, and major facility equipment, as specified to be shown in the engineering plans, are adequate for management of the proposed waste quantities and processes.

**SECTION 136. NR 502.07 (4) (f) is repealed.**

**SECTION 137. NR 502.07 (4) (g) is amended to read:**

**NR 502.07 (4) (g)** The proposed methods of screening waste-handling operations from the surrounding area.

**SECTION 138. NR 502.07 (4) (h) is repealed.**

**SECTION 139. NR 502.07 (4) (i) is repealed and recreated to read:**

**NR 502.07 (4) (i)** The proposed service area and descriptions of the waste generators including whether they are industrial, commercial, or residential.

**SECTION 140. NR 502.07 (4) (j) is repealed.**

**SECTION 141. NR 502.07 (4) (je), (jm), and (js) are created to read:**

**NR 502.07 (4) (je)** A description of all wastes to be accepted by the facility.

**(jm)** The estimated quantities of all materials accepted and sent off-site by the facility on a daily and annual basis.

**(js)** The specific waste types that will not be accepted at the facility and the methods for screening the incoming waste to eliminate materials requiring special handling such as asbestos, infectious waste, explosive wastes, hazardous waste, or other materials for operators' safety.

**SECTION 142. NR 502.07 (4) (k) is repealed.**

**SECTION 143. NR 502.07 (4) (m) is amended to read:**

**NR 502.07 (4) (m)** The vehicle traffic routing at the facility ~~and provisions for, including~~ the estimated increase in traffic and access to connecting roadways.

**SECTION 144. NR 502.07 (4) (n) is repealed.**

**SECTION 145. NR 502.07 (4) (nm) is created to read:**

**NR 502.07 (4) (nm)** The estimated quantities and characteristics of wastes containing free liquids resulting from facility operation and methods of their treatment and disposal into a sanitary sewer or other system approved by the department.

**SECTION 146. NR 502.07 (4) (o) is amended to read:**

**NR 502.07 (4) (o)** ~~The~~ Any methods of volume reduction to be used such as compacting, grinding, compression, or tamping.

**SECTION 147. NR 502.07 (4) (p) is repealed.**

**SECTION 148. NR 502.07 (4) (q) and (r) are amended to read:**

**NR 502.07 (4) (q)** Daily and periodic clean-up procedures.

(r) The names and locations of all solid waste disposal facilities to which waste from the transfer-station facility may be hauled.

**SECTION 149. NR 502.07 (4) (rm) is created to read:**

**NR 502.07 (4) (rm)** The proposed end markets to be used for materials not going to the landfill, and if requested by the department in writing, the names and contracts in place for end markets.

**SECTION 150. NR 502.07 (4) (s) is repealed and recreated to read:**

**NR 502.07 (4) (s)** The contingency procedures for the handling of waste in the case of a major facility breakdown and during routine maintenance stoppages.

**SECTION 151. NR 502.07 (4) (t) is renumbered NR 502.07 (4) (tg) and (tr) and amended to read:**

**NR 502.07 (4) (tg)** The procedures to handle heavy or bulky items ~~and locations.~~

(tr) The procedures for storage of solid waste beyond the end of the working day.

**SECTION 152. NR 502.07 (4) (u) is amended to read:**

**NR 502.07 (4) (u)** The equipment and procedures designed to control dust, odors, leachate, noise, fire, ~~and windblown paper~~ litter.

**SECTION 153. NR 502.07 (4) (v) is repealed.**

**SECTION 154. NR 502.07 (4) (w) is repealed and recreated to read:**

**NR 502.07 (4) (w)** A copy of an operator training and safety manual to be maintained at the facility that includes a description of all of the following:

1. How to manage operational hazards.

2. The sources, quantities, and characteristics of the wastes to be processed.
3. Process line start up procedures.
4. Routine monitoring and cleanup procedures.
5. Daily processing and equipment maintenance schedules.
6. Methods of controlling access, odors, and windblown materials.
7. Safety precautions and methods for controlling fires and explosions, including evidence that the fire control mechanisms are appropriate for the facility size, the intended waste stream, and common contaminants in the waste stream.
8. Persons to contact concerning operational problems and emergencies.

**Note:** These facilities may be subject to other regulations including OSHA requirements.

**SECTION 155. NR 502.07 (4) (x) to (zd) are created to read:**

**NR 502.07 (4) (x)** The provisions for protection of groundwater and surface water during facility construction and operation in accordance with ch. 160, Stats., and ch. NR 140.

(y) For wastes that are expected to generate wastewater, a design that includes a sloped concrete floor with floor drains connected to a sanitary sewer or private onsite wastewater treatment system, unless exempted by the department in writing.

**Note:** A private onsite wastewater treatment system (POWTS) used for a solid waste transfer facility requires review by the department's wastewater program.

(z) A design that provides for all processing, receiving, or storage areas not enclosed by a building to be graded at a minimum 1 percent slope and surfaced with a material that will adequately support heavy equipment, resist frost action, provide a wearing surface, and prevent contamination of groundwater.

(za) If access road construction is proposed, a design that provides for access roads of all-weather construction and a maximum 10 percent grade. The design shall provide sufficient sight distance and provide for minimum interference with traffic on existing highways.

(zb) A proposed design that limits access to the processing facility by means of an enclosed structure, fencing, natural barriers, or other methods.

(zc) The procedures for facility closure that, at a minimum, meet the requirements of s. NR 502.04 (3).

(zd) A timetable for facility construction and shakedown if construction is proposed.

**SECTION 156. NR 502.07 (5) (a) is repealed.**

**SECTION 157. NR 502.07 (5) (b) and (c), (7) (intro.), (a) to (c), (e) and (f) are amended to read:**

**NR 502.07 (5) (b)** A facility plan ~~which shall~~ and map that shows the entire facility and the area within 1/4 mile. The map shall be in an appropriate scale and include the proposed facility access roads and traffic patterns, buildings, scales, utility lines, ~~drainage runoff~~ diversion, screening, means of access control, ~~final topography, areas to be cleared of vegetation and~~ other design features. ~~The extent of coverage and scale shall be the same as that for the existing conditions map.~~

(c) A proposed process layout plan ~~which~~ that shows the receiving, storage, and loadout areas. ~~The minimum scale shall be 1"= 20'. The plans shall~~ plan shall be shown in an appropriate scale and include design details for the receiving area configuration and traffic flow patterns, storage area and equipment configuration, loadout area and equipment configuration, and other design features.

**SECTION 158. NR 502.07 (7) (intro.) is repealed and recreated to read:**

**NR 502.07 (7) OPERATIONAL REQUIREMENTS.** Unless exempt under sub. (2), a person may only operate or maintain a solid waste transfer facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 159. NR 502.07 (7) (a) to (c), (e) and (f) are amended to read:**

**NR 502.07 (7) (a)** A sign shall be prominently posted at the entrance to the facility, which indicates the facility's name, and license number, ~~the~~ hours of operation, waste types accepted, any necessary safety precautions for entering, and any other pertinent information specified by the department.

(b) A building, roofed and enclosed on at least 3 sides or otherwise enclosed to satisfactorily control dust, papers, leachate, and other waste materials, shall be ~~provided~~ used to transfer putrescible waste, other than brush and yard residuals, unless the putrescible waste will remain containerized in accordance with s. NR 502.05 (5) for the entire time that it is not within an enclosed structure.

(c) ~~All~~ If wastewater is generated, it shall be collected and treated at a wastewater treatment facility permitted to accept it.

(e) ~~Access~~ Public access shall be restricted except when an attendant is on duty.

(f) There may be no storage of putrescible solid waste, other than brush and yard residuals, on the ~~premises~~ transfer floor for a period greater than ~~24~~ 48 hours except in conformance with s. NR 502.05 ~~or unless the waste is contained in leak-proof vehicles or containers with impermeable tops used by a licensed collection and transportation service. If vector, odor, leachate, or nuisance conditions exist, a reduced storage timeframe may be required.~~ Longer storage periods may be authorized by the department for certain uniform industrial and commercial waste depending on the design of the facility.

**SECTION 160. NR 502.07 (7) (fm) is created to read:**

**NR 502.07 (7) (fm)** There may be no storage of waste for longer than 1 year or the length of time required for a single transport load to be accumulated and removed, whichever comes first.

**SECTION 161. NR 502.07 (7) (g), (h), (j), and (k) are amended to read:**

**NR 502.07 (7) (g)** ~~Unloading of solid~~ Transfer of all waste may take place only within the ~~enclosed structure and only in~~ approved designated areas.

(h) Solid waste shall be confined to the unloading, loading, and handling ~~area~~ areas.

(j) Sewage solids, sludge, asbestos, or wastes containing free liquids may not be accepted unless special handling plans for these wastes have been submitted to the department and approved in writing. ~~Infectious or~~ Nonexempt hazardous waste may not be accepted under any circumstances.

(k) ~~Dust and odor and leachate~~ generated by the unloading of solid waste and the operation of the transfer facility shall be controlled at all times.

**SECTION 162. NR 502.07 (7) (L) is repealed.**

**SECTION 163. NR 502.07 (7) (m) and (n) are amended to read:**

**NR 502.07 (7) (m)** Solid waste ~~which~~ that is burning or is at a temperature likely to cause fire ~~or is flammable or explosive~~ may not be accepted.

(n) Equipment that is scaled appropriately for the facility shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

**SECTION 164. NR 502.07 (7) (q) and (s) are repealed.**

**SECTION 165. NR 502.07 (7) (u) and (v) are created to read:**

**NR 502.07 (7) (u)** Records of facility waste throughput shall be maintained for 5 years.

(v) All operators shall be trained on each element required in the training manual under sub. (4) (w).

**SECTION 166. NR 502.08 (1) (a) and (2) (a), (c), (fg) and (fr) are amended to read:**

**NR 502.08 (1) (a)** Unless exempt under sub. (2), no person may operate or maintain a solid waste processing facility unless the person complies with the general requirements in s. NR 502.04, the storage requirements in s. NR 502.04, and has obtained a plan of operation approval as specified in sub. (4) and an operating license from the department.

**(2) (a)** Incinerator facilities, air curtain ~~destructors~~ destructor facilities, woodburning and open burning facilities, composting facilities, and municipal solid waste ~~combustors~~ combustor facilities regulated under ss. NR 502.09 to 502.13.

(c) Facilities that process ~~only~~ used oil ~~which~~ that is managed in compliance with ch. NR 679.

(fg) Facilities that use large machines to sort, grade, compact, bale or process clean, separate waste components consisting of waste paper, textiles, clean wood, glass, pavement or

plastics, not mixed with each other or other solid waste, for sale or distribution for reuse or recycling provided they comply with the performance standards and closure requirements ~~in~~ under s. NR 502.04 (1) and (3) (a) and (b), the storage requirements under s. NR 502.05, and the operational requirements under sub. (6) (c), (e) to (g), (k), (n), and (q).

(fr) Facilities that use large machines to sort, grade, compact, bale, or mechanically process clean, separate waste ~~construction and demolition materials~~ concrete, brick, bituminous concrete, wood, glass, masonry, shingles, siding, plaster, and other similar materials, not mixed with one another or other solid waste, for sale or distribution for reuse or recycling, provided the facility complies with the operational requirements specified ~~in s. NR 502.07 (7)~~ under sub. (6) (a), (c), (d) (e) to (g), (k), (l) and (o) (n), and (q) the performance standards and closure requirements ~~in~~ under s. NR 502.04 (1) and (3) (a) and (b), the storage requirements under s. NR 502.05 and, for new or expanded facilities opening after July 1, 2005, the locational criteria ~~in s. NR 502.07 under sub. (3).~~

**SECTION 167. NR 502.08 (2) (i) is repealed.**

**SECTION 168. NR 502.08 (3) (a) (intro.) and 2. are amended to read:**

**NR 502.08 (3) (a)** Unless exempt under sub. (2), new or expanded processing facilities may not be located within any of the following areas, unless an exemption is granted under ~~par. (b) pars. (b) to (d):~~

2. Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

**SECTION 169. NR 502.08 (3) (b) is repealed and recreated to read:**

**NR 502.08 (3) (b) 1.** The following facilities are exempt from the requirements under par. (a) 2. to 7.

a. Processing facilities where all processing and all solid waste storage, unloading, and loading operations are located within a building with a leak-proof floor.

b. Processing facilities where all processing is located within a building with a leak-proof floor and where any waste being stored, loaded, or unloaded is containerized any time it is

outdoors in compliance with containerized storage requirements under s. NR 502.05 (4m) and (5) and transportation service requirements under s. NR 502.06 (4) (c) and (d).

2. The department may require containerized and enclosed solid waste processing facilities to meet specified locational criteria under par. (a) if there is significant potential for the facility to cause environmental pollution as defined in s. 283.01 (6m), Stats., nuisance conditions, or bird hazard to aircraft.

**SECTION 170. NR 502.08 (3) (c) and (d) are created to read:**

**NR 502.08 (3) (c)** The department may grant exemptions from par. (a) 2. to 7. only upon demonstration by the applicant of circumstances that warrant the exemption. Exemptions from compliance with par. (a) 1. may not be granted.

(d) For a mobile processing facility that operates for less than 24 hours per calendar year at a single location, the facility and its associated storage and unloading and loading operations are not subject to par. (a) 2. to 6. provided the facility is operated and maintained in conformance with all of the following at the mobile location:

1. Storage is in compliance with s. NR 502.05.
2. Operation of the processing facility takes place on a low-permeability surface such as asphalt or concrete.
3. Storm water runoff from the reduced-permeability surface is managed.
4. The facility will not create litter.
5. The facility is in compliance with all performance standards under s. NR 502.04 (1).

**SECTION 171. NR 502.08 (4) (intro.) is repealed and recreated to read:**

**NR 502.08 (4) PLAN OF OPERATION.** Unless exempt under sub. (2), a person may only establish or operate a solid waste processing facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; contain engineering plans specified under sub. (5); provide a proposal that complies with the general requirements under s. NR 502.04, the storage

requirements under s. NR 502.05, the locational criteria under sub. (3), and the operational requirements under sub. (6); and include, the following information:

**SECTION 172. NR 502.08 (4) (am) is created to read:**

**NR 502.08 (4) (am)** When an initial site inspection is required under s. NR 502.04 (2), confirmation that the proposed designated area is consistent with the designated area for which the department issued a preliminary opinion.

**SECTION 173. NR 502.08 (4) (c) and (d) are amended to read:**

**NR 502.08 (4) (c)** Land use within 1/4 mile of the proposed facility. ~~Particular note shall be made of parks, hospitals, nursing homes and areas of archaeological and historical significance.~~

(d) ~~The proposed service area, including population and major industries and descriptions of the waste generators including whether they are industrial, commercial, or residential.~~

**SECTION 174. NR 502.08 (4) (e) and (f) are repealed.**

**SECTION 175. NR 502.08 (4) (h) and (i) are amended to read:**

**NR 502.08 (4) (h)** A timetable for facility construction, and ~~shakedown and operation,~~ and an, if construction or installation is proposed.

~~(hm) An~~ operating schedule for the facility. ~~All facilities operated more than 4 hours per day shall be equipped with a toilet and wash basin or have those facilities available within a reasonable distance.~~

(i) ~~A complete materials balance for the facility, specifying amounts and characteristics of solid waste received and amounts and characteristics of~~ description of all materials to be accepted by the facility, all processing and material management actions to be taken by the facility, and all products and wastes to be generated by the facility.

**SECTION 176. NR 502.08 (4) (im) is created to read:**

**NR 502.08 (4) (im)** The estimated quantities of all materials accepted, processed, and generated by the facility on a daily and annual basis.

**SECTION 177. NR 502.08 (4) (k) is amended to read:**

**NR 502.08 (4) (k)** ~~The names and locations of~~ Certification that all solid waste disposal facilities at which solid waste from the processing plant facility will be disposed, ~~and potential contractual arrangements and distribution plans for recovered solid wastes or products produced~~ are approved to accept the type and amount of solid waste generated.

**SECTION 178. NR 502.08 (4) (km) is created to read:**

**NR 502.08 (4) (km)** The proposed end markets to be used for recyclables or products generated and, if requested by the department in writing, the names and contracts in place for end markets.

**SECTION 179. NR 502.08 (4) (m) and (n) are amended to read:**

**NR 502.08 (4) (m)** ~~A proposed design providing for shrouding and dust collection and removal equipment for~~ plan for managing dust generated from facility operations including the receiving area and all dry processing units such as shredders, screens, air classification devices, magnetic separators, and similar equipment, and all conveyor transfer points where dust is generated. Any air collected in this manner in a dust control system shall be directed through appropriate air pollution control equipment before being discharged.

**(n)** ~~A discussion of any additional procedures for the control of dust, odors, fire, windblown materials, and potential explosions and for the handling of the waste in the case of major processing facility breakdown. Dust within a facility shall be controlled so that operators are not exposed to undue health risk.~~

**SECTION 180. NR 502.08 (4) (nm) is created to read:**

**NR 502.08 (4) (nm)** Contingency procedures for the handling of waste in the case of a major facility breakdown and during routine maintenance stoppages.

**SECTION 181. NR 502.08 (4) (o) is amended to read:**

**NR 502.08 (4) (o)** ~~A proposed design providing for all buildings enclosing processing equipment to have~~ For wastes that are expected to generate wastewater, a design that includes a sloped concrete floor with floor drains connected to a sanitary sewer or other system approved by the department private onsite wastewater treatment system unless exempted by the department in writing.

**SECTION 182. NR 502.08 (4) (o) (Note) is created to read:**

**NR 502.08 (4) Note:** A private onsite wastewater treatment system (POWTS) used for a solid waste processing facility requires review by the department's wastewater program.

**SECTION 183. NR 502.08 (4) (p), (s), (t), and (v) are amended to read:**

**NR 502.08 (4) (p)** ~~A proposed design providing for all processing, receiving, or storage areas not enclosed by a building to be graded at a minimum 1% percent slope and surfaced with a material which that will adequately support heavy equipment, resist frost action, provide a wearing surface, and prevent contamination of groundwater. Runoff from these areas shall be directed to a sanitary sewer or other system approved by the department.~~

~~(s) A proposed~~ If access road construction is proposed, a design providing for access roads of all-weather construction and a maximum 10% percent grade. The intersection of the access road with an existing highway shall be designed to The design shall provide sufficient sight distance and provide for minimum interference with traffic on existing highways.

(t) A proposed design limiting access to the processing facility by means of an enclosed structure, fencing, natural barriers, or other methods.

(v) Provisions for protection of groundwater and surface water during facility construction and operation in accordance with ch. 160, Stats., and ch. NR 140.

**SECTION 184. NR 502.08 (4) (w) is repealed and recreated to read:**

**NR 502.08 (4) (w)** A copy of an operator training and safety manual to be maintained at the facility that includes a description of all of the following:

1. Information on how to manage operational hazards.
2. The sources, quantities, and characteristics of the wastes to be processed.

3. The process line start-up procedures.
4. The routine monitoring and clean-up procedures.
5. The daily processing and equipment maintenance schedules.
6. The methods of controlling access, odors, and windblown materials.
7. The safety precautions and methods for controlling fires and explosions, including evidence that the fire control mechanisms are appropriate for the facility size, the intended waste stream, and common contaminants in the waste stream.
8. The persons to contact concerning operational problems and emergencies.

**Note:** These facilities may be subject to other regulations including OSHA requirements.

**SECTION 185. NR 502.08 (4) (x) is amended to read:**

**NR 502.08 (4) (x)** Procedures for facility closure that meet the requirements of s. NR 502.04 (3).

**SECTION 186. NR 502.08 (4) (y) is created to read:**

**NR 502.08 (4) (y)** Procedures for daily and periodic clean-up.

**SECTION 187. NR 502.08 (5) (a) is repealed.**

**SECTION 188. NR 502.08 (5) (b) and (c) are amended to read:**

**NR 502.08 (5) (b)** A facility plan ~~which includes~~ and map that shows the entire facility and the area within 1/4 mile. The map shall be readable and to scale, and shall include the proposed facility access roads and traffic patterns, buildings, scales, utility lines, drainage runoff diversion, screening, means of access control, final topography, areas to be cleared of vegetation, and other design features. ~~The extent of coverage and scale shall be the same as that for the existing conditions map.~~

(c) A proposed process layout of each facility building including receiving, processing, and loadout areas. ~~The minimum scale shall be 1"= 20'.~~ The building layout shall also show the location of all major facility equipment, including material handling equipment, air handling and

air pollution control equipment, floor drains and process sewers, and other pertinent design features. The plans shall be shown in a scale that is easily readable.

**SECTION 189. NR 502.08 (5) (d) is repealed.**

**SECTION 190. NR 502.08 (6) (intro.) is repealed and recreated to read:**

**NR 502.08 (6) OPERATIONAL REQUIREMENTS.** Unless exempt under sub. (2), a person may only operate or maintain a solid waste processing facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 191. NR 502.08 (6) (a) to (h) are amended to read:**

**NR 502.08 (6) (a)** A sign, acceptable to the department, shall be posted at the entrance to the facility ~~which~~ that indicates the name, license number, hours of operation, a list of all prohibited wastes, the penalty for unauthorized use, all necessary safety precautions to enter, and other pertinent information.

~~(b) Access~~ Public access to the processing facility shall be limited to those times that an attendant is on duty.

(c) A processing facility shall be operated under the close supervision of responsible individuals who are thoroughly familiar with the requirements and operational procedures of the ~~plant~~ facility.

(d) Unloading of solid waste shall take place only in approved, designated areas. ~~All solid waste, with the exception of that in the process line, shall be stored in conformance with s. NR 502.05.~~

(e) The operation shall be conducted in a manner to prevent public health hazards ~~and nuisances, including keeping,~~ keep the processing facility and adjacent area clean and free from litter, and ~~taking effective means to control~~ odors, flies, rodents, and other insects or vermin.

(f) Waste containing free liquids, sludges or asbestos waste shall be excluded unless plans specifically addressing the handling of these materials have been submitted to the department and approved in writing. ~~Solid waste which is flammable or explosive may not be accepted.~~ Infectious waste may be accepted only in accordance with s. NR 526.12.

(g) Equipment that is scaled appropriately for the facility shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

~~(h) All operators shall be trained on the sources, quantities and characteristics of the wastes to be processed; process line start up procedures, routine monitoring and cleanup procedures; daily processing and equipment maintenance schedules; methods of controlling access, odors and windblown materials; methods of controlling fires and explosions, use of appropriate safety equipment; persons to contact concerning operational problems and emergencies. An operator training manual containing this and other pertinent operating information shall be prepared and maintained at the facility. Means of communication with emergency facilities shall be provided each element required in the training manual under sub. (4) (w).~~

**SECTION 192. NR 502.08 (6) (h) (Note) is created to read:**

**NR 502.08 (6) (h) Note:** These facilities may be subject to other regulations including OSHA requirements.

**SECTION 193. NR 502.08 (6) (i) and (j) are repealed.**

**SECTION 194. NR 502.08 (6) (k) and (L) are amended.**

**NR 502.08 (6) (k)** Dust generated by the unloading of solid waste and the operation of the processing facility shall be controlled in accordance with the state air management rules ~~so as not to create nuisance conditions.~~

~~(L) If required by the department, permanent records Records of facility performance throughput shall be maintained for 5 years and submitted to the department with the relicensing application or as specified in the plan approval. Records shall indicate types, sources and amounts of solid waste processed, minor plant modifications performed, process monitoring data, amounts and characterization testing of process outputs, and other data as required by the department when granting the license.~~

**SECTION 195. NR 502.08 (6) (Lm) is created to read:**

**NR 502.08 (6) (Lm)** An annual report shall be submitted to the department by March 1 of

each year for the previous calendar year. The annual report shall include the following information by waste type:

1. The sources of waste.
2. The amounts of waste received, processed, sent offsite, and stored onsite.
3. If required by the department, the report shall also include:
  - a. The characterization testing.
  - b. The process monitoring data.
  - c. Other relevant information.

**SECTION 196. NR 502.08 (6) (m) and (n) are amended to read:**

**NR 502.08 (6) (m)** Arrangements shall be ~~made~~ maintained with ~~an~~ approved solid waste disposal ~~facility~~ facilities and recycling facilities that are appropriate for the materials managed, for use in the event that the processing facility is rendered inoperable or is not able to completely process the solid waste.

(n) By-products or residues shall be disposed of ~~in facilities approved to receive such waste~~ at approved solid waste disposal facilities or ~~shall be~~ handled by an alternative method approved by the department.

**SECTION 197. NR 502.08 (6) (o) and (p) are repealed.**

**SECTION 198. NR 502.08 (6) (q) is created to read:**

**NR 502.08 (6) (q)** Provisions shall be made for adequate maintenance of the processing facility after each day of operation.

**SECTION 199. NR 502.08 (7) is amended to read:**

**NR 502.08 (7) CONSTRUCTION DOCUMENTATION.** The department may require that a registered professional engineer document facility construction and render an opinion on whether the facility has been constructed in substantial conformance with the approved plan or may require laboratory validation testing results that demonstrate an infectious waste treatment facility will treat waste in compliance with s. NR 526.11 if operated in accordance with the

approved plan of operation. When a documentation report is required, it shall be prepared in accordance with the approved plan of operation and s. NR 500.05. Operation of the facility may not commence until the construction documentation report is approved in writing by the department and a license is issued. The department may issue a license prior to facility construction or construction documentation.

**SECTION 200. NR 502.09 (title) is repealed and recreated to read:**

**NR 502.09. Solid waste incinerator facilities.**

**SECTION 201. NR 502.09 (1) (a) and (2) (a) and (b) are amended to read:**

**NR 502.09 (1) (a)** Unless exempt under sub. (2), no person may operate a solid waste incinerator facility unless the person complies with the general requirements ~~in~~ under s. NR 502.04 and the storage requirements in s. NR 502.05, and has obtained a plan of operation approval as specified ~~in~~ under sub. (4) and an operating license from the department.

(2) (a) ~~Incinerators~~ Incinerator facilities having a capacity of 500 pounds per hour or less shall comply with the performance standards under s. NR 502.04 (1), the closure requirements under s. NR 502.04 (3) (a) and (b), the storage requirements under s. NR 502.05, and the operating requirements under sub. (5) (a), (f), (h) to (o), and (s), but are exempt from all other requirements of this section ~~except the disposal requirements in~~ under sub. (5) (n) ~~and the ash characterization requirements in sub. (6)~~. The facility shall be designed and operated in conformance with emission limitations of state air pollution control regulations ~~in~~ under chs. NR 400 to 499.

(b) ~~Incinerators~~ Incinerator facilities burning only clean wood waste shall comply with the performance standards under s. NR 502.04 (1), the closure requirements under s. NR 502.04 (3) (a) and (b), the storage requirements under s. NR 502.05, and the operating requirements under sub. (5) (a), (f), (h) to (o), and (s), but are exempt from all other requirements of this section except the disposal requirements in under sub. (5) (n) ~~and the ash characterization requirements in sub. (6)~~.

**SECTION 202. NR 502.09 (1) (c) and (2) (b) (Note) are created to read:**

**NR 502.09 (1) (c)** No person may operate or maintain an incinerator facility unless incineration of waste not being actively incinerated is in compliance with s. NR 502.05.

**NR 502.09 (2) (b) Note:** Wood ash may be beneficially reused in accordance with s. NR 500.08 (5m) if it is derived from the combustion of untreated wood with no additives, preservatives, or alterations other than kiln drying from generators that produce 10 dry tons or less of ash per year.

**SECTION 203. NR 502.09 (3) (a) 2. is amended to read:**

**NR 502.09 (3) (a) 2.** Within 250 feet of any ~~private~~ noncommunity water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

**SECTION 204. NR 502.09 (4) (intro.) is repealed and recreated to read:**

**NR 502.09 (4) PLAN OF OPERATION.** Unless exempt under sub. (2), a person may only establish or operate a solid waste incinerator facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (3), the operational requirements under sub. (5), and the ash characterization requirements under sub. (6); and include, the following information:

**SECTION 205. NR 502.09 (4) (b) is amended to read:**

**NR 502.09 (4) (b)** A plot plan of the incinerator facility site including means of limiting access such as fencing, gates, or natural barriers; methods of ~~acceptably~~ screening the facility from the surrounding area; general layout of equipment and flow pattern; road access; and location of existing and proposed utilities serving the incinerator facility.

**SECTION 206. NR 502.09 (4) (c) (intro.) is repealed.**

**SECTION 207. NR 502.09 (4) (c) 1. to 5. are renumbered NR 502.09 (4) (cc), (cg), (cn), (cr) and (cw), and NR 502.09 (4) (cn) is amended to read:**

**NR 502.09 (4) (cn)** ~~Anticipated~~ The type and quantity of waste to be handled by the incinerator facility.

**SECTION 208. NR 502.09 (4) (d) and (i) are amended to read:**

**NR 502.09 (4)** (d) A description of all ~~apparatuses and procedures intended~~ used to store refuse beyond the end of the working day, and to control dust, odors, fire outside the burning chamber, and windblown materials.

(i) ~~A report which includes furnace~~ Furnace design criteria and expected performance data, including emission data.

**SECTION 209. NR 502.09 (5) (intro.) is repealed and recreated to read:**

**NR 502.09 (5)** OPERATIONAL REQUIREMENTS. Unless exempt under sub. (2), a person may only operate or maintain a solid waste incinerator facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 210. NR 502.09 (5) (b) is repealed.**

**SECTION 211. NR 502.09 (5) (c) is amended to read:**

**NR 502.09 (5) (c)** A sign shall be prominently posted at the entrance to the facility ~~which~~ that shows the name, license number, ~~the~~ hours of operation, necessary safety precautions for entrance, and any other pertinent information.

**SECTION 212. NR 502.09 (5) (e) is repealed.**

**SECTION 213. NR 502.09 (5) (f) is amended to read:**

**NR 502.09 (5) (f)** Dust shall be controlled ~~in the unloading and charging areas~~.

**SECTION 214. NR 502.09 (5) (h) is repealed and recreated to read:**

**NR 502.09 (5) (h)** Equipment that is scaled appropriately for the facility shall be provided to control accidental fires, and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

**SECTION 215. NR 502.09 (5) (i) and (q) are repealed.**

**SECTION 216. NR 502.10 (title), (1) (a), and (2) (a) 2. are amended to read:**

**NR 502.10** ~~Air curtain destructors~~ destructor facilities.

(1) (a) No person may operate or maintain an air curtain destructor facility unless the person complies with the general requirements specified ~~in~~ under s. NR 502.04 and the storage requirements in s. NR 502.05, and has obtained a plan of operation approval as specified in sub. (3) and an operating license from the department.

(2) (a) 2. Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

**SECTION 217. NR 502.10 (2) (c) is created to read:**

**NR 502.10 (2) (c)** For a mobile air curtain destructor facility that operates for less than 24 hours per calendar year at a single location, the facility and its associated storage and unloading and loading operations are not subject to par. (a) 2. to 6. provided the facility is operated and maintained in conformance with all of the following requirements at the mobile location:

1. Storage is in compliance with s. NR 502.05.
2. Operation of the air curtain destructor takes place on a low-permeability surface, such as asphalt or concrete.
3. Storm water runoff from the reduced-permeability surface is managed.
4. The facility will not create litter concerns.
5. The facility is in compliance with all performance standards under s. NR 502.04 (1).

**SECTION 218. NR 502.10 (3) (intro.) is repealed and recreated to read:**

**NR 502.10 (3) PLAN OF OPERATION.** A person may only establish or operate a solid waste air curtain destructor facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (2), and the operational requirements under sub. (4); and include, the following information:

**SECTION 219. NR 502.10 (3) (c) is repealed.**

**SECTION 220. NR 502.10 (3) (d) is created to read:**

**NR 502.10 (3) (d)** Demonstration of compliance with air pollution requirements under chs. NR 400 to 499.

**SECTION 221. NR 502.10 (4) (intro.) is repealed and recreated to read:**

**NR 502.10 (4) OPERATIONAL REQUIREMENTS.** A person may only operate or maintain a solid waste air curtain destructor facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 222. NR 502.10 (4) (a) to (h) are amended to read:**

**NR 502.10 (4) (a)** The burning-pit area shall be constructed of a material ~~which~~ that will result in a pit of permanent dimensions. Unconsolidated soils are not an acceptable material for construction of ~~the a~~ burning-pit area. Maintenance shall be performed on the pit to keep its dimensions constant to keep the air curtain destructor facility operating properly.

(b) The burning-pit area floor shall be constructed in a manner ~~which~~ that provides for proper drainage.

(c) The burning-pit area shall be oriented perpendicular to the prevailing wind with the plenum chamber and blower on the downwind side.

(d) ~~The~~ For in-ground air curtain destructor facilities, the charging area shall be paved with the concrete pad for a distance of at least 10 feet from the edge of the burning-pit area and sloped away from the chamber.

(dm) For in-ground air curtain destructor facilities, adequate safety devices shall be provided to prevent loading equipment from falling into the burning-pit area.

(e) Only clean wood and brush may be burned in an air curtain destructor. Brush shall be burned only in conformance with s. 287.07, Stats., and the approved plan of operation.

(f) The stockpile of waste-material wood shall be kept a minimum of 100 feet from the burner. The total amount of stockpiled waste wood shall be limited to the amount that can be burned in 5 days.

(g) Charging shall be done to prevent damage to the ~~pit wall and floor~~ burning area.

(h) Waste shall be placed so that it does not extend above the walls of the burning-pit area or interfere with air circulation.

**SECTION 223. NR 502.10 (4) (k) is repealed.**

**SECTION 224. NR 502.10 (4) (kg) and (kr) are created to read:**

**NR 502.10 (4) (kg)** Equipment that is scaled appropriately for the facility shall be provided to control accidental fires, and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

(kr) The facility shall maintain a firebreak of mineral soil scraped free from vegetation that meets one of the following, unless greater setback distances are required in writing by the department:

1. A minimum distance of 100 feet around the air curtain destructor. No overhanging vegetative material may be within the firebreak distances.

2. If the facility has a 3-sided bunker made of a solid and fire resistant material such as concrete or soil that completely contains the air curtain destructor, a minimum distance of 20 feet around the walled sides of the bunker and 100 feet on the open side of the bunker. No overhanging vegetative material may be within the firebreak distances.

**SECTION 225. NR 502.10 (4) (L), (m), and (p) to (s) are amended to read:**

**NR 502.10 (4) (L)** The burning-pit area shall be cleaned out on a regular schedule. Ashes may not be allowed to accumulate to a depth of greater than 3 feet. The department may specify a lesser depth.

(m) ~~The Public access to the air curtain destructor facility shall be surrounded by a fence~~ restricted with a lockable gate. The gate shall be kept locked when no attendant is on duty.

(p) A sign acceptable to the department, shall be posted at the entrance to the facility ~~which~~ that indicates the name, acceptable wastes, license number, the hours of operation, penalty for nonauthorized use, necessary safety precautions for entrance and any other pertinent information.

(q) ~~Surface water~~ Rain and snow shall be diverted away from the active operating area, storage area, and access areas.

(r) Ash resulting from the operation shall be disposed of at a licensed landfill or landspreading facility approved by the department to receive ~~such~~ the material.

(s) The facility shall be operated in a nuisance-free manner ~~consistent with this chapter and in accordance with the state air management rules in chs. NR 400 to 499~~ that does not create visibility, odor, air quality, or litter concerns beyond the property.

**SECTION 226. NR 502.11 (1) (a) is amended to read:**

**NR 502.11 (1) (a)** Unless exempt under sub. (2), owners and operators of solid waste woodburning facilities shall comply with the general requirements ~~in~~ under s. NR 502.04, comply with the design and operational requirements ~~in~~ under sub. (5), and obtain a plan of operation approval as specified ~~in~~ under sub. (4) and an operating license from the department.

**SECTION 227. NR 502.11 (1) (am) is created to read:**

**NR 502.11 (1) (am)** Unless exempt under sub. (2), open burning facilities for the purpose of disposal of materials other than clean wood are not allowed.

**SECTION 228. NR 502.11 (2) (intro.) is amended to read:**

**NR 502.11 (2) EXEMPTIONS.** The following woodburning and open burning facilities are exempt from licensing and all requirements of this section, ~~although a burning permit from the department may still be required during certain times of the year in counties within a forest fire control area. These exempt facilities may not burn wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products, unless these substances are exempt under s. NR 429.04.~~ unless otherwise specified in the exemption:

**SECTION 229. NR 502.11 (2) (intro.) (Note) is created to read:**

**NR 502.11 (2) Note:** Burning permit requirements under s. 26.12 (5) (a) (b), Stats., and open burning requirements for air pollution control under s. NR 429.04 may also apply.

**SECTION 230. NR 502.11 (2) (a) and (b) are amended to read:**

**NR 502.11 (2)** (a) Burning of trees, limbs greater than 6 inches in diameter, and stumps, brush or weeds, except for yard waste, as a result of agricultural or silvicultural activities, if the burning is conducted on the property where the waste is generated and only if conducted in a safe, pollution-free manner, when wind and weather conditions should minimize adverse effects.

(b) Burning of trees, limbs greater than 6 inches in diameter, and stumps, brush or weeds, except for yard waste, as a result of clearing or maintenance of highway, railroad or utility rights-of-way and other land clearing operations, if the burning is conducted on the property where the waste is generated and the land is outside of the Southeastern Wisconsin Intrastate Air Quality Control Region in accordance with s. NR 429.04 (1) (h).

**SECTION 231. NR 502.11 (2) (c) is renumbered NR 502.11 (2) (e) (Note 2), and repealed and recreated to read:**

**NR 502.11 (2) Note:** Burning existing structures for practice and instruction of fire fighters or testing of fire fighting equipment is not considered solid waste management and is therefore not regulated under this chapter. However, if the burning includes a building, air management program requirements under ch. NR 447 require a demolition notification to be submitted and requires all material containing asbestos to be removed prior to the burn. Under s. 289.51, Stats, ash from the burned structure may be disposed of in a licensed landfill or the department may approve an alternate ash disposal site.

**SECTION 232. NR 502.11 (2) (d) and (e) are amended to read:**

**NR 502.11 (2)** (d) Burning of ~~yard waste and small quantities of~~ brush and a combination totaling no more than 2 cubic yards of dry leaves, dry plant clippings, and dry combustible household rubbish including paper, cardboard, and clean untreated wood generated from routine activities from a single family or household, on property where it is generated ~~unless prohibited by local ordinance.~~ Routine activities exclude construction and demolition projects and any business operations. Burning shall only be conducted in a safe, pollution-free manner, when wind and weather conditions will minimize adverse effects.

(e) In ~~emergency situations such as the case of a natural disasters~~ disaster, meaning a severe natural or human-caused flood or a severe tornado, heavy rain, or storm that resulted in a federal or state disaster declaration, brush and other yard waste can be disposed in a landfill or burned without energy recovery ~~with approval from the department~~ within 60 days after the

occurrence of the natural disaster.

**SECTION 233. NR 502.11 (2) (f) is repealed.**

**SECTION 234. NR 502.11 (3) (a) 2., 5., 6., 8., and 9. and (b) are amended to read:**

**NR 502.11 (3) (a) 2.** Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

5. Within 100 feet of land owned by a person other than the owner or operator of the facility, ~~unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the property boundary.~~

6. Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway, or the boundary of any public park or state natural area under ss. 23.27 (1) and 23.28 (1), Stats., ~~unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the highway, park or state natural area.~~

8. Within 1/4 mile of any residence, business, or community space unless a written consent is obtained from all ~~adult residents~~ adults that, at the time the facility was licensed, resided within 1/4 mile of the burning pad or owned or operated a business or community space within 1/4 mile of the burning pad, or any successor in interest to those persons.

9. Within the limits of fill of an ~~existing or abandoned~~ active or closed landfill.

(b) The department may grant exemptions to par. (a) 2. to 7. only upon demonstration by the applicant of circumstances ~~which~~ that warrant the exemptions. Exemptions from compliance with par. (a) 1., ~~and 9., and~~ and 8. may not be granted. An exemption from compliance with par. (a) 9. may only be granted if approved by the department under s. NR 506.085 and to an owner of a closed landfill without a gas collection system or a closed landfill with a gas collection system if all gas probe readings over the last 5 years have a methane concentration less than 25 percent of the lower explosive limit. If granted, the entire burning pad, working area, and driveway on the landfill shall be paved or covered with 9 inches of gravel to protect the landfill cover.

**SECTION 235. NR 502.11 (3m) is created to read:**

**NR 502.11 (3m) WITHDRAWING CONSENT.** A resident, proprietor, owner, or operator of a woodburning facility may withdraw consent provided under NR 502.11 (3) (a) 8. in writing; however, if a resident, proprietor, owner or operator who previously consented to operation of the facility withdraws the consent, the withdrawal is not effective until the end of the facility's current license period. If consent is withdrawn, the department may not renew the woodburning facility license and facility operations shall cease. A facility may go through the approval and licensing process again at any future time that consent is obtained under NR 502.11 (3) (a) 8.

**SECTION 236. NR 502.11 (4) is repealed and recreated to read:**

**NR 502.11 (4) PLAN OF OPERATION.** Unless exempt under sub. (2), a person may only establish or operate a woodburning facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (3), and the operational requirements under sub. (5); and include, the following information:

**SECTION 237. NR 502.11 (4) (b) is amended to read:**

**NR 502.11 (4) (b)** A description of the types, quantity, and sources of material proposed to be burned, and anticipated frequency of burning.

**SECTION 238. NR 502.11 (4) (c) is repealed.**

**SECTION 239. NR 502.11 (4) (d) and (e) are created to read:**

**NR 502.11 (4) (d)** If the facility intends to burn brush less than 6 inches in diameter, a waiver request in accordance with s. 287.07 (7) (e), Stats., that includes non-financial justification for burning instead of chipping, composting, or landspreading.

(e) A management plan for the wood ash that proposes either the wood ash be disposed of at a licensed landfill or landspread at a landspreading facility that meets the locational criteria of s. NR 518.04 (6) (a) 4.

**SECTION 240. NR 502.11 (5) (intro.) is repealed and recreated to read:**

**NR 502.11 (5) OPERATIONAL REQUIREMENTS.** Unless exempt under sub. (2), a person may only operate or maintain a woodburning facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 241. NR 502.11 (5) (a) is amended to read:**

**NR 502.11 (5) (a)** All burning shall be done on a burning pad or pit constructed of concrete, compacted gravel, compacted mineral soil, or other materials approved in writing by the department. ~~A firebreak of mineral soil scraped free of vegetation for a minimum distance of 100 feet around the burning pad or pit shall be constructed. Greater setback distances may be required by the department.~~

**SECTION 242. NR 502.11 (5) (am) is created to read**

(am) The facility shall maintain a firebreak of mineral soil scraped free from vegetation that meets one of the following, unless greater setback distances are required by the department:

1. A minimum distance of 100 feet around the woodburning facility. No overhanging vegetative material may be within the firebreak distances.

2. If the facility has a 3-sided bunker made of a solid and fire-resistant material such as concrete or soil that completely contains the woodburning facility, a minimum distance of 20 feet around the walled sides of the bunker and 100 feet on the open side of the bunker. No overhanging vegetative material may be within the firebreak distances.

**SECTION 243. NR 502.11 (5) (b), (c), (f), (g), (j), (L), and (m) are amended to read**

(b) Only dry, unpainted, and untreated wood, stumps, or trees may be burned at a woodburning facility. ~~Brush shall~~ may be burned only in conformance with s. 287.07, Stats., and the approved plan of operation.

(c) ~~Waste material~~ wood may be placed or stored on the burning pad, but may not exceed ~~the amount of wood that can be burned in one day in conformance with ch. NR 445~~ 6,000 pounds or a conical pile with a maximum height of 10 feet and a diameter of 10 feet with 50 percent air space. Any additional ~~accumulation of waste material~~ wood shall be ~~stockpiled~~

stored a minimum of 100 feet from the burning pad. The total amount of ~~stockpiled~~ stored waste shall be limited to the amount that can be burned in 5 calendar days.

(f) ~~Fire fighting equipment shall be kept at the facility in case of emergency, unless the services of a~~ The local fire protection agency are arranged shall be notified in advance of each day of burning.

(g) ~~The~~ Public access to the burning pad shall be ~~surrounded by a fence~~ restricted with a lockable gate. The gate shall be kept locked when no attendant is on duty.

(j) A sign ~~acceptable to the department~~ shall be posted at the entrance to the operation ~~which~~ that indicates the ~~facility~~ facility's name and license number, acceptable wastes, ~~license number~~, the hours of operation, penalty for unauthorized use, necessary safety precautions for entrance, and any other pertinent information.

(L) Ash resulting from the operation shall be removed a minimum of every 5 burns and disposed of at a licensed landfill or landspreading facility approved by the department to receive ~~that~~ the material.

(m) The facility shall be operated in a ~~nuisance free~~ that does not create visibility, odor, air quality, or litter concerns beyond the property.

**SECTION 244. NR 502.11 (5) (n) and (Note) are created to read:**

**NR 502.11 (5) (n)** Burning may only be conducted if all of the following conditions are met at the start of the burn and are forecasted for the length of the burn:

1. Wind speeds between 5 and 12 miles per hour.
2. Relative humidity of 65 percent or less.

**Note:** A special burn permit in accordance with s. NR 30.04, is required for burning in daylight hours in areas of department forest fire protection that are outside of incorporated cities and villages.

**SECTION 245. NR 502.12 (title), (1), (1) (Note), (2) and (3) (title), (a) and (b) are amended to read:**

**NR 502.12 ~~Yard, farm, food residuals and source-separated compostable material composting~~ Composting facilities. (1) GENERAL.** No person may operate or maintain a solid waste composting facility ~~for yard residuals, farm crop residue, farm animal manure, animal carcasses, food residuals including vegetable food residuals, or source-separated compostable material~~ except in accordance with the requirements of this section or s. NR 243.15 (8).

**Note:** Pursuant to s. NR 243.15(8), the ~~Department~~ department may choose to regulate composting facilities associated with livestock operations that are subject to the requirements of ch. NR 243 under that operation's Wisconsin Pollution Discharge Elimination System (WPDES) permit instead of under s. NR 502.12. ~~Facilities for composting waste types other than yard residuals, farm crop residue, farm animal manure, animal carcasses, food residuals or source-separated compostable materials are regulated under s. NR 502.08.~~ Local ordinances may apply to facilities regulated under this section.

~~(2) HOUSEHOLD EXEMPTION~~ HOUSEHOLDS. Facilities for composting only source-separated compostable material from a single family or household, a member of which is the owner, occupant or lessee of the property where the facility is located, are exempt from all requirements of this chapter, provided the facility is operated ~~in a nuisance-free and an~~ environmentally sound manner that does not result in vectors, runoff, excessive odors, or noise beyond the facility property.

~~(3) LIMITED EXEMPTION FOR SOURCE-SEPARATED~~ SOURCE-SEPARATED COMPOSTABLE MATERIAL COMPOSTING FACILITIES WITH CAPACITY OF 50 CUBIC YARDS OR LESS.

(a) The performance standards specified ~~in~~ under s. NR 502.04 (1) and the minimum operational standards specified ~~in~~ under sub. (10) except for sub. (10) (h).

(b) The facility is operated ~~in a nuisance-free and an~~ environmentally sound manner that does not result in vectors, runoff, excessive odors, or noise beyond the facility property.

**SECTION 246. NR 502.12 (3) (c) is created to read:**

**NR 502.12 (3) (c)** If compost feedstocks include food waste containing proteins, dairy, or fats and oils, then the finished compost may only be landspread on non-food producing areas.

**SECTION 247. NR 502.12 (4) (title), (intro.), and (b) are amended to read:**

**NR 502.12 (4)** ~~LIMITED EXEMPTION FOR FARM~~ FARM CROP RESIDUE OR MANURE COMPOSTING FACILITIES. Facilities for on-site composting of primarily farm crop residue or manure, ~~except deer or elk manure,~~ directly from agricultural operations are exempt from the requirements of s. NR 502.04 (2) and (4) to (6), ~~locational criteria,~~ plan of operation submittal, locational criteria and licensing except as noted under par. (e), and all other requirements of this chapter, provided all of the following requirements are met:

(b) The facility is operated in ~~a nuisance-free and~~ an environmentally sound manner that does not result in vectors, runoff, excessive odors, or noise beyond the facility property.

**SECTION 248. NR 502.12 (4) (c) is repealed and recreated to read:**

**NR 502.12 (4) (c)** The facility accepts only the following materials:

1. Farm crop residue and manure, excluding deer and elk manure, that is directly from agricultural operations under common ownership or common management with, or located directly adjacent to, the farm conducting on-site composting.

2. Source-separated compostable material that is less than 25 percent of the total material being composted on-site at one time in compliance with par. (e).

**SECTION 249. NR 502.12 (4) (cm) is created to read:**

**NR 502.12 (4) (cm)** Composting occurs on the property of one of the agricultural operations generating the feedstocks under par. (c) 1.

**SECTION 250. NR 502.12 (4) (e) (intro.), 1., 3., and 4. are amended to read:**

**NR 502.12 (4) (e)** ~~Source-separated~~ If the facility is accepting source-separated compostable material other than farm crop residue and manure may be accepted from off site from off-site for use in the composting process if, the facility shall obtain an operating license issued by the department and comply with all of the following requirements are met:

1. The locational criteria ~~in~~ under sub. (8), ~~unless the offsite material consists exclusively of yard material, clean chipped wood, or both.~~

3. The recordkeeping requirements of sub. (15) (a) 3. ~~and,~~ the discharge inspection requirements ~~in~~ under sub. (15) (a) 4., and the reporting requirements under sub. (15) (b).

4. The combined volume of farm crop residue, farm animal manure, and source-separated compostable material on site at one time may not exceed 10,000 cubic yards, including collected raw materials and compost being processed but excluding finished compost. ~~The volume of food residual inputs to the composting process may not exceed 25 percent of the total combined volume of raw material inputs. Inputs shall be mixed to achieve an initial carbon to nitrogen ratio of at least 20 to 1.~~

**SECTION 251. NR 502.12 (5) (title) and (intro.) are amended to read:**

**NR 502.12 (5)** ~~LIMITED EXEMPTION FOR ON-SITE FARM~~ ON-FARM ANIMAL CARCASS COMPOSTING FACILITIES. Facilities for ~~on-site farm~~ on-farm composting of animal carcasses other than deer or elk are exempt from the requirements ~~in~~ under s. NR 502.04 (2) and (4) to (6), ~~locational criteria,~~ plan of operation submittal, licensing and all other requirements of this section, provided they are in compliance with s. 95.50 ~~(4)~~, Stats., and all of the following:

**SECTION 252. NR 502.12 (5) (am) is created to read:**

**NR 502.12 (5) (am)** The locational criteria under sub. (8).

**SECTION 253. NR 502.12 (5) (c) and (e) are amended to read:**

**NR 502.12 (5) (c)** Only animal carcasses, farm animal manure and associated bedding, farm crop residue, yard residuals, and clean chipped wood are composted at the facility.

(e) The compost is utilized for agricultural landspreading, at the same farm or at another farm, in accordance with s. NR 518.04 (1) (b) or (i), ~~except that compost made using ruminant animal carcasses may not be utilized at another farm.~~

**SECTION 254. NR 502.12 (5m) is created to read:**

**NR 502.12 (5m)** ANIMAL CARCASS AND RELATED MATERIAL COMPOSTING FOR A DISEASE OUTBREAK. Facilities for composting animal carcasses and related materials as a result of a disease outbreak, except for chronic wasting disease, are exempt from requirements under s. NR 502.04 (2) and (4) to (6) and all other requirements of this section, provided they are in compliance with all of the following:

(a) The performance standards under s. NR 502.04 (1).

(b) The locational criteria under sub. (8).

(c) The minimum operational and design standards under subs. (10) and (11), excluding the size reduction requirements under sub. (10) (c).

(d) The monitoring requirements under sub. (15) (a) 3. and 4.

(e) Written notification is provided to the department prior to beginning composting operations.

(f) Only animal carcasses, farm animal manure and associated bedding, farm crop residues, contaminated feed, associated animal byproducts such as eggs or milk, yard residuals, and clean chipped wood are composted at the facility.

(g) The compost facility follows all requirements of the department of agriculture, trade and consumer protection for managing diseased carcasses and materials.

(h) The compost facility exists for less than one year unless a written extension is granted by the department.

(i) The compost is utilized for agricultural landspreading at the same farm or another farm, in accordance with s. NR 518.04 (1) (b) or (i).

(j) After composted animal carcasses and related materials have been released from quarantine by the department of agriculture, trade and consumer protection under s. 93.07 (10), Stats., all compost materials shall be managed by continuing the composting process until finished.

**SECTION 255. NR 502.12 (6) (title), (b), and (e) are amended to read:**

**NR 502.12 (6) ~~LIMITED EXEMPTION FOR YARD~~ YARD RESIDUALS COMPOSTING FACILITIES.**

(b) For new or expanded facilities, compliance with the locational criteria ~~is~~ under sub. (8) except for sub. (8) (a) 6. New or expanded facilities with a capacity greater than 1,000 cubic yards shall comply with the initial site inspection requirements ~~is~~ under s. NR 502.04 (2).

(e) The compost is applied to land, either on site or off site, in accordance with s. NR 518.04 (1) (i), or is otherwise used for horticultural, landscaping, filtration, or erosion control purposes. Finished compost may not be used as fill material.

**SECTION 256. NR 502.12 (6) (f) and (f) (Note) are created to read:**

**NR 502.12 (6) (f)** Completion of a yard residual compost application form provided by the department, prior to operation.

**Note:** Yard residuals are defined under s. NR 500.03 (262) as leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This also includes incidental spoiled fruit and vegetables from non-commercial sources.

**SECTION 257. NR 502.12 (7) (title), (intro.) and (f) are amended to read:**

**NR 502.12 (7)**—~~LIMITED EXEMPTION FOR SOURCE-SEPARATED~~ SOURCE-SEPARATED COMPOSTABLE MATERIAL COMPOSTING FACILITIES OF 5,000 CUBIC YARDS OR LESS. Facilities for composting source-separated compostable material that ~~exceed 50 cubic yards but~~ do not exceed 5,000 cubic yards at one time, including raw materials and compost being processed, but excluding finished compost, are exempt from the requirements ~~in~~ under s. NR 502.04 (3) (c), (4), and (5) ~~and subs. (12) and (14),~~ the additional operational and design standards under sub. (12), the construction documentation requirements under sub. (14), and the monitoring requirements of sub. (15) (a) 1. and 2., provided all of the following requirements are met:

(f) The compost is utilized for landspreading applied to land, either on site or off site, in accordance with s. NR 518.04 (1) (i), or is otherwise used for horticultural, landscaping, filtration, or erosion control purposes. Finished compost may not be used as fill material or a soil equivalent.

**SECTION 258. NR 502.12 (8) (a) (intro.) and 3. are amended to read:**

**NR 502.12 (8) (a)** Unless ~~exempt operating~~ operating under sub. (2), (3), or (4), ~~or (5)~~ from compliance with locational criteria, new or expanded compost facilities regulated under this section may not be located in any of the following areas unless an exemption has been granted in writing by the department under par. (c):

3. Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any public water supply well.

**SECTION 259. NR 502.12 (8) (a) 4. is repealed.**

**SECTION 260. NR 502.12 (8) (a) 6. and (b) 1. and 2. are amended to read:**

**NR 502.12 (8) (a) 6.** Within 10,000 feet of any airport runway used or planned to be used by turbojet aircraft or ~~within~~ 5,000 feet of any airport runway used only by piston type aircraft, or within other areas where a substantial bird hazard to aircraft would be created. This criterion is ~~applicable only when the facility will be used for handling putrescible waste~~ not applicable for facilities composting only yard residuals under sub. (6).

(b) 1. ~~Facilities exempt operating~~ Facilities operating under sub. ~~(4), (5), (5m), (6),~~ or (7) may not be located within 250 feet of any navigable ~~lake, pond, or flowage, or~~ waterbody.

1m. Facilities operating under sub. (4), (5), (5m), (6), or (7) may not be located within 100 feet of land owned by a person other than the owner or operator of the facility, unless the facility is screened by natural objects, plantings, fences, or other appropriate means so that it is not visible from the property boundary.

2. Facilities not exempt Except for facilities operating under sub. (2), (3), (4), (5), ~~(5m), (6), or (7),~~ a composting facility may not be located within 500 feet of any navigable ~~lake, pond, or flowage, or~~ waterbody.

2m. Except for facilities operating under sub. (2), (3), (4), (5), (5m), (6), or (7), a composting facility may not be located within 250 feet of land owned by a person other than the owner or operator of the facility, unless the facility is screened by natural objects, plantings, fences, or other appropriate means so that it is not visible from the property boundary.

**SECTION 261. NR 502.12 (8) (bm) is created to read:**

**NR 502.12 (8) (bm)** Facilities and their associated storage, unloading, and loading operations that are located within a building are not subject to par. (a) 2. to 6. However, the department may require enclosed composting facilities to meet specified locational criteria under par. (a) if there is significant potential for the facility to cause environmental pollution as defined under s. 283.01 (6m), Stats., nuisance conditions, or bird hazard to aircraft.

**SECTION 262. NR 502.12 (8) (c) is amended to read:**

**NR 502.12 (8) (c)** The department may grant exemptions from ~~par. pars.~~ par. (a) 2. to 6. and (b) only upon demonstration by the applicant of circumstances ~~which that~~ warrant the exemption. Exemption from compliance with par. (a) 1. may not be granted.

**SECTION 263. NR 502.12 (10) (intro.) is repealed and recreated to read:**

**NR 502.12 (10) MINIMUM OPERATIONAL REQUIREMENTS.** Unless operating under subs. (2) or (4), a person shall only operate or maintain a composting facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 264. NR 502.12 (10) (a) is amended to read:**

**NR 502.12 (10) (a)** Raw materials accepted for composting shall be ~~source-separated~~ source-separated at the point of generation so that they have not been mixed or otherwise contaminated with nonapproved waste types, ~~particularly materials which are not readily compostable.~~ Prior to incorporation into the composting process, the raw materials shall be sorted as needed to ensure that materials ~~which that~~ are not readily compostable are removed unless alternate operational methods are used in conjunction with equipment to produce a compost product virtually free of physical and chemical contaminants.

**SECTION 265. NR 502.12 (10) (a) (Note) is repealed.**

**SECTION 266. NR 502.12 (10) (b) is amended to read:**

**NR 502.12 (10) (b)** Raw materials in noncompostable bags shall be debagged ~~within 24 hours of upon~~ receipt at the facility. Raw materials, other than leaves and brush, in compostable bags shall be processed such that the contents of the bags are exposed to air within 24 hours of receipt at the facility. ~~Stored waste shall be managed in accordance with the requirements applicable to the composting process. The following operational standards shall also be met~~ All solid waste shall be stored in conformance with s. NR 502.05 when not being actively managed. Active management includes operation in accordance with par. (L) and the following for the wastes specified:

1. Grass clippings, aquatic plants, and food residuals from canned, frozen, or preserved fruit or vegetable processing operations shall be incorporated into windrows or another

composting process, such as a staging pile that also includes enough carbon to prevent anaerobic conditions, within 72 hours of receipt at the facility, unless ~~odor~~ scavenging becomes a problem or leachate is generated at the facility, in which case these materials shall be incorporated within 24 hours.

2. ~~Animal carcasses, fish~~ Fish harvesting and processing residuals, manure, and food residuals ~~which that~~ are not from canned, frozen, or preserved fruit or vegetable processing operations shall be incorporated into windrows or another composting process, such as a staging pile that also includes enough carbon to prevent anaerobic conditions, on the same operating day as received at the facility. Upon initial incorporation of these residuals, composting windrows or piles shall be covered with a minimum ~~6-inch~~ 6-inch layer of compost, high carbon material such as wood chips, or other suitable material to control odor and vectors.

3. ~~All animal carcasses and food~~ Food residuals shall be managed to prevent ~~access by dogs and wild~~ scavenging by animals.

**SECTION 267. NR 502.12 (10) (d) and (d) (Note) are repealed.**

**SECTION 268. NR 502.12 (10) (dg), (dg) (Note), and (dr) are created to read:**

**NR 502.12 (10) (dg)** Materials within the composting process shall be thoroughly mixed as appropriate to the composting method and aerated as frequently as necessary. To maintain aerobic composting and prevent leachate and odor, aeration is needed whenever the internal windrow or pile temperature rises to 165 degrees Fahrenheit or more except when compliance with par. (L) 6. is required.

**Note:** Windrows and piles are likely to require turning at least monthly from spring through fall.

(dr) Windrow height, structure and porosity shall be designed and maintained to ensure that adequate oxygen is available at all times within the windrow or pile to prevent the process from becoming anaerobic.

**SECTION 269. NR 502.12 (10) (e) is amended to read:**

**NR 502.12 (10) (e)** Materials shall be mixed into the composting process to provide a minimum initial carbon to nitrogen ratio of that maintains anaerobic conditions. For aerobic composting, the minimum carbon to nitrogen ratio shall be 20:1.

**SECTION 270. NR 502.12 (10) (e) (Note) is repealed.**

**SECTION 271. NR 502.12 (10) (g) is amended to read:**

**NR 502.12 (10) (g)** Material within the composting process shall maintain a moisture content of 45 to 60 percent by weight. Dry materials shall be wetted as needed to control dust and maintain a moisture content conducive to efficient composting. Wet materials shall be mixed with dry carbon material to maintain adequate moisture and prevent leachate from forming.

**SECTION 272. NR 502.12 (10) (g) (Note) is repealed.**

**SECTION 273. NR 502.12 (10) (h) (intro.) is amended to read:**

**NR 502.12 (10) (h)** Materials resulting from composting shall ~~be~~ meet all of the following of the requirements:

**SECTION 274. NR 502.12 (10) (h) 1. is repealed and recreated to read:**

**NR 502.12 (10) (h) 1.** Materials shall demonstrate stability by not reheating more than 20 degrees Fahrenheit from the ambient temperature upon standing or by meeting one of the stability requirements in Table 2.

**SECTION 275. NR 502.12 (10) (h) 2. and 3. are amended to read:**

**NR 502.12 (10) (h) 2.** ~~Free~~ Materials shall be free of sharp particles ~~which that~~ could cause injury to persons handling the material.

**3.** ~~Free~~ Materials shall be free of toxins and pathogens in amounts or concentrations that could cause detrimental impacts to public health or the environment.

**SECTION 276. NR 502.12 (10) (h) (Note) is repealed.**

**SECTION 277. NR 502.12 (10) (hm) is created to read:**

**NR 502.12 (10)** (hm) Adequate temperatures, retention times, and turning shall occur based on the process or method of composting being used, and shall meet the following, as applicable:

1. For in-vessel or static aerated pile composting, a continuous minimum temperature of 55 degrees Celsius, or 131 degrees Fahrenheit, shall be maintained for a minimum of 3 consecutive days.

2. For windrow composting, all of the following requirements shall be met:

a. A minimum temperature of 55 degrees Celsius, or 131 degrees Fahrenheit, shall be attained for a minimum of 15 days, which are not required to be consecutive days.

b. The windrow shall be turned a minimum of 5 times during high temperature periods. There shall be a minimum of 3 days between turning events.

**SECTION 278. NR 502.12 (10) (i) is amended to read:**

**NR 502.12 (10)** (i) Compost product storage time shall be minimized to maintain the quality of the compost and ~~the~~ prevent vegetation growth on finished compost. The product shall be marketed as necessary to prevent excessive stockpiling.

**SECTION 279. NR 502.12 (10) (j) and (j) (Note) are repealed.**

**SECTION 280. NR 502.12 (10) (k), (L), and (L) (Note) are created to read:**

**NR 502.12 (1)** (k) If materials within the compost process are in contact with standing water, actions shall be taken within 48 hours to separate the standing water from the compost materials.

(L) In addition to the requirements of this subsection, composting facilities managing animal carcasses shall meet the following operational requirements:

1. Animal carcasses, including partial carcasses, and manure shall be incorporated into windrows or another composting process within 8 hours of arriving at the composting facility and on the same operating day as received.

2. Composting windrows or piles shall be constructed to have a minimum base of 12

inches of clean carbon material and shall be covered with a minimum 6-inch layer of finished compost, high-carbon material such as wood chips, or other suitable material to prevent leachate and vectors. Cover shall be of material suitable to withstand weather events such as wind or rain.

3. Animal carcasses shall be managed in such a way that they are inaccessible to scavenging.

4. If windrows slump, they shall be reshaped into a peaked windrow and recapped if needed.

5. Windrows shall be inspected for proper capping and structure at least weekly and after substantial weather events.

5. If any portion of a carcass is exposed, it shall be immediately covered with a finished compost or high-carbon material such as wood chips, or other suitable material to prevent leachate and vectors. Cover shall be of material suitable to withstand weather events such as wind or rain.

6. A compost windrow shall not be turned or disturbed for a minimum of 10 days after addition of the final carcass, except for maintenance to the windrow.

7. If a windrow contains visible carcass material after turning, the windrow or pile shall be covered with a minimum 6-inch layer of finished compost, high-carbon materials such as wood chips, or other suitable material to prevent leachate and vectors. Cover shall be of material suitable to withstand weather events such as wind or rain.

8. Standing water that has reached higher than the carbon base of the windrow shall be managed as leachate in accordance with **sub. (11) (f)**.

**Note:** Section 95.50 (3), Stats., states that “No person who owns or controls a carcass, or who owns or controls the land on which a carcass is located, may leave the carcass exposed to access by dogs or wild animals for more than 24 hours during the months of April to November or for more than 48 hours during the months of December to March if the person knows or reasonably should know that the carcass is exposed.” Section 95.50 (3), Stats.,

applies in addition to the incorporation requirements of par. (k) 1. once carcasses are received at a compost facility.

**SECTION 281. NR 502.12 (11) (intro) is repealed and recreated to read:**

**NR 502.12 (11) MINIMUM DESIGN REQUIREMENTS.** Unless operating under subs. (2), (3) or (4), a person may only establish or operate a composting facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 282. NR 502.12 (11) (d), and (e) are amended to read:**

**NR 502.12 (11) (d)** If inspections performed under sub. (15) (a) 4. or other observations indicate improvements in storm water controls are needed to meet the requirements of pars. (a) through (c), the owner and operator of the facility shall make the needed improvements as soon as practicable and update the storm water pollution prevention plan, if applicable.

(e) The overall composting facility shall be of sufficient size to allow processing of materials ~~as necessary to avoid nuisance conditions~~, and shall have adequate room for material stockpiles, windrows of manageable dimensions for maintaining aerobic conditions, curing piles, staging of finished compost, and equipment.

**SECTION 283. NR 502.12 (11) (f) is created to read:**

**NR 502.12 (11) (f)** Any compost leachate generated from the composting operation shall be directed to a retention pond approved under [stormwater reference will be inserted], immediately absorbed with high-carbon material and incorporated back into the compost windrow, brought to a licensed wastewater treatment plant, or managed in accordance with a nutrient management plan.

**SECTION 284. NR 502.12 (12) (title) and (intro.) are repealed and recreated to read:**

**NR 502.12 (12) ADDITIONAL OPERATIONAL AND DESIGN REQUIREMENTS.** Unless operating under subs. (2), (3), (4), (4m), (5), (6) or (7), a person may only operate or maintain a composting facility in conformance with the minimum operational requirement under sub. (10), the minimum design requirements under sub. (11), and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 285. NR 502.12 (12) (b) is amended to read:**

**NR 502.12 (12)** (b) All composting, and all storage of ~~uncomposted~~ raw materials other than leaves, clean chipped wood, clean sawdust, and other raw materials with initial carbon to nitrogen ratios greater than 30:1 shall take place on a low-permeability pad constructed of asphalt, concrete, recompacted clay, or other material approved by the department.

**SECTION 286. NR 502.12 (13) (intro.) is repealed and recreated to read:**

**NR 502.12 (13)** PLAN OF OPERATION. Unless operating under subs. (2), (3), (4), (5), (5m), or (6), a person may only establish or operate a compost facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (8), the minimum operational requirements under sub. (10), the minimum design standards under sub. (11), and, unless exempt under sub. (7), the additional requirements under sub. (13) and the monitoring requirements under sub. (15); and include, the following information:

**SECTION 287. NR 502.12 (13) (b) to (h) are amended to read:**

**NR 502.12 (13)** (b) A brief description of the project, including the area served, ~~an estimate of the annual tonnage and volume of material to be processed,~~ and identification of the materials to be used in the compost process.

(c) A description and drawing of the proposed facility, including location and size of staging piles, windrows, or other composting process, curing piles, and finished compost storage on site traffic and process flow, the property boundaries, routes to transport feedstocks and finished compost to and from the facility, and present land use within 1/4 mile of the facility.

(d) A description of the procedures for the storage and processing of the material prior to incorporation into the windrow, or other composting process, such as de-bagging or size reduction.

(e) For each raw material proposed to be composted, either laboratory or literature data documenting the ~~carbon, nitrogen, and~~ carbon to nitrogen ratio, moisture content ~~and~~, pH, and potential contaminants.

(f) A proposed raw material mix for composting, with calculations or laboratory data documenting the carbon, nitrogen, ~~and~~ moisture content, and pH of the mix.

(g) A specification of the maximum size, including volume, height, and width, for staging piles, composting windrows or other composting processes, curing piles, and finished compost storage.

(gm) If the materials on site at any one time will exceed 40,000 cubic yards of yard residuals ~~and clean chipped wood~~, 10,000 cubic yards of source-separated compostable materials other than yard residuals ~~and clean chipped wood~~, or 5,000 cubic yards of food residuals, an estimate of closure costs shall be provided with the plan of operation report, and prior to licensure, proof of financial responsibility in accordance with ss. NR 520.06 through 520.13 shall be provided for the closure costs, including the removal, transport, and ultimate disposal of all waste material and compost at the site. The department may require cost of closure for additional facilities if the department determines that markets and uses for the finished compost may be limited based on feedstocks and contaminants.

(h) A specification of the methods of measuring critical parameters within the ~~windrow~~ ~~and other~~ composting processes, and a description of methods that will be used to ensure the critical parameters are met. Critical parameters addressed shall include carbon to nitrogen ratio, temperature, moisture content, oxygen content, pH and stability. The specification shall describe methods to be used for maintaining aerobic conditions during the composting process, including turning equipment and frequency for passive ventilation, and equipment and residence time for mechanical ventilation, as well as actions to be taken in response to odors or leachate generated and composting process upsets.

**SECTION 288. NR 502.12 (13) (i) (Note) is created to read:**

**NR 502.12 (13) (i) Note:** Vehicles transporting solid waste shall follow requirements under s. NR 502.06. Wood that is unpainted and untreated is exempt from solid waste transporter licensing under s. NR 502.06 (2) (a). Finished compost is exempt from solid waste transporter licensing requirements under s. NR 502.06 (2) (n).

**SECTION 289. NR 502.12 (13) (j) to (m) are amended to read:**

**NR 502.12 (13)** (j) A discussion of ~~potential~~ markets for the compost and material specifications necessary to be met for these markets, such as nutrient content, pH, particle size, appearance, moisture holding capacity, or other pertinent specifications; and any markets that may not be used based on material specifications.

(k) Identification of any non-compostable waste, such as bags, ~~which that~~ will be generated from the composting operation, and ~~the name and location of solid waste disposal facilities at which any waste generated from the composting operation will be disposed of~~ certification that all solid waste disposal facilities at which solid waste from the composting facility will be disposed are approved to accept the type and amount of solid waste generated.

(L) Specification of the design, construction, and documentation to be used for the low permeability pad and leachate collection system, including construction materials, thicknesses, and ~~testing~~ other relevant information.

(m) ~~A~~ Unless exempt under sub. (7), a description of the planned sampling frequency and testing parameters for the finished compost and leachate that complies with the requirements under sub. (15) (a).

**SECTION 290. NR 502.12 (13) (n) (Note) is created to read:**

**NR 502.12 (13) (n) Note:** Under ch. NR 216, new or expanding facilities with one acre or more of land disturbance are required to obtain a construction site storm water permit.

**SECTION 291. NR 502.12 (13) (o) and (p) are repealed.**

**SECTION 292. NR 502.12 (14) is repealed and recreated to read:**

**NR 502.12 (14) CONSTRUCTION DOCUMENTATION.** The department may require that a registered professional engineer document facility construction and render an opinion on whether the facility has been constructed in substantial conformance with the approved plan of operation. When a documentation report is required, it shall be prepared in accordance with the approved plan of operation and s. NR 500.05. Operation of the facility may not commence until the construction documentation report is approved in writing by the department and a license is issued. The department may issue a license prior to facility construction or construction documentation.

**SECTION 293. NR 502.12 (15) (a) (intro.) and 1. (intro.), (Note), and a. are amended to read:**

**NR 502.12 (15) (a)** ~~Unless exempt operating under sub. (2), (3), (4), (5), (5m), (6), or (7), owners and operators of composting facilities regulated under this section shall complete monitoring and reporting in accordance with the plan of operation approval and all of the following requirements~~ no person may establish or operate a composting facility except in conformance with all of the following requirements unless a written exemption to a requirement is issued by the department:

1. Samples of the finished compost that is ready for sale, distribution, or use shall be collected every 2,000 tons or 4,000 cubic yards, with a minimum of one sample per year, ~~or, alternatively, in accordance with the testing frequency specified by the United States Composting Council's Seal of Testing Assurance program, unless a different frequency is approved in writing by the department, and tested for the parameters in Tables 1 and 2. The department may require testing of additional parameters or limits on parameters based on the feedstocks in the facility's plan of operation.~~

**Note:** ~~Only~~ While all facilities not operating under subs. (2) to (7) are required to test finished compost for the parameters in Tables 1 and 2, only class A compost under sub. NR 502.12 (16) is subject to meeting the limits in Tables 1 and 2. "Test Methods for Evaluation of Compost and Composting" (2002) and a list of laboratories certified under the Seal of Testing Assurance program are available from the United States Composting Council, 5400 Grosvenor Lane, Bethesda, Md 20814 (301) 897-2715, [www.compostingcouncil.org](http://www.compostingcouncil.org).

a. Samples shall be collected, handled, and analyzed in accordance with methods ~~listed in "Test Methods for Evaluation of Compost and Composting" published in 2002 by the United States Composting Council or other methods approved in writing by the department. Samples shall be tested at a laboratory certified under the United States Composting Council's Seal of Testing Assurance program or at another laboratory approved in writing by the department.~~

**SECTION 294. NR 502.12 (15) (a) 1. a. (Note) is repealed.**

**SECTION 295. NR 502.12 (15) (a) 1. b. and 2. to 4. and (b) (intro.) and 3. are amended to read:**

**NR 502.12 (15)** (a) 1. b. Test results shall be submitted annually to the department by March 1 and made available upon request to the department, potential users of the compost, and to the general public.

2. Unfiltered leachate samples shall be taken from the collection basin or tank, and tested quarterly for the first 4 quarters and annually thereafter for BOD5, COD, field pH, field conductivity corrected to 25°C, nitrate+nitrite-nitrogen, and total dissolved solids unless leachate is only added to the composting process for moisture.

3. Compost pile turning frequency, retention times, and temperature readings as appropriate to the composting method used shall be documented and maintained to demonstrate ~~pathogen reduction and odor control activities~~ compliance with sub. (10) (hm).

4. The facility shall be visually inspected by the owner or operator quarterly to evaluate the water quality of storm water event quality discharge discharges and performance of discharge controls, and twice per year to identify non-storm water discharges if present. Documentation of the inspections shall be maintained by the facility for a minimum of 5 years and made available to the department upon request.

(b) Unless ~~exempt~~ operating under sub. (2), (3), or (4), or (5) and except as noted under sub. (4) (e), (5), or (5m), the owner or operator of a composting facility regulated under this section shall prepare and submit an annual report to the department by March 1 on forms supplied by the department. The annual report shall include at least the following information:

3. Annual quantities and types of raw materials received, materials sent offsite to be composted or landspread, and finished compost produced, in tons. Tonnage estimates may be based on volume records ~~where~~ if scale weights are not available.

**SECTION 296. NR 502.12 (15) (b) 6. (Note) is repealed.**

**SECTION 297. NR 502.12 (15) (b) 7. is created to read:**

**NR 502.12 (15)** (b) 7. The amount of raw feedstock, actively composting material, and finished compost onsite at the end of the calendar year.

**SECTION 298. NR 502.12 (16) (intro.) and (b) (intro.) are amended to read:**

**NR 502.12 (16) CLASS A COMPOST.** Finished compost may be designated and distributed as class A compost if it meets all of the following additional requirements:

~~(b) The compost is produced by one of the processes to reduce pathogens described in subd. 1. to 3., with temperature~~ Temperature, turning, and retention time shall be monitored and recorded each day until the ~~temperature and retention time~~ criteria under sub. (10) (hm) are met.

**SECTION 299. NR 502.12 (16) (b) 1. to 3. are repealed.**

**SECTION 300. NR 502.13 (title), (1) (a) and (b) and (2) (a) 2. are amended to read:**

**NR 502.13 ~~Municipal solid waste combustors~~ combustion facilities.**

(1) (a) No person may operate or maintain a municipal solid waste combustor unless the person complies with the requirements ~~in~~ under s. NR 502.04 and the storage requirements under s. NR 502.05, and ~~obtains~~ has obtained a plan of operation approval under sub. (3) and an operating license from the department.

(b) Owners and operators of new or expanded municipal solid waste ~~combustor facilities~~ combustors having a design capacity of greater than 100 tons per day shall provide proof of financial responsibility for closure prior to licensure. Closure costs shall include the costs of removal, transport, and ultimate disposal of wastes. The department may require proof of financial responsibility for solid waste combustors having a design capacity of less than or equal to 100 tons per day in accordance with s. NR 502.04 (6).

(2) (a) 2. Within 250 feet of any ~~private~~ non-community water supply well, or within 1,200 feet of any ~~public~~ community water supply well.

**SECTION 301. NR 502.13 (3) (intro.) is repealed and recreated to read:**

**NR 502.13 (3) PLAN OF OPERATION.** A person may only establish or operate a municipal solid waste combustion facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05; provide a proposal that complies with the general requirements under s. NR 502.04, the storage requirements under s. NR 502.05, the locational criteria under sub. (2), the

operational requirements under sub. (4), the residue requirements under subs. (5) and (6), the record keeping requirements under sub. (7), the annual reporting requirements under sub. (8), the waste screening requirements under subs. (9) and (10), and the operator qualifications under sub. (11); and include, the following information:

**SECTION 302. NR 502.13 (3) (c) (intro.) is repealed.**

**SECTION 303. NR 502.13 (3) (c) 1. to 5. are renumbered NR 502.13 (3) (cc), (cg), (cn), (cr), and (cw), and NR 502.13 (3) (cn) is amended to read:**

**NR 502.13 (3) (cn)** ~~Anticipated~~ The type and quantity of waste to be handled by the municipal solid waste combustor.

**SECTION 304. NR 502.13 (3) (d) and (i) are amended to read:**

**NR 502.13 (3) (d)** A description of all ~~appurtenances and procedures intended~~ used to store refuse beyond the end of the working day and to control dust, odors, fire outside the burning chamber, and windblown materials.

(i) ~~A report which includes furnace~~ Furnace design criteria and expected performance data.

**SECTION 305. NR 502.13 (3) (k) (intro.) and 1. are repealed.**

**SECTION 306. NR 502.13 (3) (k) 2. and 3. are renumbered NR 502.13 (3) (L) and (m), and NR 502.13 (3) (m) is amended to read:**

**NR 502.13 (3) (m)** ~~A~~ For facilities where proof of financial responsibility for closure is required under par. (1) (b), a detailed analysis in accordance with ch. NR 520 of the financial responsibility for facility closure. This shall include an itemized cost estimate for phased and final facility closure. All assumptions used in developing the cost estimates shall be justified.

**SECTION 307. NR 502.13 (3) (km) is created to read:**

**NR 502.13 (3) (km)** A description of equipment to be installed that is scaled appropriately for the facility to control accidental fires and of arrangements that have been made with the local fire protection agency to provide immediate services when needed.

**SECTION 308. NR 502.13 (4) (intro.) is repealed and recreated to read:**

**NR 502.13 (4)** OPERATIONAL REQUIREMENTS. A person may only operate or maintain a municipal solid waste combustor facility in conformance with the following requirements unless the department issues a written exemption to a requirement:

**SECTION 309. NR 502.13 (4) (b) is repealed.**

**SECTION 310. NR 502.13 (4) (c) and (e) are amended to read:**

**NR 502.13 (4) (c)** A sign shall be prominently posted at the entrance to the facility ~~which~~ that indicates the facility's name, and license number, hours of operation, necessary safety precautions for entrance, and any other pertinent information.

(e) All solid waste, except residue, shall be stored in conformance with s. NR 502.05 ~~(5)~~ or ~~(6)~~.

**SECTION 311. NR 502.13 (4) (h) is repealed and recreated to read:**

**NR 502.13 (4) (h)** Equipment that is scaled appropriately for the facility shall be provided to control accidental fires, and arrangements shall be made with the local fire protection agency to provide immediate services when needed.

**SECTION 312. NR 502.13 (4) (i) and (q) are repealed.**

**SECTION 313. NR 502.13 (4) (v) is amended to read:**

**NR 502.13 (4) (v)** Treatment or mixing of residue at a facility other than at the municipal solid waste combustor shall require a processing facility approval and license under s. NR 502.08.

**SECTION 314. NR 502.13 (5) (a) is renumbered NR 502.13 (5) (ag) 1. and amended to read:**

**NR 502.13 (5) (ag) 1.** ~~The owner or operator shall collect~~ Collect representative samples of residues produced by burning municipal solid waste for characterization required ~~in~~ under sub. (6). The samples shall be collected over a minimum one-week period every quarter within 2 weeks of March 15, June 15, September 15, and December 15, ~~except as provided in par. (f).~~ ~~Minimum 2-gallon volume samples shall be obtained hourly by a procedure approved by the~~

~~department. The hourly samples shall be composited daily. Each daily sample shall then be composited together at the end of the testing period to result in a minimum of one representative sample. Compositing shall be performed in a manner acceptable to the department.~~

**SECTION 315. NR 502.13 (5) (ag) (intro.) is created to read:**

**NR 502.13 (5) (ag)** An operator of a municipal solid waste combustor that has a design capacity of 10 tons per day or greater shall do all of the following:

**SECTION 316. NR 502.13 (5) (c) is repealed and recreated to read:**

**NR 502.13 (5) (c)** The facility shall collect samples that are of a minimum 2-gallon volume hourly using a procedure approved by the department. The hourly samples shall be composited daily. Each daily sample shall then be composited together at the end of the testing period to result in a minimum of one representative sample. For a municipal solid waste combustor where the compositing methods established in par. (ag) would be impractical, alternatives may be approved by the department. Compositing shall be performed in a manner acceptable to the department.

**SECTION 317. NR 502.13 (5) (e) is renumbered NR 502.13 (5) (ag) 2. and amended to read:**

**NR 502.13 (5) (ag) 2.** ~~In addition to the routine quarterly sampling required in par. (a),~~ Collect representative samples ~~shall be collected~~ within 2 weeks of initial startup and shakedown, and after any significant changes in plant design, operation, or waste input, if the changes are expected to cause an increase or decrease in the ~~number or~~ concentrations of the residue parameters listed in sub. (6), Table 4-3. The operator shall identify, and submit to the department, the changes made and the anticipated effect the changes will have on the residues.

**SECTION 318. NR 502.13 (5) (f) (intro.), 1., and 2. are renumbered NR 502.13 (5) (ar) (intro.), 1., and 2., and NR 502.13 (5) (ar) 2. is amended to read:**

**NR 502.13 (5) (ar) 2.** Collect representative samples quarterly to test for the 8 heavy metal parameters listed ~~in~~ under sub. (6) (g) and within the 2 weeks of initial startup and shakedown and after any significant changes in plant design, operation, or waste input, if the changes are expected to cause an increase or decrease in the ~~number or~~ concentrations of the listed parameters in the residue. The operator shall identify, and submit to the department, the

changes made and the anticipated effect the changes will have on the residues. ~~The sample volume collected and compositing procedures shall comply with par. (a).~~

**SECTION 319. NR 502.13 (5) (f) 3. is repealed.**

**SECTION 320. NR 502.13 (6) (a) and (b) 1. and 2. are amended to read:**

**NR 502.13 (6)** (a) An operator of a municipal solid waste combustor with a design capacity of 10 tons per day or greater shall test its residue quarterly the first year after an approval has been issued. After the first year of quarterly testing the residues shall be tested on an annual basis, except as provided in under par. (m). The testing program listed in Table 43 shall be applied to all samples collected as required by sub. (5) ~~(a) to (d)~~. The department may require dioxin and furan testing, if circumstances warrant. Test results shall be submitted to the department with the annual report specified under sub. (8).

(b) 1. Test residue samples collected under sub. (5) ~~(f)~~ in accordance with the testing program in par. (g).

2. Test its residue annually beginning the first June after an approval has been issued using the testing program listed in Table 43 for all samples collected under sub. (5) ~~(f)~~. The department may require dioxin or furan testing, if circumstances warrant.

**SECTION 321. NR 502.13 (6) (b) 4. is repealed.**

**SECTION 322. NR 502.13 (6) (c), (c) (Note), (d), and (g) (Note) are amended to read:**

**NR 502.13 (6)** (c) A leachate sample from the monofill where the residue is disposed of may be substituted for the synthetic precipitation leaching procedure, EPA Method 1312, after the initial 4 rounds of testing. The leachate sample shall be tested for all of the parameters listed in Table 43, Section III, unless a reduction in the number of parameters tested for has been approved by the department. The municipal solid waste combustor using the leachate substitute shall be responsible for the testing. If significant levels of any of the listed parameters are detected in the leachate tested from a monofill that receives multiple sources of residue, the department may require all contributing municipal solid waste combustors to perform leach testing of their residue using EPA Method 1312.

**Note:** Method 1312 is in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, third edition, November 1986, as amended by Updates I in

July 1992, II in September 1994, IIA in August 1993, IIB in January 1995, III in December 1996 and IIIA in April 1998. The test methods are available at no cost at <https://www.epa.gov/hw-sw846/basic-information-about-how-use-sw-846#UseWhich>. ~~Copies of the test methods may be obtained from the superintendent of documents, U.S. government printing office, P.O. Box 371954, Pittsburgh, PA 15250-7954, (866) 512-1800, www.gpo.gov. Copies may also be obtained from the National Technical Information Service, U.S. department of commerce, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847, www.ntis.gov. Copies of the test methods are available for inspection at the offices of the department of natural resources, legislative reference bureau and the secretary of state.~~

(d) The operator of the municipal solid waste combustor may apply to the department at the end of the initial 4 rounds of testing for elimination of those parameters listed in Table 43, Section II which do not appear in its residues at significant levels.

(g) **Note:** Method 1311 is in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846, third edition, November 1986, as amended by Updates I in July 1992, II in September 1994, IIA in August 1993, IIB in January 1995, III in December 1996 and IIIA in April 1998. The test methods are available at no cost at <https://www.epa.gov/hw-sw846/basic-information-about-how-use-sw-846#UseWhich>. Copies of the test methods may be obtained from the superintendent of documents, U.S. government printing office, P.O. Box 371954, Pittsburgh, PA 15250-7954, (866) 512-1800, www.gpo.gov. ~~Copies may also be obtained from the National Technical Information Service, U.S. department of commerce, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847, www.ntis.gov. Copies of the test methods are available for inspection at the offices of the department of natural resources, legislative reference bureau and the secretary of state.~~

**SECTION 323. NR 502.13 (6) (g) 8. (Note) is repealed.**

**SECTION 324. NR 502.13 (6) Table 1. is renumbered Table 3 and as renumbered Rows I and III are amended to read:**

**Table 3. Row I. Toxicity Characteristic Leaching Procedure EPA Method 1311<sup>1</sup>:**  
(quarterly)

**Table 3. Row III. Synthetic Precipitation Leaching Procedure EPA Method 1312<sup>1</sup>.**

**SECTION 325. NR 502.13 (6) Table 1. Row III A. (Note) is renumbered Table 3. (table footnote 1) and amended to read:**

**NR 502.13 (6) Table 3. Footnote <sup>1</sup>** Methods 1311 and 1312 are in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846, third edition, November 1986, as amended by Updates I in July 1992, II in September 1994, IIA in August 1993, IIB in January 1995, III in December 1996 and IIIA in April 1998. The test methods are available at no cost at <https://www.epa.gov/hw-sw846/basic-information-about-how-use-sw-846#UseWhich>. ~~Copies of the test methods may be obtained from the superintendent of documents, U.S. government printing office, P.O. Box 371954, Pittsburgh, PA 15250-7954, (866) 512-1800, [www.gpo.gov](http://www.gpo.gov). Copies may also be obtained from the National Technical Information Service, U.S. department of commerce, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847, [www.ntis.gov](http://www.ntis.gov). Copies of the test methods are available for inspection at the offices of the department of natural resources, legislative reference bureau and the secretary of state.~~

**SECTION 326. NR 502.13 (8) (a), (9) (a), (b), and (e), and (10) (a) are amended to read:**

**NR 502.13 (8) (b)** The report shall cover the calendar year and be submitted no later than ~~April~~ March 1 of the following year.

**(9) (a)** The operator or designated agent of a municipal solid waste combustor shall screen the incoming waste to eliminate the materials identified ~~in~~ under pars. ~~(b)~~ (bm) to (d), from entering the facility.

(b) The screening of materials from the combustion process may be accomplished at the facility or by the contributors of the waste from the area served by the facility that have an effective recycling program. Additional restrictions to waste acceptance for some facilities may exist as specified in s. 287.07, Stats.

(bm) Alkaline batteries and similar heavy metal sources ~~should~~ may not be accepted at municipal solid waste combustor facilities.

(e) Waste oils may be burned ~~only~~ in compliance with state and federal regulations.

**(10) (a)** Procedures for limiting the items listed ~~in~~ under sub. (9) ~~(c)~~ and (bm) to (d) from entering a combustor.

**SECTION 327. NR 518.04 (1) (L) is created to read:**

**NR 518.04 (1) (L)** Facilities for the landspreading of aquatic plants.

**SECTION 328. NR 520.04 (4) (em) is created to read:**

**NR 520.04 (4) (em)** An expedited plan modification review for non-disposal facilities referenced in Table 2a, 2b, and 2c refers to a review that is determined by the department to require only minimal review of supporting documentation, to not require research, including consultation with other staff or programs, and to not create impacts to the facility's plan of operation outside of the specific modification request area. An expedited plan modification review for non-disposal facilities cannot be used for a change that would require issuance of a condition or an exemption by the department. Expedited plan modification reviews for non-disposal facilities are for reviews that are expected to take five hours or less of department time, as determined by the department, including document management, invoicing, review, approval drafting, peer review, and supervisor review.

**SECTION 329. NR 520.04 (4) (f) is amended to read:**

**NR 520.04 (4) (f)** The department shall waive the plan review fees and license fees in Table 2 for a processing facility, ~~including a composting facility, an electronics processing facility, or an incinerator~~ that has a primary purpose of converting solid waste into usable materials, products, or energy. The waiver does not include the initial site and construction inspection fees or the construction documentation review fee.

**SECTION 330. NR 520.04 (4) (fm) is created to read:**

**NR 520.04 (4) (fm)** The department shall waive the license fees in Table 2 for a transportation service that is exclusively used for the transport of source-separated compostable material to one of the following facilities:

1. A compost facility or processing facility that has a primary purpose of converting solid waste into usable materials, products, or energy.
2. A transfer facility that transfers the source-separated compostable material to a compost facility or processing facility that has a primary purpose of converting solid waste into usable materials, products, or energy.

**SECTION 331. NR 520.05 (1) Table 1 Row 4 is amended to read:**

**NR 520.05 (1) Table 1**

|  |   |   |           |
|--|---|---|-----------|
| <p><b>4. Transfer, Storage, Processing, Air Curtain Destructor, Woodburning, Composting, Incinerator, and Combustor Facilities</b></p> | <p>If required in Department Plan Approval.</p> | <p>If required in Department Plan Approval.</p> | <p>No</p> |
|--|---|---|-----------|

**SECTION 332. NR 520.05 (1) Table 1 Row 5 is created to read:**

**NR 520.05 (1) Table 1**

|  |   |           |           |
|--|---|-----------|-----------|
| <p><b>5. Materials Recovery Facilities</b></p> | <p>If required under s. NR 544.16 (d)</p> | <p>No</p> | <p>No</p> |
|--|---|-----------|-----------|

**SECTION 333. NR 520.07 (1) is renumbered NR 520.07 (1) (a) and amended to read:**

**NR 520.07 (1) GENERAL.** (a) For the purpose of determining the amount of proof of financial responsibility that is required ~~in~~ under s. NR 520.06, the owner shall comply with pars. (b) and (c) as applicable. All necessary justification shall be submitted together to the department for approval along with the estimates as part of the plan of operation or plan modification submittal or, for materials recovery facilities, on the application for self-certification of operation. The costs shall be based on a third party performing the work and reported on a per-unit basis. The source of estimates shall be indicated.

(b) A facility that is required to submit proof of financial responsibility shall estimate the total cost in current dollars of closure for the point in time during operation of the facility when the extent and manner of its operation make closure most expensive.

(c) For a facility where long-term care is required, estimate the annual cost in current dollars for each year of the long-term care proof of owner responsibility period for the facility and submit

~~the estimated closure and long term care costs together with all necessary justification to the department for approval as part of the plan of operation submittal. The costs shall be based on a third party performing the work and reported on a per unit basis. The source of estimates shall be indicated.~~

**SECTION 334. NR 520.07 (1m) (intro.) is amended to read:**

**NR 520.07 (1m) ADJUSTMENTS.** The owner shall prepare and submit to the department a new cost estimate for closure and, if required, long-term care during the active life of the facility as follows:

**SECTION 335. NR 520.07 (1m) (c) is created to read:**

**NR 520.07 (1m) (c)** Due to a change in the maximum amounts a materials recovery facility may have onsite at one time on its current self-certification of operation in accordance with s. NR 544.16 (3) (a) 21.

**SECTION 336. NR 520.07 (2m) (a) (intro.) is amended to read:**

**NR 520.07 (2m) (a)** At a minimum, closure costs for a facility required to provide proof of financial responsibility under s. NR 502.04 (6) or 544.16 (1) (d) shall include all of the following:

**SECTION 337. NR 520.07 (2m) (a) 2. and 3. are repealed and recreated to read:**

**NR 520.07 (2m) (a) 2.** If the department determines it is necessary, decontamination.

3. If the department determines it is necessary, equipment decommissioning.

**SECTION 338. NR 520.07 (2m) (c) is created to read:**

**NR 520.07 (2m) (c)** A closure cost estimate may not be reduced for positive value materials that could be sold at the time of closure.

**SECTION 339. NR 520.08 (intro.) is amended to read:**

**NR 520.08 Calculating the amount of the proof of financial responsibility.** The owner shall, as part of the plan of operation submittal, calculate the necessary amounts of proof of financial responsibility for ~~both~~ closure and, if required, long-term care based on the chosen methods of providing proof of financial responsibility.

**SECTION 340. NR 520.12 (1) is repealed and recreated to read:**

**NR 520.12 (1) CLOSURE.** (a) When an owner or operator has completed closure, the owner may apply to the department, as specified in pars. (a) and (b), for release of the bond, insurance, or letter of credit or return of the money held on deposit, in escrow, or in trust for closure of the facility. Upon determination by the department that complete closure has been accomplished, the department shall authorize in writing the release and return of all funds accumulated in such accounts or give written permission for cancellation of the bond, insurance, or letter of credit. Determinations shall be made within 90 days of the application.

(b) For a facility regulated under ch. NR 502 or 544, the application shall be accompanied by documentation showing compliance with the closure requirements in the facility's approved plan of operation, or if unspecified in an approved plan of operation, in compliance with s. NR 502.04, and shall describe the actual closure costs incurred.

(c) For all facilities other than those covered under par. (b), the application shall be accompanied by a report under the seal of a registered professional engineer that documents that the facility has been closed in accordance with the plan of operation approval and ch. NR 514, and summarizes the actual closure costs incurred.

**SECTION 341. NR 520 Table 2 and table notes 1 to 3 are repealed.**

**SECTION 342. NR 520 Table 2a and footnotes 1 and 2, Table 2b and footnotes 1 and 2, Table 2c and footnotes 1 and 2, and Table 2d are created to read:**

**Table 2a**

**Pre-2029 Plan Review Fee Table for Nonlandfill Facilities**

| <b>Facility Type</b>                       | <b>Initial Site Inspection<sup>1</sup></b> | <b>Plan of Operation Review</b> | <b>Plan Modification Review, Exemption Review, or Concurrence Review</b> | <b>Construction Documentation Review Fee</b> |
|--|--|---------------------------------|--|--|
| <b>Beneficial Use</b>                      | \$550                                      | \$550                           | \$550  | \$550  |
| <b>Transfer Facility (≤ 50 tons/day)</b>   | \$550                                      | NA                              | NA   | NA   |
| <b>Transfer Facility (&gt;50 tons/day)</b> | \$550                                      | \$1,650                         | \$550  | \$660  |
| <b>Processing Facility</b>                 | \$550                                      | \$3,300                         | \$1,100  | \$1,100                                      |

|   |       |         |         |         |
|---|-------|---------|---------|---------|
| <b>Infectious Waste Treatment Facility</b>  | \$550 | \$3,300 | \$1,100 | \$1,100 |
| <b>Incineration Facility</b>  | \$550 | \$7,700 | \$1,650 | \$1,100 |
| <b>Air Curtain Destruction Facility</b>   | \$550 | \$330   | \$330   | \$165   |
| <b>Woodburning Facility</b>   | \$550 | \$165   | \$165   | \$165   |
| <b>Composting Facility</b>  | \$550 | \$0     | \$0     | \$0     |
| <b>Municipal Solid Waste Combustion Facility</b>  | \$550 | \$7,700 | \$1,650 | \$1,100 |
| <b>Landspreading Facility - Exempt</b>  | \$550 | \$660   | \$550   | NA      |
| <b>Landspreading Facility - Non-exempt</b>  | \$550 | \$1,650 | \$550   | NA      |
| <b>Medical Waste Reduction Plan<sup>2</sup></b>   | NA    | \$660   | \$550   | NA      |
| <b>Low Hazard Exemption under s. NR 500.08 (3m) or (4), 500.085 or s. 289.43(8), Stats.</b> | NA    | \$2,000 | \$1,000 | NA      |
| <b>Expedited Plan Modification Review under s. NR 520.04 (4) (em)</b>                       | NA    | NA      | \$300   | NA      |

<sup>1</sup> The initial site inspection fee doubles to \$1,800 if preliminary screening prior to field inspection indicates the possible presence of endangered resources or sites of historical or archeological significance. This fee also applies to each compliance inspection performed per s. NR 502.07 (2r) (g).

<sup>2</sup> If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee shall also be submitted.

**Table 2b**

**2029 Plan Review Fee Table for Nonlandfill Facilities**

| <b>Facility Type</b> | <b>Initial Site Inspection<sup>1</sup></b> | <b>Plan of Operation Review</b> | <b>Plan Modification Review, Exemption Review, or</b> | <b>Construction Documentation Review Fee</b> |
|----------------------|--|---------------------------------|---|--|
|----------------------|--|---------------------------------|---|--|

|   |       |         | <b>Concurrence Review</b> |         |
|---|-------|---------|---------------------------|---------|
| <b>Beneficial Use</b>   | \$550 | \$550   | \$550                     | \$550   |
| <b>Transfer Facility (≤ 50 tons/day)</b>  | \$725 | NA      | NA                        | NA      |
| <b>Transfer Facility (&gt;50 tons/day)</b>  | \$725 | \$1,650 | \$650                     | \$660   |
| <b>Processing Facility</b>  | \$725 | \$3,300 | \$1,400                   | \$1,100 |
| <b>Infectious Waste Treatment Facility</b>  | \$725 | \$4,400 | \$1,950                   | \$1,100 |
| <b>Incineration Facility</b>  | \$725 | \$9,350 | \$2,225                   | \$1,100 |
| <b>Air Curtain Destruction Facility</b>   | \$725 | \$715   | \$565                     | \$165   |
| <b>Woodburning Facility</b>   | \$725 | \$633   | \$483                     | \$165   |
| <b>Composting Facility</b>  | \$725 | \$0     | \$0                       | \$0     |
| <b>Municipal Solid Waste Combustion Facility</b>  | \$725 | \$9,350 | \$2,225                   | \$1,100 |
| <b>Landspreading Facility - Exempt</b>  | \$725 | \$1,080 | \$975                     | NA      |
| <b>Landspreading Facility - Non-exempt</b>  | \$725 | \$2,325 | \$1,425                   | NA      |
| <b>Medical Waste Reduction Plan<sup>2</sup></b>   | NA    | \$880   | \$725                     | NA      |
| <b>Low Hazard Exemption under s. NR 500.08 (3m) or (4), 500.085 or s. 289.43(8), Stats.</b> | NA    | \$2,000 | \$1,000                   | NA      |
| <b>Expedited Plan Modification Review under s. NR 520.04 (4) (em)</b>                       | NA    | NA      | \$300                     | NA      |

<sup>1</sup> The initial site inspection fee doubles to \$1,800 if preliminary screening prior to field inspection indicates the possible presence of endangered resources or sites of historical or archeological significance. This fee also applies to each compliance inspection performed per s. NR 502.07 (2r) (g).

<sup>2</sup> If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee shall also be submitted.

**Table 2c**

**Post-2029 Plan Review Fee Table for Nonlandfill Facilities**

| <b>Facility Type</b>  | <b>Initial Site Inspection<sup>1</sup></b> | <b>Plan of Operation Review</b> | <b>Plan Modification Review, Exemption Review, or Concurrence Review</b> | <b>Construction Documentation Review Fee</b> |
|---|--|---------------------------------|--|--|
| <b>Beneficial Use</b>   | \$550                                      | \$550                           | \$550  | \$550  |
| <b>Transfer Facility (≤ 50 tons/day)</b>  | \$900                                      | NA                              | NA   | NA   |
| <b>Transfer Facility (&gt;50 tons/day)</b>  | \$900                                      | \$1,650                         | \$750  | \$660  |
| <b>Processing Facility</b>  | \$900                                      | \$3,300                         | \$1,700  | \$1,100                                      |
| <b>Infectious Waste Treatment Facility</b>  | \$900                                      | \$5,500                         | \$2,800  | \$1,100                                      |
| <b>Incineration Facility</b>  | \$900                                      | \$11,000                        | \$2,800  | \$1,100                                      |
| <b>Air Curtain Destruction Facility</b>   | \$900                                      | \$1,100                         | \$800  | \$165  |
| <b>Woodburning Facility</b>   | \$900                                      | \$1,100                         | \$800  | \$165  |
| <b>Composting Facility</b>  | \$900                                      | \$0                             | \$0  | \$0  |
| <b>Municipal Solid Waste Combustion Facility</b>  | \$900                                      | \$11,000                        | \$2,800  | \$1,100                                      |
| <b>Landspreading Facility - Exempt</b>  | \$900                                      | \$1,500                         | \$1,400  | NA   |
| <b>Landspreading Facility - Non-exempt</b>  | \$900                                      | \$3,000                         | \$2,300  | NA   |
| <b>Medical Waste Reduction Plan<sup>2</sup></b>   | NA   | \$1,100                         | \$900  | NA   |
| <b>Low Hazard Exemption under s. NR 500.08 (3m) or (4), 500.085 or s. 289.43(8), Stats.</b> | NA   | \$2,000                         | \$1,000  | NA   |
| <b>Expedited Plan Modification Review under s. NR 520.04 (4) (em)</b>                       | NA   | NA                              | \$300  | NA   |

<sup>1</sup> The initial site inspection fee doubles to \$1,800 if preliminary screening prior to field inspection indicates the possible presence of endangered resources or sites of historical or archeological significance. This fee also applies to each compliance inspection performed per s. NR 502.07 (2r) (g).

<sup>2</sup> If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee shall also be submitted.

**Table 2d**  
**Pre-2029 Plan Review Fee Table for Nonlandfill Facilities**

| <b>Facility Type</b>  | <b>Pre-2030 License Year Fee</b> | <b>2030 License Year Fee</b> | <b>Post-2030 License Year Fee</b> |
|---|----------------------------------|------------------------------|-----------------------------------|
| <b>Solid Waste Transportation Services -- Original License</b>          | \$110                            | \$193                        | \$275                             |
| <b>Solid Waste Transportation Services – Each Additional Truck</b>      | \$33                             | \$42                         | \$50                              |
| <b>Infectious Waste Transportation Services -- Original License</b>     | \$275                            | \$275                        | \$275                             |
| <b>Infectious Waste Transportation Services – Each Additional Truck</b> | \$22                             | \$36                         | \$50                              |
| <b>Transfer Facility (≤ 50 tons/day)</b>                                | \$165                            | \$310                        | \$455                             |
| <b>Transfer Facility (&gt;50 tons/day)</b>                              | \$550                            | \$563                        | \$575                             |
| <b>Processing Facility</b>  | \$550                            | \$863                        | \$1,375                           |
| <b>Infectious Waste Treatment Facility</b>                              | \$550                            | \$1,513                      | \$2,475                           |
| <b>Incineration Facility</b>  | \$7,700                          | \$7,700                      | \$7,700                           |
| <b>Air Curtain Destruction Facility</b>                                 | \$165                            | \$310                        | \$455                             |
| <b>Woodburning Facility</b>   | \$165                            | \$310                        | \$455                             |
| <b>Composting Facility</b>  | \$0                              | \$0                          | \$0                               |
| <b>Municipal Solid Waste Combustion Facility</b>                        | \$7,700                          | \$7,700                      | \$7,700                           |

**SECTION 343. NR 526.01 is amended to read:**

**NR 526.01 Purpose.** The purpose of this chapter is to provide definitions, submittal requirements, exemptions, and other general requirements relating to management of infectious waste management and non-hazardous chemotherapy waste and medical waste reduction. This

chapter is adopted pursuant to ss. 227.11 (2) (a), 287.03 (1) (a), 287.07 (7) and (8), 289.05 (1), 289.06 and 299.51 (3), Stats.

**SECTION 344. NR 526.02 (1) and (2) are amended to read:**

**NR 526.02 (1)** Except as otherwise provided, the infectious waste management rules apply to all persons generating, handling, storing, transporting, ~~shipping,~~ treating, and disposing of infectious waste and non-hazardous chemotherapy waste.

**(2)** Except as otherwise provided, ~~the medical waste reduction rules in this chapter apply~~ subch. III applies only to medical facilities under s. NR 500.03 (142).

**SECTION 345. NR 526.02 (2) (Note) is created to read:**

**NR 526.02 (2) Note:** Medical facility as defined under s. NR 500.03 (142) means a hospital, clinic, or nursing home.

**SECTION 346. NR 526.02 (4) is amended to read:**

**NR 526.02 (4)** 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. 281.41, Stats., or permitted under ch. 283, Stats., nor to facilities used solely for the disposal of liquid municipal or industrial wastes ~~which that~~ that have been approved under s. 281.41, Stats., or permitted under ch. 283, Stats., ~~except for facilities used for the disposal of solid waste.~~

**SECTION 347. NR 526.03 is amended to read:**

**NR 526.03 Definitions.** The definitions in s. NR 500.03 apply to the terms used in this chapter ~~unless the context requires otherwise.~~

**SECTION 348. NR 526.04 (1) is repealed.**

**SECTION 349. NR 526.04 (2) to (4) and (8) are amended to read:**

**NR 526.04 (2) HOME GENERATOR EXEMPTIONS.** ~~Home generators of infectious waste are~~ Infectious waste generated by a single family or household and disposed of as routine household waste is exempt from the requirements of this chapter except the safety

requirements applying to sharps under ss. NR 526.06, 526.07 (1), 526.08, 526.10 (3) and 526.13.

**(3) SHARPS COLLECTION STATION EXEMPTIONS.** Persons who operate sharps collection stations are exempt from the requirements of this chapter except the requirements under s. NR ~~526.09 (5)~~ 526.095.

**(4) EMERGENCY RESPONSE EXEMPTIONS.** Persons, including ~~but not limited to~~ law enforcement personnel, emergency medical personnel, and fire fighters, who are responding to an emergency not occurring at a medical facility, including ~~but not limited to~~ vehicle accidents, fires, and natural disasters, are exempt from the requirements of this chapter except the requirements under ss. NR 526.06 to 526.08, 526.09 (4), 526.10 (3), and 526.13.

**(8) WASTEWATER TREATMENT PLANT EXEMPTIONS.** Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works ~~for treatment~~ or to a privately owned treatment system operating in compliance with ch. SPS 383 or ch. NR 204 is exempt from the requirements of this chapter.

**SECTION 350. NR 526.04 (8) (Note) is repealed.**

**SECTION 351. NR 526.04 (9), (10), and (10) (Note) are amended to read:**

**NR 526.04 (9) BLOOD COLLECTION VEHICLE EXEMPTIONS.** ~~Persons, including but not limited to the American Red Cross, who are transporting~~ Blood collection companies or organizations that transport whole blood or blood components from temporary locations where blood is collected back to the collector's permanent location are exempt from the requirements of this chapter except the requirements under ss. NR 526.06 to 526.08, 526.09 (4), 526.10 (3) and 526.13.

**(10) MASS INFECTIOUS DISEASE TESTING AND VACCINATION WASTE EXEMPTIONS.** Persons who are transporting infectious waste from emergency mass ~~vaccinations, including but not limited to smallpox and excluding routine vaccinations,~~ infectious disease testing and vaccination sites are exempt from the requirements of this chapter except the requirements under ss. NR 526.06 to 526.08, 526.09 (4), 526.10 (3), 526.11, 526.12 (4), 526.13 and 526.14 (1) (a). ~~Persons transporting waste from emergency mass vaccinations may be required to file annual reports under s. NR 526.15.~~

**Note:** USDOT requirements may apply to hazardous materials transported by researchers, emergency response personnel and blood collection vehicles. For more information, contact the ~~USDOT helpline at 1-800-467-4922~~ U.S. Department of Transportation.

**SECTION 352. NR 526.05 (1) (a) (intro.) is renumbered (a) and amended to read:**

**NR 526.05 (1) (a)** Sharps, ~~as follows:~~

**SECTION 353. NR 526.05 (1) (a) 1. and 2. and (3) are repealed.**

**SECTION 354. NR 526.055 (title) and (1) (a) are amended to read:**

**NR 526.055** ~~Trace~~ Non-hazardous chemotherapy waste.

(1) (a) No person may mix ~~trace~~ non-hazardous chemotherapy waste that has been separated for treatment in the same bag or waste receptacle with ~~infectious waste or with non-hazardous solid waste, unless mixing the wastes is necessary to protect the health or safety of patients, employees or other persons~~ solid waste that is not chemotherapy waste. Non-hazardous chemotherapy waste that has been separated for treatment may be mixed with hazardous waste.

**SECTION 355. NR 526.055 (1) (am) is created to read:**

**NR 526.055 (1) (am)** Non-hazardous chemotherapy waste and infectious or solid waste may only be placed into a shared receptacle if separation is not possible or practical.

**SECTION 356. NR 526.055 (1) (b) and (c) and (2) are amended to read:**

**NR 526.055 (1) (b)** If infectious waste or non-hazardous solid waste is mixed with ~~trace~~ non-hazardous chemotherapy waste, the mixture shall be managed according to subs. (2) ~~and (3)~~ to (6).

(c) If ~~trace~~ non-hazardous chemotherapy waste is mixed with ~~other~~ hazardous chemotherapy waste, the mixture shall be managed according to chs. NR 660 to 670.

**(2) CONTAINMENT.** No person may transport ~~trace~~ non-hazardous chemotherapy waste from the property where the waste was generated unless the person puts the waste in a

container ~~which~~ that protects waste handlers and other persons from exposure to the ~~trace non-hazardous~~ chemotherapy waste and all of the following requirements are met:

(a) Hard ~~trace non-hazardous~~ chemotherapy waste, including ~~but not limited to~~ syringes, drug dispensing devices, and broken or empty chemotherapy drug vials, shall be contained in rigid, puncture-resistant ~~labeled~~ plastic containers designed to prevent the loss of the contents and labeled with the visible words "~~Trace Non-hazardous~~ chemotherapy waste," and ~~"Incinerate only"~~.

(b) Soft chemotherapy waste, including ~~but not limited to~~ gloves, disposable gowns, towels, empty intravenous solution bags, and empty tubing, may be contained in containers meeting the requirements of par. (a) or in a bag meeting the requirements of s. NR 526.07 (2) (a) and (b), and labeled with the visible words "Non-hazardous chemotherapy waste."

**SECTION 357. NR 526.055 (2) (b) (Note) is repealed.**

**SECTION 358. NR 526.055 (2e), (2m), and (2s) are created to read:**

**NR 526.055 (2e) HANDLING.** Handling of non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.08.

**(2m) TRANSFER.** Transfer of non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.09.

**(2s) TRANSPORTATION.** Transportation of non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.10.

**SECTION 359. NR 526.055 (3) (intro.) is amended to read:**

**NR 526.055 (3) TREATMENT.** ~~Trace~~ Non-hazardous chemotherapy waste shall be treated by incineration or other method that is approved by the department in writing. An incinerator used to treat ~~trace non-hazardous~~ chemotherapy waste ~~may~~ shall be one of the following:

**SECTION 360. NR 526.055 (4) to (6) are created to read:**

**NR 526.055 (4) DISPOSAL.** Disposal of non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.13.

(5) GENERATOR RESPONSIBILITIES. Generator responsibilities for non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.135.

(6) MANIFESTS. Manifests for non-hazardous chemotherapy waste shall be managed in accordance with s. NR 526.14.

**SECTION 361. NR 526.06 (1) is amended to read:**

**NR 526.06 (1)** No person may mix infectious waste ~~in the same bag or waste receptacle that has been separated for treatment~~ with solid waste ~~which that~~ is not infectious waste, ~~unless mixing the wastes is necessary to protect the health or safety of patients, employees or other persons~~ except that infectious waste may be mixed with pharmaceutical waste that will be incinerated.

**SECTION 362. NR 526.06 (2) to (4) are repealed.**

**SECTION 363. NR 526.07 (intro.), (1), (2) (c), (3), and (4) are amended to read:**

**NR 526.07 Containment.** No person may transport infectious waste or sharps rendered non-infectious but not broken from the property where the waste was generated unless the ~~person puts the waste in a container which protects~~ waste is containerized to protect waste handlers and other persons from exposure to the infectious waste or non-broken sharps and ~~the person meets all of the following requirements~~ are met:

(1) Sharps shall be contained in rigid, puncture-resistant ~~labeled containers made of materials including but not limited to metal or rigid plastic,~~ designed to prevent the loss of the contents and labeled with a visible bio- hazard emblem or with the visible words “bio-hazard”, “sharps”, or “infectious waste”.

(c) Any bag containing infectious waste shall be placed in a rigid container, including ~~but not limited to~~ a corrugated cardboard container, a covered reusable container, or a covered cart. The rigid container shall be labeled with a visible bio-hazard emblem and the visible word “bio-hazard” ~~. Bulk containers~~ or “infectious waste”. Containers shall be small enough to be handled by a single person.

(3) ~~No person may open a~~ A secured container of infectious waste ~~which that~~ is ready for transportation may not be opened until immediately before treating the waste, unless

repacking is necessary to prevent spills or leakage, or the person is conducting a waste audit or training session.

(4) All reusable containers shall be disinfected ~~after being~~ each time they are emptied of infectious waste. No person may open, empty, or clean a reusable sharps container by hand.

**SECTION 364. NR 526.08 (intro.) and (1) to (3) are amended to read:**

**NR 526.08 Handling.** No person may handle, load, unload, process, or treat infectious wastes waste unless adequate measures are taken to protect waste handlers and other persons from exposure to the infectious ~~wastes~~ waste and ~~unless~~ all of the following requirements are met:

~~(1) All containers~~ Containers of infectious waste shall be handled and transported to prevent the loss or spilling of the contents.

~~(2) Nuisance conditions shall be prevented from developing.~~ Appropriate measures shall be taken to prevent odors, including ~~but not limited to~~ refrigerating the infectious waste below ~~42°~~ 42 degrees Fahrenheit until treated.

~~(3) All infectious~~ Containers of infectious waste shall be loaded and unloaded by hand or by a safe mechanical method ~~which~~ that does not damage containers or spill their contents.

**SECTION 365. NR 526.09 (title) is repealed and recreated to read:**

**NR 526.09 Transfer.**

**SECTION 366. NR 526.09 (intro.) is repealed.**

**SECTION 367. NR 526.09 (1) and (2) (intro.) are repealed and recreated to read:**

**NR 526.09 (1) GENERAL.** Except as provided under sub. (2), no person may operate or maintain an infectious waste transfer facility unless the person complies with all of the following:

(am) Obtains an approval and operating license for transferring solid waste under s. NR 502.07 (1) and (3) to (6).

(bm) Operates the transfer facility in compliance with s. NR 502.07 (7).

(cm) Operates the transfer facility under all of the requirements for source separation under s. NR 526.06, for containment under s. NR 526.07, for handling infectious waste under s. NR 526.08 and for transferring infectious waste under this section.

**(2) EXEMPTIONS.** Infectious waste transfer facilities are not eligible for the solid waste transfer facility exemptions under s. NR 502.07 (2) and (2r). The following facilities are exempt from all requirements of this section unless the department specifies otherwise:

**SECTION 368. NR 526.09 (2) (a) is repealed.**

**SECTION 369. NR 526.09 (2) (ae), (am), and (as) are created to read:**

**NR 526.09 (2) (ae)** Infectious waste transfer facilities using containers for infectious waste, serving a single household and located on the property where the waste is generated.

**(am)** Infectious waste transfer facilities using containers that are located at the original point of collection on the property where the infectious waste is generated.

**(as)** Infectious waste transfer facilities for consolidation of infectious waste after the waste is moved from its original point of collection that are located on the property where the infectious waste is generated, provided that the transfer facility complies with all of the following:

1. The performance standards and closure requirements under s. NR 502.04 (1) and (3) (a) and (b).
2. The solid waste storage requirements under s. NR 502.05.
3. The infectious waste source separation requirements under s. NR 526.06.
4. The infectious waste containment requirements under s. NR 526.07.
5. The infectious waste handling requirements under s. NR 526.08.
6. The infectious waste transfer facility operational requirements under sub. (4).

**SECTION 370. NR 526.09 (2) (b) is repealed and recreated to read:**

**NR 526.09 (2) (b)** Infectious waste transfer facilities that are located on the property where infectious waste is generated and that accept infectious waste from off-site generators, if all of the following are met:

1. The total quantity of infectious waste accepted from off-site is less than the quantity generated on-site and is less than 500 pounds per month.

2. The waste is accepted on a not-for-profit and cost-only basis.

3. The facility complies with all of the following:

a. The performance standards under s. NR 502.04 (1)

b. The closure requirements under s. NR 502.04 (3) (a) and (b).

c. The solid waste storage requirements under s. NR 502.05.

d. The infectious waste source separation requirements under s. NR 526.06.

e. The infectious waste containment requirements under s. NR 526.07.

f. The infectious waste handling requirements under s. NR 526.08.

g. The infectious waste transfer facility operational requirements under sub. (4).

**SECTION 371. NR 526.09 (2) (c) and (d) are amended to read:**

**NR 526.09 (2) (c)** Sharps collection stations ~~which~~ that comply with all of the requirements under ~~sub. (5)~~ s. NR 526.095.

~~(d)~~ Storage Transfer facilities for infectious waste ~~which~~ that is also ~~is~~ hazardous waste under s. 291.01 (7), Stats., provided that the storage facility is regulated under ch. NR 664.

**SECTION 372. NR 526.09 (2) (e) is created to read:**

**NR 526.09 (2) (e)** Infectious waste transfer facilities owned and operated by the same business that collects and transports only infectious waste from residential customers in vehicles that do not exceed two tons in capacity and hand-unload the waste, if the facility complies with all of the following:

1. The performance standards and closure requirements under s. NR 502.04 (1).
2. The closure requirements under s. NR 502.04 (3) (a) and (b).
3. The solid waste storage requirements under s. NR 502.05.
4. The solid waste transfer operational requirements under s. NR 502.07 (7).
5. The infectious waste source separation requirements under s. NR 526.06.
6. The infectious waste containment requirements under s. NR 526.07.
7. The infectious waste handling requirements under s. NR 526.08.
8. The infectious waste transfer operational requirements under sub. (4).

**SECTION 373. NR 526.09 (3) and (4) (intro) are repealed and recreated to read:**

**NR 526.09 (3) PLAN OF OPERATION.** Unless exempt under sub. (2), a person may only establish or operate an infectious waste transfer facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be submitted in accordance with s. NR 500.05, shall comply with the solid waste transfer plan of operation requirements under s. NR 502.07 (4), and include the following information:

- (a) Methods for source separation in compliance with s. NR 526.06.
- (b) Methods for containment in compliance with s. NR 526.07.
- (c) Methods for handling in compliance with s. NR 526.08.
- (d) Methods for manifesting in compliance with s. NR 526.14.

**(4) OPERATIONAL REQUIREMENTS.** Unless exempt under sub. (2), a person shall only operate or maintain an infectious waste transfer facility in conformance with the solid waste transfer facility operational requirements under s. NR 502.07 (7) and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 374. NR 526.09 (4) (a) to (h) are amended to read:**

**NR 526.09 (4)** (a) ~~The storage transfer~~ area shall be kept clean and be impermeable to liquids. Carpeted areas or wooden floors may not be used in ~~storage transfer~~ areas.

(b) ~~The storage transfer~~ area designated for infectious waste may contain only infectious wastes and ~~their containers holding the infectious waste~~. ~~The storage transfer~~ area may be an area designated within a room.

(c) ~~The storage transfer~~ area shall be in an enclosed building, container, or vehicle so that the infectious waste is not exposed to weather.

(d) Access to the ~~storage transfer~~ area shall be limited to authorized personnel.

(e) ~~Nuisance conditions shall be prevented from developing~~. Appropriate measures shall be taken to prevent odors, ~~including but not limited to which may include~~ refrigerating the infectious waste at a temperature below 42° 42 degrees Fahrenheit until treated.

(f) If the infectious waste is to be treated off-site, the operator of the infectious waste ~~storage transfer~~ facility shall relinquish the infectious waste only to an infectious waste transporter licensed by the department or to a person exempt from licensing under s. NR 526.10 (2).

(g) ~~The containers~~ Containers of infectious waste shall be removed and emptied as necessary, but at least every 90 days.

(h) ~~The operator of the infectious waste storage facility shall keep records~~ Records shall be kept of how much ~~and where~~ the infectious waste has been sent off-site and where it has been sent. Records may consist of any of the following: paper or electronic copies of infectious waste manifests, invoices, logs, or other written documentation of the amount of infectious waste sent off-site for treatment.

**SECTION 375. NR 526.09 (5) is renumbered NR 526.095 and amended to read:**

**NR 526.095** ~~OPERATING REQUIREMENTS FOR SHARPS COLLECTION STATIONS.~~ **Sharps collection stations.** ~~No~~ A person may only operate or maintain a sharps collection station ~~unless the person complies with~~ in conformance with the following requirements unless the department issues a written exemption to a requirement:

(1) ~~The person~~ sharps collection station accepts only sharps and sharps containers from infectious waste generators, each of which generates less than 50 pounds of sharps per month, including items which may be mixed with the sharps.

(2) ~~The person provides the service on~~ sharps collection station is operated as a not-for-profit and on a cost-only basis.

(3) ~~The person stores no~~ No more than 500 pounds of infectious waste is stored in the sharps collection station at any one time.

(4) ~~The person complies with the~~ sharps collection station operation meets all requirements ~~in~~ under ss. NR 526.06 to 526.08, 526.09 (4) (a) to (g), 526.10 (3), and 526.13.

(5) ~~The person registers the~~ sharps collection station is registered with the department ~~by mailing or delivering a letter of registration to the chief of the solid waste management section, bureau of solid and hazardous waste management, department of natural resources, P.O. Box 7921, 101 S. Webster Street, Madison, Wisconsin 53707-7921. The person shall also send copies of the letter to the appropriate department district and area offices~~ completing form 4400-195. The letter of registration shall ~~state~~ provide all of the following:

(a) Name, street address, county, website, and phone number, if any, of the place where the sharps collection station is located.

(b) Name, mailing address, email, and phone number of person responsible for operating the sharps collection station.

(c) Name, mailing address, email, and phone number of the owner of the sharps collection station, if different than the operator.

(d) ~~Fees~~ Any fees that are charged for use of the sharps collection station and what costs the fees cover.

(6) ~~The person~~ operator of the sharps collection station notifies the department ~~immediately~~ in writing ~~if~~ within five days from the date the sharps collection station moves or ceases to operate.

**SECTION 376. NR 526.10 (1) is repealed and recreated to read:**

**NR 526.10 (1) GENERAL.** Except as provided under sub. (2), no person may operate or maintain an infectious waste transportation service unless the person complies with all of the following:

(a) The infectious waste transport license requirements under s. NR 502.06 (1) including the license fee for infectious waste transportation services in ch. NR 520.

(b) The solid waste transportation service requirements under s. NR 502.06 (4).

(c) The infectious waste source separation requirements under s. NR 526.06, the infectious waste containment requirements under s. NR 526.07, the infectious waste handling requirements under s. NR 526.08, and infectious waste transportation service operational requirements under sub. (4).

**SECTION 377. NR 526.10 (2) is repealed and recreated to read:**

**NR 526.10 (2) EXEMPTIONS.** (ag) Transporters that are exempt from licensing under par. (ar) shall meet all of the following requirements for transporting infectious waste:

1. The solid waste storage requirements under s. NR 502.05.
2. The general solid waste transport operational requirements under sub. NR 502.06 (4).
3. The infectious waste requirements for source separation under s. NR 526.06.
4. The requirements for containment under s. NR 526.07.
5. The requirements for handling infectious waste under s. NR 526.08.
6. The minimum requirements for transporting infectious waste under sub. (3).

(ar) Infectious waste transport services are not eligible for solid waste transport service exemptions found under s. NR 502.06 (2). Transporters that meet any of the following conditions are exempt from licensing under this section, but shall meet the minimum requirements for transporting infectious waste specified under par. (ag):

1. Persons transporting infectious waste only between buildings on the same property where the infectious waste was generated and using vehicles or covered carts owned or leased by the infectious waste generator.

2. Persons transporting infectious waste only between the property where the infectious waste was generated and a contiguous property, and using vehicles or covered carts owned or leased by either the infectious waste generator or the owner of the contiguous property.

3. Persons transporting less than 50 pounds of infectious waste per calendar month.

4. Persons operating vehicles owned or leased by the United States postal service and handling infectious waste sent through the mail.

5. Persons operating vehicles owned by a parcel carrier service for which infectious waste constitutes an incidental portion of the carrier's business, if the infectious waste is handled in accordance with all applicable state and federal regulations.

6. Persons transporting infectious waste through Wisconsin who are not stopping to collect, drop off or transfer the infectious waste, and who handle the infectious waste in accordance with all applicable state and federal regulations.

7. Persons transporting infectious waste that is also a hazardous waste under s. 291.01 (7), Stats., provided that the transportation is regulated under s. 291.23, Stats., and ch. NR 663.

**SECTION 378. NR 526.10 (3) (intro.) is repealed and recreated to read:**

**NR 526.10 (3)** OPERATIONAL REQUIREMENTS. Unless exempt under sub. (2), a person may only operate or maintain an infectious waste transportation service in conformance with the solid waste transportation service operational requirements under s. NR 502.06 (4) and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 379. NR 526.10 (3) (a) and (b) are repealed.**

**SECTION 380. NR 526.10 (3) (c) 1. is amended to read:**

**NR 526.10 (3) (c) 1.** The portion of the vehicle where the infectious waste is contained shall be completely enclosed to prevent littering, spillage, or leakage. The enclosed portion shall be leak-resistant, if necessary, considering the type of waste and its moisture content. ~~Roll-off boxes or dumpsters may not be used to transport infectious waste.~~

**SECTION 381. NR 526.10 (3) (c) 2. and 3. are repealed.**

**SECTION 382. NR 526.10 (3) (c) 4. is amended to read:**

**NR 526.10 (3) (c) 4.** ~~Nuisance conditions shall be prevented from developing.~~ Appropriate measures shall be taken to prevent odors, ~~including but not limited to~~ which may include refrigerating the infectious waste at a temperature below ~~42°~~ 42 degrees Fahrenheit until treated.

**SECTION 383. NR 526.10 (3) (d) is repealed and recreated to read:**

**NR 526.10 (3) (d)** Infectious waste shall be transported to a licensed solid waste facility approved to accept infectious waste, a facility exempt from licensing by the department under s. NR 526.09 (2), 526.095, or 526.12 (2), or a facility licensed or exempt by another state to store, incinerate, or treat infectious waste.

**SECTION 384. NR 526.10 (3) (d) (Note) is created to read:**

**NR 526.10 (3) (d) Note:** Other transportation regulations, such as USDOT standards, may also apply. For more information, contact the U.S. Department of Transportation.

**SECTION 385. NR 526.10 (4) (intro.) and (a) are amended to read:**

**NR 526.10 (4)** OPERATING REQUIREMENTS FOR LICENSED INFECTIOUS WASTE TRANSPORTERS. Infectious waste transporters ~~which that~~ are required to be licensed by the department shall comply with all of the following requirements in addition to those ~~in~~ under sub. (3):

(a) Each vehicle shall have "WDNR" followed by the ~~infectious waste transportation~~ license number ~~lettered~~ displayed on the driver's ~~and passenger's doors~~ side door. The letters shall be at least 2 inches high ~~with a minimum of 1/2 inch brush stroke.~~ The lettering shall, contrast with the background ~~so it is,~~ and be easy to read.

**SECTION 386. NR 526.10 (4) (b) and (f) are repealed.**

**SECTION 387. NR 526.10 (4) (g) is created to read:**

**NR 526.10 (4) (g)** Licensed infectious waste transporters shall notify the department in writing at least 30 days prior to the effective date of all significant changes in service that include any of the following:

1. Adding a vehicle.
2. Removing a vehicle.
3. Replacing a vehicle.
4. Changing the destination to which infectious waste is hauled.
5. Terminating service.

**SECTION 388. NR 526.10 (5) is repealed.**

**SECTION 389. NR 526.11 (1) (b) and (g) and (2) (b) 1. and 3. are amended to read:**

**NR 526.11 (1) (b) *Steam disinfection.*** Treatment by steam disinfection, including but not limited to autoclaving, shall subject all the waste to a combination of operational temperature, pressure (if applicable), and time proven to render the waste non-infectious at the design capacity of the installed equipment.

(g) Other methods. Treatment by other treatment methods and processes shall render the waste non-infectious and shall be appropriate with respect to all of the following: for the properties of the waste being disinfected, the manufacturer's recommended use of the disinfectant, the cleanliness of the surface of the waste, the contact time, the physical properties of the waste, the concentration of the disinfectant, and the degree of microbial contamination.

**(2) (b) 1.** Methods ~~which~~ that render the tissue non-infectious, including composting in compliance with s. NR 502.12.

3. Burial on the land on which the animal was kept, in accordance with s. 289.43 (9), Stats., ~~for animals infected with scrapie or s. 289.43 (8), Stats.,~~ or s. NR 503.08 ~~for other animals.~~

**SECTION 390. NR 526.11 (2) (c) 3. is created to read:**

**NR 526.11 (2) (c) 3.** A method that renders the sharps non-infectious but not broken, provided that all sharps waste is contained in accordance with s. NR 526.07 (1) immediately after the sharps waste is rendered non-infectious and that the sharps waste remains contained until disposal in accordance with s. NR 526.13 (2).

**SECTION 391. NR 526.11 (2) (d) 1. and (e) are amended to read:**

**NR 526.11 (2) (d) 1.** Biological treatment in a municipal or industrial wastewater treatment facility ~~which~~ that has been approved under s. 281.41, Stats., or permitted under ch. 283, Stats. Bulk blood may be transported to the wastewater treatment facility through the sewer system or by disposal in a privately owned treatment system operating in compliance with ch. SPS 383 or NR 204.

*(e) Body fluids and blood-contaminated urine and feces.* Body fluids and blood-contaminated urine and feces shall be treated by any of the methods listed ~~in~~ under par. (d) or by disposal in a ~~septic system~~ privately owned treatment system operating in compliance with ch. SPS 383 or NR 204.

**SECTION 392. NR 526.11 (2) (f) 3. (Note) is repealed.**

**SECTION 393. NR 526.12 (1) and (2) (intro.) and (a) are repealed and recreated to read:**

**NR 526.12 (1) GENERAL.** Except as provided under sub. (2), no person may operate or maintain an infectious waste treatment facility unless all of the following are met:

(a) The person obtains an approval and operating license for processing solid waste under s. NR 502.08 (1) and (3) to (5).

(b) The person operates in compliance with s. NR 502.08 (6) and completes construction documentation and monitoring if required by the department, as authorized under s. NR 502.08 (7) and (8).

(c) The treatment facility meets all the requirements for source separation under s. NR 526.06, containment under s. NR 526.07, handling infectious waste under s. NR 526.08, and treating infectious waste under s. NR 502.11 and this section.

**(2) EXEMPTIONS.** Infectious waste treatment facilities are not eligible for solid waste processing facility exemptions found under s. NR 502.08 (2). The following facilities are exempt from all requirements of this section except as specified:

(a) Individual infectious waste treatment facilities that are located on the property where the infectious waste was generated, if all of the following are met:

1. The facility treats less than 500 pounds of infectious waste per day.
2. If the facility accepts infectious waste from other infectious waste generators, the waste is accepted on a not-for-profit and cost-only basis.
3. The facility complies with all of the following:
  - a. The performance standards and closure requirements of s. NR 502.04 (1) and (3) (a) and (b).
  - b. The solid waste storage requirements under s. NR 502.05.
  - c. The solid waste processing operational requirements under s. NR 502.08 (6) (b), (c), (d), (e), (g), (h), (k), (m), and (n).
  - d. The infectious waste source separation requirements under s. NR 526.06.
  - e. The infectious waste containment requirements under s. NR 526.07.
  - f. The infectious waste handling requirements under s. NR 526.08.
  - g. The infectious waste treatment facility requirements under sub. (4).

**SECTION 394. NR 526.12 (2) (b) is amended to read:**

**NR 526.12 (2) (b)** Incinerators and municipal solid waste combustors, ~~which that~~ are regulated under s. NR 502.09 or 502.13. ~~In addition to what is required under those sections, persons operating incinerators and municipal solid waste combustors shall follow the requirements in sub. (4) (a) and (c) for operating an infectious waste treatment unit and for keeping records, provided the facility complies with the requirements for source separation under s. NR 526.06, containment under s. NR 526. 07, handling infectious waste under s. NR 526.08, and the infectious waste treatment facility requirements under sub. (4) (a), (c), and (d).~~

**SECTION 395. NR 526.12 (3) and (4) (intro.) are repealed and recreated to read:**

**NR 526.12 (3) PLAN OF OPERATION.** Unless exempt under sub. (2), a person may only establish or operate an infectious waste treatment facility in compliance with a facility-specific plan of operation that the department has approved in writing, including any conditions of the approval. Unless an exemption is granted by the department in writing, the plan shall be

submitted in accordance with s. NR 500.05, shall comply with the solid waste processing plan of operation requirements under s. NR 502.08 (4), and include the following information:

(a) Methods for source separation in compliance with s. NR 526.06.

(b) Methods for containment in compliance with s. NR 526.07.

(c) Methods for handling in compliance with s. NR 526.08.

(d) Methods for manifesting in compliance with s. NR 526.14.

(e) Operating parameters that apply to the treatment methods being used, such as load size, temperature, pressure, type of disinfectant, concentration of disinfectant, duration of treatment cycle, and contact time.

(f) A description of the waste loads to be treated including moisture content, density, and composition.

(g) Bench testing or other similar evidence that the proposed operating parameters will render the waste non-infectious.

(h) Methods for completing validation testing that will demonstrate whether the operating parameters will render the waste non-infectious, including a description of the surrogate waste, a comparison of the surrogate waste to the waste loads under sub. (f), the sample quantity, the testing mechanism, and the process for ensuring the operating parameters in testing will be the same as the proposed operating parameters.

(i) Methods for completing quality control testing in accordance with sub. (4) (b).

**(4) OPERATIONAL requirements.** Unless exempt under sub. (2), a person may only operate or maintain an infectious waste treatment facility in conformance with the solid waste processing facility operational requirements under s. NR 502.08 (6) and the following requirements unless the department issues a written exemption to a requirement:

**SECTION 396. NR 526.12 (4) (c) 3. and 4., and (d) 3. are amended to read:**

**NR 526.12 (4) (c) 3.** Operating parameters, including any of the following that apply to the treatment method being used: load size, temperature, pressure, type of disinfectant,

concentration of disinfectant, duration of treatment cycle, and contact time.

4. ~~Approximate amount~~ Amount of waste treated by weight, unless this information has already been recorded on an infectious waste manifest or USDOT shipping paper.

(d) 3. Within 30 days of when the infectious waste was treated, the operator shall ~~return~~ make available to the generator ~~the a~~ signed ~~original~~ infectious waste manifest form ~~which that~~ certifies to the infectious waste generator that the infectious waste has been treated according to s. NR 526.11. The department may approve alternative procedures for certifying that waste has undergone infectious waste treatment.

**SECTION 397. NR 526.12 (5) is repealed.**

**SECTION 398. NR 526.13 is repealed and recreated to read:**

**NR 526.13 Disposal. (1) GENERAL.** No person may dispose of infectious waste in a solid waste disposal facility unless the infectious waste has undergone infectious waste treatment in accordance with s. NR 526.11.

**(2) UNBROKEN MEDICAL SHARPS WASTE.** No person may dispose of medical sharps waste that has been rendered non-infectious but not broken unless all of the following are met:

(a) If disposed of in Wisconsin, the sharps waste is disposed of in a licensed landfill that has a department-approved special waste acceptance plan for the management of medical sharps waste that is rendered non-infectious but not broken, and the special acceptance plan meets all of the following requirements:

1. Sharps waste shall remain containerized at least until it reaches the area of the landfill designated for sharps waste disposal.

2. Disposal of containerized or uncontainerized sharps waste shall be in a trench excavated into existing refuse and shall be covered with a minimum of 3 feet of non-sharps solid waste or soil prior to compaction.

3. Coverage of sharps waste shall be completed on the same operating day it is received.

4. Areas for the disposal of sharps waste may not be uncovered.

5. Sharps waste disposal locations shall be recorded by horizontal and vertical coordinates and maintained in accordance with s. NR 506.17.

6. Sharps waste shall not be placed in areas of future landfill construction or disturbance, including leachate headwells and gas collection wells.

7. For sharps waste that will be placed in the landfill uncontainerized, all foot traffic shall be minimized in areas of sharps waste disposal until coverage is complete.

8. All sharps waste not fully within the trench after unloading shall be pushed into the trench prior to coverage.

9. For sharps waste that is placed in the landfill while contained in rigid containers, disposal shall occur a minimum of 20 feet from external side slopes.

(b) The treatment facility has a written contract or similar agreement with a licensed solid waste landfill stating that any medical sharps waste that is treated by the facility and is rendered non-infectious but not broken will be disposed of according to the landfill's special waste acceptance plan for this waste.

**SECTION 399. NR 526.135 is created to read:**

**NR 526.135 Infectious waste responsibility.** (1) Unless exempt under s. NR 526.14 (2), an infectious waste generator shall ensure that infectious waste it generates has undergone infectious waste treatment in accordance with s. NR 526.11 before disposal.

(2) Unless exempt under s. NR 526.04 (2), an infectious waste generator shall ensure that infectious waste it generates has gone to a facility or transportation service licensed or exempt from license requirements for managing infectious waste.

**SECTION 400. NR 526.14 (1) (a) and (b) are amended to read:**

**NR 526.14 (1) (a) Records.** Except as provided ~~in~~ under sub. (2), all infectious waste generators shall keep records of the amount of infectious waste sent off-site for treatment. Records shall include all the information listed under sub. (3) and retained as provided ~~in~~ under sub. (4). Records may consist of any of the following in electronic or paper formats: originals or copies of infectious waste manifests, USDOT shipping papers, invoices or records received from the infectious waste treatment facility, and logs or other written documentation of the

amount of infectious waste sent off-site for treatment. If USDOT shipping papers are used as records, infectious waste generators shall keep separate records of information required under sub. (3) ~~which that~~ is not written on their USDOT shipping papers.

(b) *Manifests*. When USDOT regulations apply, the generator shall use a USDOT shipping paper instead of an infectious waste manifest prepared in accordance with this paragraph. Unless USDOT regulations apply or as provided ~~in~~ under sub. (2), no person may store, transfer, transport or treat infectious waste beyond the property where the waste was generated unless the waste is accompanied by an infectious waste manifest. The infectious waste manifest ~~may either be a Wisconsin infectious waste manifest form supplied by the department or an alternative manifest form which includes~~ shall include all the information required ~~in~~ under sub. (3). After an infectious waste manifest has been initiated, all persons who store, transfer, transport, or treat the waste shall sign the infectious waste manifest form, even if the infectious waste generator is exempt from manifesting under sub. (2), and shall deliver the infectious waste manifest form to the next person who handles the waste. The infectious waste transporter shall ~~leave a copy of~~ provide the infectious waste generator access to the manifest ~~with the infectious waste generator~~ at the time that the waste is removed from the generator's facility.

**SECTION 401. NR 526.14 (1) (b) (Note) is repealed.**

**SECTION 402. NR 526.14 (2) (a) 1. and (b) 1. and 2., (3) (a) to (c) and (e), and (4) (a) to (c) are amended to read:**

**NR 526.14 (2) (a) 1.** ~~Home~~ Household generators of infectious waste.

(b) 1. An infectious waste generator transporting infectious waste ~~only on private roads~~ on the same property where the infectious waste was generated and using vehicles owned or leased by the infectious waste generator or by one of the generators in the group.

2. An infectious waste generator transporting less than 50 pounds per calendar month of untreated infectious waste away from the property where the waste was initially generated, ~~including items which are mixed with the infectious waste.~~

(3) (a) The place of origin of the infectious waste, including the facility's name, address, email, and telephone number, ~~and~~ the name of contact person, and the type of facility where the

infectious waste was generated, including ~~but not limited to:~~ hospitals, clinics, nursing homes, sharps collection stations and other facilities.

(b) The route for the infectious waste, including the facility's name, address, email, telephone number, license number, and name of contact person for ~~any and all persons~~ facilities storing, transporting, or treating the infectious waste beyond the location where the infectious waste was generated.

(c) The destination for disposal of the treated infectious waste, including the facility's name, address, email, telephone number, solid waste disposal facility license number, and name of a contact person.

(e) The quantity of the infectious waste, including both the number of containers and the total weight, whether known or estimated, of infectious waste ~~including waste which is mixed with the infectious waste.~~

**(4)** (a) The infectious waste generator shall retain ~~the~~ access to a copy of the infectious waste manifest received when the waste was removed from the generator's facility and to the records that certify ~~their~~ the generator's infectious waste was treated, as required ~~in~~ under s. NR 526.12 (4) (d) 3. The infectious waste generator shall retain these records for at least 3 years after the waste has been treated and provide the department copies of manifests and the records documenting the information required ~~in~~ under sub. (3) upon request. If the 3-year period expires during an unresolved enforcement action, the period is automatically extended until resolution of the pending enforcement action.

(b) Each licensed infectious waste transporter and each owner or operator of a storage or transfer facility, combustor, incinerator, or infectious waste treatment facility ~~which that~~ handles or disinfects infectious waste shall retain access to a copy of each manifest, certification of infectious waste treatment according to s. NR 526.11, and records documenting the information required ~~in~~ under sub. (3) for at least 3 years after delivering the waste to the next destination and shall provide the department copies of these documents upon request. If the 3-year period expires during an unresolved enforcement action, the period is automatically extended until resolution of the pending enforcement action.

(c) The owner or operator of a solid waste disposal facility ~~which that~~ receives treated infectious waste shall retain access to a copy of the infectious waste manifest and certification

of infectious waste treatment under s. NR 526.12 (4) (d) 2. for at least 3 years after disposal of the waste and shall provide the department copies of these documents upon request. If the 3-year period expires during an unresolved enforcement action, the period is automatically extended until resolution of the pending enforcement action.

**SECTION 403. NR 526.15 (intro.) is repealed and recreated to read:**

**NR 526.15** By March 1 of each following calendar year, an infectious waste generator that is required to submit an annual report shall do so on a form supplied by the department and shall pay the annual filing fee for the infectious waste annual report. The annual filing fee is \$55 prior to report year 2029 and \$125 for report year 2029 and thereafter. A \$25 late fee will be added for annual reports received after March 1 of the following calendar year. Each infectious waste generator that is required to use manifests under s. NR 526.14 or to submit progress reports on medical waste reduction under s. NR 526.21 is required to submit annual infectious waste generator reports unless specified below:

**SECTION 404. NR 526.15 (intro.) (Note) is created to read:**

**NR 526.15 Note:** “Report year” refers to the year the information in the report pertains to, not the year the report is submitted.

**SECTION 405. NR 526.15 (1) and (2) are amended to read:**

**NR 526.15 (1)** GROUPS OF GENERATORS. ~~Infectious waste generators who manifest infectious waste as a group. A group of generators may choose to submit a single annual report on behalf of the group and which is signed by the director of each generator in the group. Except as required under s. NR 526.21 (1), the annual report shall be submitted by March 1 for activities performed during the preceding calendar year.~~

**NR 526.15 (2)** GENERATORS OF MASS VACCINATION WASTE. ~~This subsection applies to persons~~ The filing status of persons generating infectious waste during emergency mass testing or vaccinations, including but not limited to ~~smallpox and excluding routine vaccinations. The filing status of these generators under 526.04 (10)~~ is based on their non-mass vaccination waste, that is, the total amount of waste generated in the year minus the amount of waste generated at mass vaccination clinic or clinics. These generators are required to file an annual report only if they are required to file an annual report under this section based on their non-

mass vaccination waste. Their annual report shall include the amount of the infectious waste generated at the mass vaccination clinic or clinics. Conversely, if generators of infectious waste from emergency mass testing and vaccinations are not required to file an annual report under this section, based on their non-mass testing and vaccination waste, they do not need to file the annual report or report the amount of their mass testing and vaccination waste.

**SECTION 406. NR 526.15 (2) (Note) is repealed.**

**SECTION 407. NR 526.16 (1) is amended to read:**

**NR 526.16 (1) PURPOSE.** The purpose of this subchapter is to require medical facilities, except those exempted under sub. (2), to implement policies ~~which~~ that will do all of the following: ~~reduce~~

(a) Reduce the amount of medical waste generated by medical facilities, ~~prevent,~~

(b) Prevent the mixing of infectious waste with non-infectious waste, ~~promote~~ except that infectious waste may be mixed with nonhazardous pharmaceutical waste that will be incinerated.

(c) Promote practical alternatives to using disposable items in medical facilities, ~~and maintain,~~

(d) Maintain effective waste reduction programs. ~~Waste reduction efforts initiated prior to November 1, 1994 may be incorporated into the policy and plan.~~

**SECTION 408. NR 526.16 (2) (intro.) is renumbered NR 526.16 (2) and amended to read:**

**NR 526.16 (2) EXEMPTIONS.** Directors of all medical facilities are encouraged to audit their waste management practices and to reduce medical waste whenever possible. ~~The following directors of medical facilities are~~ A facility that generates less than 50 pounds of medical waste per calendar month, on average, during a calendar year is exempt from the requirements of this subchapter, provided they keep the facility keeps records of the amount of medical waste generated in order to verify whether ~~or not they are~~ it is exempt from the requirements of this subchapter and ~~they retain~~ retains the records for 5 years:.

**SECTION 409. NR 526.16 (2) (a) and (b) are repealed.**

**SECTION 410. NR 526.17 (intro.) is amended to read:**

**NR 526.17 Medical waste reduction policy.** Except as provided ~~in~~ under s. NR 526.16 (2), each director or director's designee shall adopt a written medical waste reduction policy ~~which that~~ commits the medical facility to the process of reducing the amount of medical waste generated at the source. A group of directors or directors' designees may work together to develop a policy ~~which that~~ each individual director or director's designee will subsequently adopt. The director or director's designee shall review and update the medical waste reduction policy as necessary or at least every 5 years. The medical waste reduction policy shall, at a minimum, commit the medical facility to ~~the~~ a process of waste reduction, ~~which that~~ consists of all of the following:

**SECTION 411. NR 526.18 (2) is amended to read:**

**NR 526.18 (2) WASTE TYPES.** The waste audit shall identify the types of waste that are generated within each source area. It is not necessary to determine how much of each waste type is generated in each source area. ~~The waste types are: medical~~ The wastes shall be identified as one or more of the following types:

(a) Medical waste, including infectious waste items listed ~~in~~ under s. NR 526.05 and items ~~which that~~ are either being mixed with infectious waste or handled as infectious waste; hazardous.

(b) Hazardous waste, including ~~but not limited to~~ hazardous chemotherapy waste; radioactive.

(c) Radioactive waste; ~~trace~~.

(d) Non-hazardous chemotherapy waste; recyclable.

(e) Recyclable materials; ~~wastes which~~.

(f) Wastes that may have to be managed separately because they are any combination of infectious, hazardous, or radioactive waste; ~~and other~~.

(g) Other solid waste.

**SECTION 412. NR 526.18 (4) is repealed.**

**SECTION 413. NR 526.18 (5) is amended to read:**

**NR 526.18 (5) WASTE MANAGEMENT PRACTICES.** The waste audit shall identify how medical waste is collected, stored, transported, and treated from the point of generation to the point of final disposal, including any medical waste discharged to a publicly-owned wastewater treatment system. The audit shall identify how non-infectious waste is prevented from being mixed with infectious waste except for pharmaceutical waste going for incineration. The audit shall include any waste types that are currently mixed with or may be mixed with infectious waste. The audit may also identify waste management practices for waste types that are not mixed with medical waste.

**SECTION 414. NR 526.19 (2) (b) is amended to read:**

**NR 526.19 (2) (b)** The medical waste reduction plan may describe, incorporate, or refer to prior waste reduction policies or waste minimization plans ~~adopted prior to November 1, 1994~~ or to applicable waste handling and management policies or plans developed under other rules, such as s. NR 662.041, or under the requirements of other agencies such as OSHA or the joint commission ~~on accreditation of healthcare organizations~~.

**SECTION 415. NR 526.19 (2) (b) Note is created to read:**

**NR 526.19 (2) (b) Note:** The Joint Commission is a nonprofit that accredits health care organizations and programs.

**SECTION 416. NR 526.19 (3) (a) is repealed.**

**SECTION 417. NR 526.19 (3) (b), (4), and (8) (a) 1. are amended to read:**

**NR 526.19 (3) (b)** Preventing the mixing of non-infectious waste, except for pharmaceutical waste going for incineration, with infectious waste, by separating waste at the source according to s. NR 526.06 and by implementing the waste management procedures developed under sub. (5).

**(4) BASELINE AND PAST PRACTICES.** The medical waste reduction plan shall briefly describe the practices related to medical waste management that were in effect during the most recent waste audit and any past efforts to reduce medical waste. Descriptions of baseline practices shall include ~~but not be limited to~~ all of the following: ~~the~~

(a) The waste management practices identified during the most recent waste audit under s. NR 526.18 (5); ~~how.~~

(b) How alternatives to disposables were being evaluated; ~~how.~~

(c) How medical waste management costs were being estimated; ~~where.~~

(d) Where any records of total medical waste generation, on-site treatment, and off-site transportation were kept; ~~and which.~~

(e) Which positions were responsible for implementing each of these activities.

~~Descriptions of past practices shall include what the medical facility has done to reduce medical waste from November 1, 1994 until the most recent audit and may include waste reduction efforts prior to November 1, 1994.~~

**(8)** (a) 1. Existing employees and medical personnel who work within the medical facility shall receive training regarding the waste management policies and practices within 6 months after the medical waste reduction policy goes into effect. ~~If the director or director's designee has implemented a medical waste reduction plan prior to November 1, 1994, initial training done to implement the plan will meet the intent of this subdivision.~~

**SECTION 418. NR 526.20 (intro.) is renumbered (1m) and amended to read:**

*[Note to LRB: Section NR 526.20 title remains with s. NR 526.20.]*

**NR 526.20 (1m) GENERAL.** Unless exempt under s. NR 526.16, a director or director's designee shall implement the medical waste reduction plan and assess the plan and the results of its implementation annually. If the department determines that a reasonable effort has not been made to follow the process outlined in this subchapter or to reduce waste, the department may require the director to submit the plan for review and require changes to the plan, which may include ~~but are not limited to~~ changes in goals, objectives, objective waste generation rate, schedules, and waste management practices.

**SECTION 419. NR 526.20 (1) is repealed.**

**SECTION 420. NR 526.21 (intro.), (intro.) (Note), and (1) are renumbered NR 526.21 (1g), (1g) (Note), and (1r) and amended to read:**

**NR 526.21 Progress reports. (1g) REPORTING REQUIREMENT.** Unless exempt under s. NR 526.16 (2), each ~~director~~ facility shall submit progress reports to certify that the ~~director~~ facility has adopted a medical waste reduction policy, prepared and implemented a medical waste reduction plan, and is maintaining efforts to reduce medical waste. The ~~director~~ facility shall submit progress reports to the department using the infectious waste annual report form required in s. NR 526.15 and supplied by the department, regardless of whether or not infectious waste manifests have been used during the preceding calendar year.

**Note:** Infectious waste annual report forms (DNR form 4400-177) may be obtained from the department of natural resources, bureau of waste management, 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707-7921. Phone number (608) 266-2114  
dnrwastemanagement@wisconsin.gov.

~~(1r) FIRST ANNUAL PROGRESS REPORT. The first progress report shall be submitted to the department within 4 months of the date specified in s. NR 526.20 (1) for implementation of the plan. The facility shall submit an annual progress report for each calendar year by March 1 of the following year.~~ The first progress report shall include all of the following:

**SECTION 421. NR 526.21 (1) (c) is repealed.**

**SECTION 422. NR 526.21 (1) (e) is amended to read:**

**NR 526.21 (1) (e)** ~~An executive summary of~~ Confirmation that the medical waste reduction plan, ~~including goals and objectives~~ meets all of the requirements of s. NR 526.19 and that the plan shall be provided to the department upon request.

**SECTION 423. NR 526.21 (1) (f) is repealed.**

**SECTION 424. NR 526. 21 (1) (g) is amended to read:**

**NR 526. 21 (1) (g)** Certification by the director or director's designee that the information on the form is true and accurate.

**SECTION 425. NR 526.21 (2) is repealed.**

**SECTION 426. NR 526.22 is amended to read:**

**NR 526.22 Availability.** Unless exempt under s. NR 526.16 (2), each ~~director~~ facility shall make its medical waste reduction policy and medical waste reduction plan available ~~as follows~~ in all of the following ways:

(1) Each ~~director~~ facility shall submit copies of the most recent medical waste reduction policy and plan, any amendments to the policy or plan, and all progress reports to the operator of each medical waste incinerator used to burn medical waste generated by the medical facility.

(2) Each ~~director~~ facility shall make available copies of the most recent medical waste reduction policy and plan, any amendments to the policy or plan, the results of all waste audits, and all progress reports to the department for review upon request. The department may require the ~~director~~ facility to provide a copy of this material to the department without charge to the department. Upon receipt of the plan, the department will send an invoice for the medical waste reduction plan review fee required ~~in~~ under s. NR 520.04, Table 2.

(3) Each ~~director~~ facility shall make available copies of the most recent medical waste reduction policy and plan, any amendments to the policy or plan, and the progress reports, to other persons for review upon request, during normal administrative business hours. Each ~~director~~ facility shall provide copies of the policy, plan, annual assessments, or amendments to any person who requests these documents either in writing or in person. The director may charge the person a reasonable fee to cover the cost of copying and mailing the documents.

**SECTION 427. EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

**SECTION 428. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin \_\_\_\_\_

State of Wisconsin  
Department of Natural Resources

BY \_\_\_\_\_  
Steven Little, Deputy Secretary  
For Karen Hyun, Ph.D., Secretary