

Public Hearing

Proposed rule WA-17-18

Coal Combustion Residual Landfill

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October 28, 2021

Where to find Board Order WA-17-18

Refer to the Department Proposed Permanent Rules web page:
<https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>.

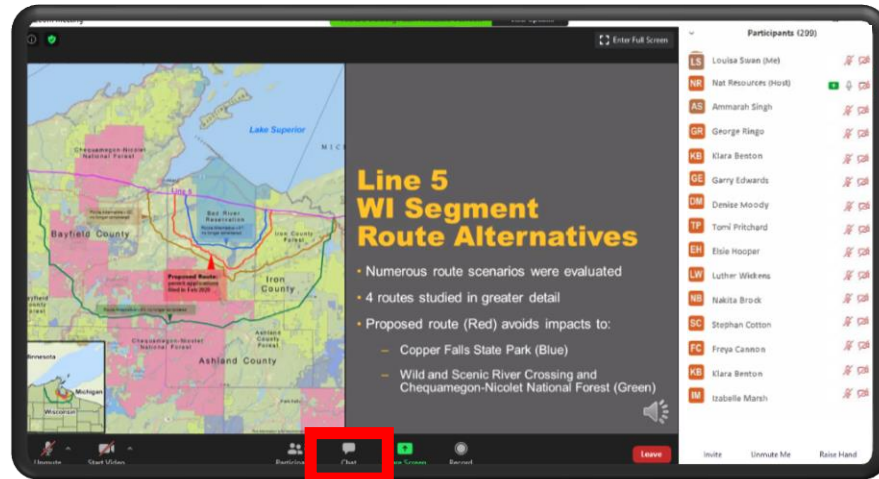
Hearing notice, draft rule and economic impact analysis can be found under the heading of WA – Waste & Materials Management under WA-17-18.

WA - Waste & Materials Management				
WA-07-20	Regulating fire fighting foam that contains certain contaminants	NR 159	Public hearing Nov. 4, 2021 [PDF] <ul style="list-style-type: none">• Fiscal Estimate & Economic Impact Analysis [PDF]• Draft Rule [PDF]	Jason Lowery
WA-11-19	Implementing electronics recycling program requirements	NR 502, 520, 530	Public hearing June 28, 2021 [PDF] <ul style="list-style-type: none">• Fiscal Estimate & Economic Impact Analysis [PDF]• Draft Rule [PDF]	Sarah Murray
WA-17-18	Coal combustion residual landfills and surface impoundments	NR 500 to 520	Public hearing Oct. 28, 2021 [PDF] <ul style="list-style-type: none">• Fiscal Estimate & Economic Impact Analysis [PDF]• Draft Rule [PDF]	Valerie Joosten

Meeting Logistics (Zoom)

Questions during the hearing

1. Click Chat
2. Submit your written question

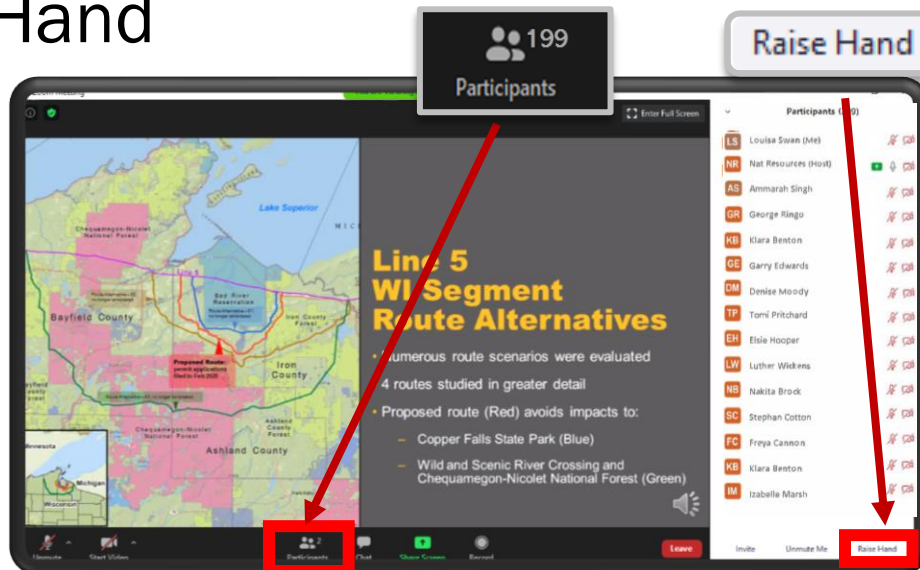


Meeting Logistics (Zoom)

Verbal Comments

1. Click Participants

2. Raise Hand



Comments

Comments on the proposed rule must be received on or before November 4, 2021. **Written comments and any questions on the proposed rules should be submitted to:**

Attn: Valerie Joosten
Department of Natural Resources
Northeast Region Headquarters
2984 Shawano Ave.
Green Bay, WI 54313
(920) 662-5486
Valerie.Joosten@wisconsin.gov

The rule may be viewed at:

<https://dnr.wi.gov/news/input/ProposedPermanent.html>

Rule approach

- Federal Coal Combustion Residual (CCR) rules apply to CCR landfills that disposed of waste residuals generated from the combustion of coal at electric utilities and independent power producers on or after October 19, 2015
- WDNR regulates CCR landfills under NR 500 – 520, Wis. Adm. Code
- Proposed rule would:
 - incorporate federal requirements within existing WDNR rules
 - allow WDNR to seek EPA approval for a state CCR permitting program utilizing the existing rules and new rules, with the intent of establishing a single set of compliance rules for facilities that produce CCR
- CCR surface impoundments are not included in the proposed rule

Affected facilities

- Currently, only 6 WDNR licensed landfills are affected by the proposed rule
- Municipal solid waste landfills accepting CCR are not affected by the proposed rule.

Rule summary

NR 500 – General solid waste requirements

- New definitions (e.g. CCR definitions, uppermost aquifer)
- Applicability of CCR landfill requirements
- Clarifying language for submittal requirements and exemptions from solid waste rules

NR 504 – Location, performance, design and construction

- Alternative designs must meet federal requirements
- Run-on and run-off controls, liner and final cover design
- Must comply with WDNR requirements in addition to criteria from federal rule (e.g. WDNR composite liner, 5-foot separation from uppermost aquifer and other separation requirements)

Rule summary

NR 506 – Operational criteria

- Closure and long-term care requirements
- Written operating record, publicly accessible internet site and notifications
- Inspection and annual report requirements

NR 507 – Environmental monitoring

- Requires a separate groundwater monitoring system (CCR wells) that incorporates federal groundwater monitoring requirements in addition to the existing WDNR monitoring system
- Incorporates additional monitoring parameters (groundwater and leachate)
- Maintains WDNR use of groundwater quality standards under ch. NR 140

Rule summary

NR 508 – Responses when a groundwater standard is attained or exceeded

- Notification and confirmation procedures
- Assessment monitoring procedures
- Remedial action options, selection and implementation

NR 512 – Feasibility report

- Incorporates federal requirements for unstable areas, floodplains and critical habitat of endangered or threatened species

Rule summary

NR 514 – Plan of operation and closure plans

- Public meeting – required after submittal of a feasibility report and prior to a plan of operation, and prior to submittal of substantial plan modifications
- Procedural requirements for initial permitting of CCR landfills
 - Requires submittal of a plan of operation modification to WDNR to comply with new rule requirements
 - Demonstrations for performance, locational, design and monitoring criteria
 - Updated sampling plan, fugitive dust control plan, run-on/run-off control plan, closure and long-term care plans
 - Completeness review, public meeting and public comment period
 - Draft decision and response to comments posted
- Plan of operation updates every 10 years

Rule summary

NR 516 – Construction documentation

- Clarification that NR 516 applies to CCR landfills

NR 520 – Solid waste management fees and financial responsibility requirements

- Clarification that NR 520 applies to CCR landfills
- CCR landfills would continue to follow WDNR requirements for proof of financial responsibility and requirements for perpetual long-term care
- Fees for CCR landfill plan review

Type of Submittal	Plan Review Fee
Annual report	\$2,000
Plan of operation modification for initial permitting	\$30,500

Coordination with EPA

- Ongoing coordination throughout the rule drafting process to facilitate EPA acceptance of the WDNR's proposed permit program
- Enhanced public participation incorporated as a result of EPA comments
- WDNR will continue to consider comments received

Economic impact analysis - Summary of changes

Updates to the economic impact analysis include:

- Implementation costs would include annual review fees for the annual report (6 landfills at \$2,000 = \$12,000)
- CCR landfill owners would continue to incur compliance costs of \$100,000 annually for groundwater monitoring

Economic impact analysis will be submitted to the Natural Resources Board with Board Order WA-17-18

Updated economic impact analysis may be viewed at:

<https://dnr.wi.gov/news/input/ProposedPermanent.html>

Questions or comments?

- Clarifying questions first
- Public testimony
 - We will first call on those who registered to speak, then open it to anyone
 - Please state your name and address for the record
 - A written copy of the testimony is also appreciated

Written comments

Comments on the proposed rule must be received on or before November 4, 2021. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

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Northeast Region Headquarters
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(920) 662-5486
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- The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>
- Comments can be made at: DNRAdministrativeRulesComments@wisconsin.gov

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