



Revisions to NR 538 Beneficial Use - Update

SWIP Meeting
February 16, 2017

Philip Fauble, Beneficial Use Coordinator
Bureau of Waste and Materials Management



1995 Wisconsin Act 27

- s. 289.05, Stats. **Solid waste management standards.**
- (4) The department shall promulgate, by rule, standards for the reuse of foundry sand and other high-volume industrial waste, including high-volume industrial waste that qualifies for an exemption from regulation under s. 289.43(8). **The department shall design the rules under this subsection to allow and encourage, to the maximum extent possible consistent with the protection of public health and the environment, the beneficial reuse of high-volume industrial waste, in order to preserve resources, conserve energy and reduce or eliminate the need to dispose of high-volume industrial waste in landfills.** In developing rules under this subsection, the department shall review methods of reusing high-volume industrial waste that are approved by other states and incorporate those methods to the extent that the department determines is advisable. In developing rules under this subsection, the department shall also consider the analysis and methodology used under 40 CFR 503.13 (*sewage sludge pollutant limits*) in determining the impacts on groundwater from various methods of reusing high-volume industrial wastes.



Technical Advisory Committee

- **Section 9142(6t)(a) [non-statutory provisions]**
- The department of natural resources shall create a committee under section 227.13 of the statutes to advise the department with respect to the promulgation of rules under section 289.05(4) of the statutes. The advisory committee shall consist of the following members:
 - Wisconsin Cast Metals Association (2)
 - Wisconsin Paper Council
 - Wisconsin Utilities Association
 - WisDOT, Development, DOA
 - Private Environmental Protection Group
 - Construction Industry
 - DNR Members





What We Will Keep:

- Basic Framework:
 - Initial Certification
 - Assign categories based on analytical data
 - List acceptable uses for each category
 - Mostly self-implementing (concurrency for certain applications)
 - Annual reporting
 - Periodic re-characterization
 - Case-specific for certain projects



Update on Potential Changes

- Standards in Appendix I tables
 - Updated water leach test standards to NR 140 ES
 - Eliminated Category 1 and Category 3
 - New standards for soil additives/amendments (USDA)
 - Proposed new totals standards tied to NR 720 occupational exposure model:
 - Some objections from TAC to using this standard
 - Working with DHS to refine model based on uses





Update on Potential Changes

- Beneficial Uses:
 - Streamline DOT uses (embankments, abrasives, etc.) and align terminology and standards with DOT
 - Add uses for agricultural fill (CAFOS) and mine reclamation
 - Eliminate bridge abutments, decorative stone
 - Add uses for soil additive/amendment
 - Liming agents (LKD)
 - FGD gypsum





Update on Potential Changes

- Future Areas to Address:
 - Reporting requirements
 - Storage and Transportation
 - Protective criteria (i.e. well/water table setbacks)
 - Ongoing Appendix I standard discussions
 - Federal CCR rule changes?





Progress To Date

- TAC has met 4 times since March, 2016
- Currently working on reporting and table revisions (Dept. of Health)
- Next meeting tentatively scheduled for March/April, 2017
- Public is always invited and comments are always welcome.



Questions?

Philip Fauble, WDNR, Beneficial Use Coordinator
(608) 267-3538
philip.fauble@wisconsin.gov

