

Purpose/Scope/Applicability

Federal

§ 258.1 Purpose, scope, and applicability.

(a) The purpose of this part is to establish minimum national criteria under the Resource Conservation and Recovery Act (RCRA or the Act), as amended, for all municipal solid waste landfill (MSWLF) units and under the Clean Water Act, as amended, for municipal solid waste landfills that are used to dispose of sewage sludge. These minimum national criteria ensure the protection of human health and the environment.

(b) These Criteria apply to owners and operators of new MSWLF units, existing MSWLF units, and lateral expansions, except as otherwise specifically provided in this part; all other solid waste disposal facilities and practices that are not regulated under subtitle C of RCRA are subject to the criteria contained in part 257 of this chapter.

(c) These Criteria do not apply to municipal solid waste landfill units that do not receive waste after October 9, 1991.

(d)(1) MSWLF units that meet the conditions of §258.1(e)(2) and receive waste after October 9, 1991 but stop receiving waste before April 9, 1994, are exempt from all the requirements of this part 258, except the final cover requirement specified in §258.60(a). The final cover must be installed by October 9, 1994. Owners or operators of MSWLF units described in this paragraph that fail to complete cover installation by October 9, 1994 will be subject to all the requirements of this part 258, unless otherwise specified.

(2) MSWLF units that meet the conditions of §258.1(e)(3) and receive waste after October 9, 1991 but stop receiving waste before the date designated by the state pursuant to §258.1(e)(3), are exempt from all the requirements of this part 258, except the final cover requirement specified in §258.60(a). The final cover must be installed within one year after the date designated by the state pursuant to §258.1(e)(3). Owners or operators of MSWLF units described in this paragraph that fail to complete cover installation within one year after the date designated by the state pursuant to §258.1(e)(3) will be subject to all the requirements of this part 258, unless otherwise specified.

(3) MSWLF units that meet the conditions of paragraph (f)(1) of this section and receive waste after October 9, 1991 but stop receiving waste before October 9, 1997, are exempt from all the requirements of this part 258, except the final cover requirement specified in §258.60(a). The final cover must be installed by October 9, 1998. Owners or operators of MSWLF units described in this paragraph that fail to complete cover installation by October 9, 1998 will be subject to all the requirements of this part 258, unless otherwise specified.

(4) MSWLF units that do not meet the conditions of §258.1 (e)(2), (e)(3), or (f) and receive waste after October 9, 1991 but stop receiving waste before October 9, 1993, are exempt from all the requirements this part 258, except the final cover requirement specified in §258.60(a). The final cover must be installed by October 9, 1994. Owners or operators of MSWLF units described in this paragraph that fail to complete cover

installation by October 9, 1994 will be subject to all the requirements of this part 258, unless otherwise specified.

(e)(1) The compliance date for all requirements of this part 258, unless otherwise specified, is October 9, 1993 for all MSWLF units that receive waste on or after October 9, 1993, except those units that qualify for an extension under (e)(2), (3), or (4) of this section.

(2) The compliance date for all requirements of this part 258, unless otherwise specified, is April 9, 1994 for an existing MSWLF unit or a lateral expansion of an existing MSWLF unit that meets the following conditions:

(i) The MSWLF unit disposed of 100 tons per day or less of solid waste during a representative period prior to October 9, 1993;

(ii) The unit does not dispose of more than an average of 100 TPD of solid waste each month between October 9, 1993 and April 9, 1994;

(iii) The MSWLF unit is located in a state that has submitted an application for permit program approval to EPA by October 9, 1993, is located in the state of Iowa, or is located on Indian Lands or Indian Country; and

(iv) The MSWLF unit is not on the National Priorities List (NPL) as found in appendix B to 40 CFR part 300.

(3) The compliance date for all requirements of this part 258, unless otherwise specified, for an existing MSWLF unit or lateral expansion of an existing MSWLF unit receiving flood-related waste from federally-designated areas within the major disasters declared for the states of Iowa, Illinois, Minnesota, Wisconsin, Missouri, Nebraska, Kansas, North Dakota, and South Dakota by the President during the summer of 1993 pursuant to 42 U.S.C. 5121 *et seq.*, shall be designated by the state in which the MSWLF unit is located in accordance with the following:

(i) The MSWLF unit may continue to accept waste up to April 9, 1994 without being subject to part 258, if the state in which the MSWLF unit is located determines that the MSWLF unit is needed to receive flood-related waste from a federally-designated disaster area as specified in (e)(3) of this section.

(ii) The MSWLF unit that receives an extension under paragraph (e)(3)(i) of this section may continue to accept waste up to an additional six months beyond April 9, 1994 without being subject to part 258, if the state in which the MSWLF unit is located determines that the MSWLF unit is needed to receive flood-related waste from a federally-designated disaster area specified in (e)(3) of this section.

(iii) In no case shall a MSWLF unit receiving an extension under paragraph (e)(3) (i) or (ii) of this section accept waste beyond October 9, 1994 without being subject to part 258.

(4) For a MSWLF unit that meets the conditions for the exemption in paragraph (f)(1) of this section, the compliance date for all applicable requirements of part 258, unless otherwise specified, is October 9, 1997.

(f)(1) Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions that dispose of less than twenty (20) tons of municipal solid waste daily, based on an annual average, are exempt from subparts D and E of this part, so long as there is no evidence of ground-water contamination from the MSWLF unit, and the MSWLF unit serves:

(i) A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or

(ii) A community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

(2) Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions that meet the criteria in paragraph (f)(1)(i) or (f)(1)(ii) of this section must place in the operating record information demonstrating this.

(3) If the owner or operator of a new MSWLF unit, existing MSWLF unit, or lateral expansion has knowledge of ground-water contamination resulting from the unit that has asserted the exemption in paragraph (f)(1)(i) or (f)(1)(ii) of this section, the owner or operator must notify the state Director of such contamination and, thereafter, comply with subparts D and E of this part.

(g) Municipal solid waste landfill units failing to satisfy these criteria are considered open dumps for purposes of State solid waste management planning under RCRA.

(h) Municipal solid waste landfill units failing to satisfy these criteria constitute open dumps, which are prohibited under section 4005 of RCRA.

(i) Municipal solid waste landfill units containing sewage sludge and failing to satisfy these Criteria violate sections 309 and 405(e) of the Clean Water Act.

(j) Subpart G of this part is effective April 9, 1995, except for MSWLF units meeting the requirements of paragraph (f)(1) of this section, in which case the effective date of subpart G is October 9, 1995.

[56 FR 51016, Oct. 9, 1991, as amended at 58 FR 51546, Oct. 1, 1993; 60 FR 52342, Oct. 6, 1995; 61 FR 50413, Sept. 25, 1996]

Illinois

Section 807.101 Authority, Policy and Purposes

Pursuant to the authority contained in Sections 5, 22 and 27 of the Environmental Protection Act, (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001, et seq., "the Act") and consistent with the policy and purposes expressed in Section 20 (Ill. Rev. Stat. 1981,

ch. 111 1/2, par. 1020) thereof, the Pollution Control Board ("the Board") adopts the following Rules and Regulations.

Section 810.101 Scope and Applicability

This Part applies to all solid waste disposal facilities regulated pursuant to 35 Ill. Adm. Code 811 through 817. This Part does not apply to hazardous waste management facilities regulated pursuant to 35 Ill. Adm. Code 700 through 750.

(Source: Amended at 20 Ill. Reg. 11985, effective August 16, 1996)

Section 811.101 Scope and Applicability

a) The standards of this Part apply to all new landfills, except as otherwise provided in 35 Ill. Adm. Code 816 and 817, and except those regulated pursuant to 35 Ill. Adm. Code 700 through 749. Subpart A contains general standards applicable to all new landfills. Subpart B contains additional standards for new landfills which dispose of only inert wastes. Subpart C contains additional standards for new landfills which dispose of chemical and putrescible wastes.

b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

c) Standards for Municipal Solid Waste landfills

- 1) The standards of this Part also apply to all new MSWLF units, as defined at 35 Ill. Adm. Code 810.103. The standards for the new MSWLF units include:
 - A) The standards applicable to new landfills pursuant to subsection (a); and
 - B) The standards adopted in this part that are identical-in-substance to the federal regulations promulgated by the U.S. Environmental Protection Agency pursuant Sections 4004 and 4010 of the RCRA relating to MSWLF program. Such standards are individually indicated as applicable to MSWLF units.
- 2) The Appendix Table 811.Appendix B provides a Section-by-Section correlation between the requirements of the federal MSWLF regulations at 40 CFR 258 (1992) and the requirements of this Part.
- 3) An owner or operator of a MSWLF unit shall also comply with any other applicable Federal rules, laws, regulations, or other requirements.
BOARD NOTE: Subsection (c)(3) is derived from 40 CFR 258.3 (1992).

(Source: Amended at 20 Ill. Reg. 12000, effective August 15, 1996)

Section 811.301 Scope and Applicability

In addition to the requirements of Subpart A, the standards of this Subpart apply to all landfills in which chemical and putrescible wastes are to be placed, except as otherwise provided in 35 Ill. Adm. Code 817.

(Source: Amended at 18 Ill. Reg. 12481, effective August 1, 1994)

Kansas

65-3401. Statement of policy. It is hereby declared that protection of the health and welfare of the citizens of Kansas requires the safe and sanitary disposal of solid wastes. The legislature finds that the lack of adequate state regulations and control of solid waste

and solid waste management systems has resulted in undesirable and inadequate solid waste management practices that are detrimental to the health of the citizens of the state; degrade the quality of the environment; and cause economic loss. For these reasons it is the policy of the state to:

- (a) Establish and maintain a cooperative state and local program of planning and technical and financial assistance for comprehensive solid waste management.
- (b) Utilize the capabilities of private enterprise as well as the services of public agencies to accomplish the desired objectives of an effective solid waste management program.
- (c) Require a permit for the operation of solid waste processing and disposal systems.
- (d) Achieve and maintain status for the Kansas department of health and environment as an approved state agency for the purpose of administering federal municipal solid waste management laws and regulations.
- (e) Encourage the wise use of resources through development of strategies that reduce, reuse and recycle materials.

History: L. 1970, ch. 264, § 1; L. 1992, ch. 316, § 1; L. 1997, ch.140, § 1; July 1.

28-29-2. Variances.

(a) **General procedure.** If exceptional circumstances make strict conformity with these regulations impractical or not feasible, a person may submit a written request for a variance from these regulations. The department may grant a variance from these regulations and stipulate conditions and time limitations as necessary to comply with the intent of all applicable state and federal laws. The department shall review the variance request and notify the person within ninety (90) days of receipt that the application is approved, denied, or requires modification.

(b) **Experimental operations.** Variances may be granted to facilitate experimental operations intended to develop new methods or technology. Variances for experimental operations shall be considered only where significant health, safety, environmental hazards, or nuisances will not be created, and when a detailed proposal is submitted and accepted which sets forth the objectives, procedures, controls, monitoring, reporting, time frame, and other data regarding the experiment.

(c) **Restrictions.** Variances for experimental operations shall be limited to a maximum of two (2) years; however, the department may renew the variance for one or more additional two-year periods upon a showing by the person that the need for a variance continues to be valid. (Authorized by and implementing K.S.A. 1981 Supp. 65-3406; effective Jan. 1, 1972; amended, E-79-22, Sept. 1, 1978; amended May 1, 1979; amended E-82-8, April 10, 1981; amended May 1, 1982.)

28-29-100. Applicability.

(a) The provisions of K.A.R. 28-29-100 through K.A.R. 28-29-121 shall apply to all municipal solid waste landfills receiving waste on or after October 9, 1991. Facilities receiving waste after October 9, 1991, but that stop receiving waste before October 9, 1993 shall only be subject to the final cover requirements in K.A.R. 28-29-121.

(b) Each existing unit or lateral expansion receiving flood-related waste from federally-designated areas within the major disaster areas declared by the president during the summer, of 1993 pursuant to 42 U.S.C. 5121 *et seq.*, shall be designated by the director of the division of environment in accordance with the following:

(1) If it is determined by the director of the division of environment that a unit is needed to receive flood-related waste from a federally-designated disaster area, as specified in this regulation, that unit may continue to accept waste prior to April 9, 1994 without being subject to the requirements of K.A.R. 28-29-100 through K.A.R. 28-29-121, except as provided in subsection (a) of this regulation.

(2) Any unit that receives an extension in accordance with paragraph (b)(1) of this regulation may continue to accept waste for a maximum of six additional months beyond April 9, 1994 without being subject to the requirements of K.A.R. 28-29-101 through K.A.R. 28-29-121, except as provided in subsection (a) of this regulation, if it is determined by the director of the division of environment that the unit is still needed to receive flood-related waste from a federally-designated disaster area as specified in this regulation.

(3) Any unit receiving an extension under paragraphs (b)(1) or (b)(2) of this regulation which accepts waste under any circumstances on or after October 9, 1994 shall be subject to K.A.R. 28-29-101 through K.A.R. 28-29-121.

(c) Any unit that meets the small landfill requirements of K.A.R. 28-29-103 may accept waste on or before October 9, 1997 without being subject to the requirements of K.A.R. 28-29-100 through K.A.R. 28-29-121, except as provided in subsection (a) of this regulation.

(d) Any portions of K.A.R. 28-29-101 through 28-29-121 which contain requirements different from those contained in K.A.R. 28-29-23 shall supersede the requirements of K.A.R. 28-29-23.

(Authorized by K.S.A. 1995 Supp. 65-3406; implementing K.S.A. 65-3401; effective Oct. 24, 1994; amended Dec. 13, 1996.)

Minnesota

7035.2665 SCOPE.

Parts [7035.2685](#) to [7035.2805](#) apply to owners and operators of mixed municipal solid waste land disposal facilities and municipal solid waste combustor ash land disposal facilities.

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 13 SR 1150; 16 SR 2321

Current as of 03/16/04

7035.2815 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 2 to 16 apply to landowners and owners and operators of facilities that dispose of mixed municipal solid waste in or on the land, except as provided in part [7035.2525](#), subpart 2.

Missouri

10 CSR 80-3.010 Design and Operation

PURPOSE: This rule pertains to the design and operation of a sanitary landfill.

Editor.s Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the

Office of the Secretary of State or at the head-quarters of the agency and is available to any interested person at a cost established by state law.

(1) General Provisions.

(A) This rule is intended to provide for sanitary landfill area operations that will have minimal impact on the environment. The rule sets forth requirements and the method of satisfactory compliance to ensure that the design, construction and operation of sanitary landfills will protect the public health, prevent nuisances and meet applicable environmental standards. The requirement subsections contained in this rule delineate minimum levels of performance required of any sanitary landfill operation. The satisfactory compliance subsections are presented as the authorized methods by which the objectives of the requirements can be realized. The satisfactory compliance subsections are based on the practice of sanitary landfilling municipal solid waste. If techniques other than those listed as satisfactory compliance in design or operation are used, it is the obligation of the sanitary landfill owner/operator to demonstrate to the department in advance that the techniques to be employed will satisfy the requirements. Procedures for the techniques shall be submitted to the department in writing and approved by the department in writing prior to being employed. Notwithstanding any other provision of these rules, when it is found necessary to meet objectives of the requirement subsections, the department may require changes in design or operation as the condition warrants.

(B) Owners/operators of sanitary landfills that close after October 9, 1991 and prior to October 9, 1993, and do not apply the final cover and establish vegetation on the sanitary landfill within one hundred eighty (180) days of last receipt of waste, or an alternative time frame negotiated with the department, are subject to all the requirements of this rule.

(C) Sanitary landfills not in compliance with the requirements of this chapter and of 10 CSR 80-2 are considered to be open dumps, which are prohibited by state law.

Nebraska

001 Permit Required. No person shall construct or operate a solid waste management facility without a permit issued by the Department pursuant to this chapter unless otherwise provided in these regulations. Any person who is required to have a permit, including new applicants and permittees with expiring permits, shall complete, sign and submit an application to the Department as described in these regulations.

001.01 When a facility is owned by one person but is operated by another person, the owner and operator shall sign the permit application and the permit will be issued to all signatories to the application.

002 Exceptions.

002.01 Activities specified in this section shall be exempt from the permit requirements of this chapter, provided that the materials used in these activities are not contaminated with other wastes and that the manner of handling or disposal does not threaten human health or the environment. Activities exempt from the permit requirements that use sewage sludge in their processes shall not violate any requirements of applicable regulations promulgated pursuant to Section 405(d) of the Clean Water Act, as amended (33 U.S.C. 1251 et seq).

002.01A The use of uncontaminated sand, gravel, stone, soil, rock, brick, concrete rubble, asphalt rubble, or similar material, or some combination thereof, for the purpose of erosion control, erosion repair, channel stabilization, landscaping, road bed preparation or other land improvement;

002.01B The placement of tires, posts, or ferrous objects for bank or blowout stabilization. Any bank stabilization must be done in accordance with Title 117 - Nebraska Surface Water Quality Standards and the Federal Clean Water Act (33 U.S.C. 1251 et seq);

002.01C The disposal or use of trees and brush, or the remaining material resulting from fires set for the purpose of destroying trees and brush;

002.01D The deposit of solid waste generated by an individual is disposed of on such individual's property if such property is outside the corporate limits of a municipality and the department determines that the county has not provided integrated solid waste management facilities for its residents;

002.01E The deposition of on-farm building demolition waste generated by an individual and disposed on location if such location is agricultural in nature;

002.01F Composting of only livestock wastes generated at their livestock operation and only when the operation is in compliance with Title 130 - Rules and Regulations Pertaining to Livestock Waste Control;

002.01G Solid waste compost sites which receive only yard wastes in quantities less than 20,000 cubic yards as received per year;

002.01H Solid waste compost sites which receive less than 20,000 cubic yards per year of material that consists of yard waste in combination with less than 1000 cubic yards of other materials;

002.01I Recycling centers or collection sites;

002.01J Upon the permission of the director, the deposit of building demolition material resulting from the clean up from a natural disaster;

002.01K The use of source separated material in the manufacturing of other products;

002.01L Salvage operations which store, sort and sell metals and machinery suitable for reprocessing; or

002.01M Land application of sludge from a waste water treatment plant where such activity is done in accordance with Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System.

003 Partial exception facilities.

003.01 Owners or operators of solid waste processing facilities as specified in 003.01A to 003.01E will be exempt from the permit requirements, but will be required to operate in accordance with section 003.02. Solid waste processing facilities that use sewage sludge in their processes shall not violate any requirements of applicable regulations promulgated pursuant to Section 405(d) of the Clean Water Act, as amended (33 U.S.C. 1251 et seq).

003.01A Solid waste compost sites that receive between 20,000 and 100,000 cubic yards per year of yard wastes only;

003.01B Solid waste compost sites that receive less than 1000 cubic yards per year of material;

003.01C Solid waste compost sites which receive between 1000 and 20,000 cubic yards per year of livestock waste other than that generated by the property owner;

003.01D Solid waste compost sites which receive between 20,000 and 100,000 cubic yards per year of material that consists of yard waste in combination with less than 1000 cubic yards of other materials; or

003.01E A solid waste transfer station receiving waste from vehicles other than those vehicles designed to compact solid waste.

003.02 Operations of all partial exception solid waste processing facilities listed in 003.01 shall be in accordance with the following criteria.

003.02A A solid waste processing facility shall be designed and operated at all times so as to not constitute a hazard, or a threat to human health or the environment.

003.02B The operation of any facility shall include effective litter control and disease vector control programs.

003.02C An owner or operator of any solid waste processing facility shall ensure that the unit does not violate any applicable requirements developed under Title 129 - Nebraska Air Quality Regulations.

003.02D Surface Water Requirements. A solid waste processing facility shall not:

003.02D1 Cause a discharge of pollutants into waters of the state, including wetlands, that violate any requirements of Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System.

003.02D2 Cause the discharge of a non-point source of pollution to waters of the State that violate any requirement of an area-wide or

state-wide water quality management plan that has been approved under section 208 or 319 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq).

003.02E An owner or operator shall not accept solid waste at the facility if the storage capacity has been reached. Solid waste shall only be stored in areas designated for storage.

001 Applicability. The requirements of this chapter apply to all municipal solid waste disposal areas, delisted waste disposal areas, industrial waste disposal areas, and land application units for repeated disposal or treatment of special wastes required to obtain a permit pursuant to Chapter 2, 001.

001.01 In addition to the other requirements of these regulations for delisted waste disposal areas, the Department may place such conditions and restrictions upon a permit issued or renewed under these regulations as deemed necessary to protect public health or the environment.

North Dakota

33-20-01.1-01. Purpose. It is the purpose of this article to provide performance criteria and standards for the management of solid waste in a manner that will control nuisance and litter, protect the public health, safety, and welfare, and prevent or minimize injury of environmental resources from exposure to solid waste or constituents of solid waste.

History: Effective December 1, 1992

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04

33-20-01.1-02. Applicability. Any person who operates or proposes to operate any type of solid waste management system, unit, or facility and any person who transports solid waste, is subject to the provisions of this article.

1. This article does not apply to the following:
 - a) The management of hazardous waste at hazardous waste management units or facilities as defined by chapter 33-24-01;
 - b) Solid waste management units which do not receive solid waste after October 9, 1993, except closure standards apply;
 - c) Recycled agricultural material;
 - d) The disposal of household waste generated by any individual who resides on unplatted land in unincorporated areas of this state, on that person's property, unless handling of this waste is not in keeping with the purpose of this article;
 - e) The beneficial use or reuse of materials, substances, energy, or other products derived from a resource recovery activity;
 - f) Additional exemptions of certain requirements as specified in provisions of this article; or

- g) Agricultural waste from a farming operation that is disposed on land owned by the farming operation and which is not likely to pollute the waters of the state.
2. Solid waste management units or facilities having permits on December 1, 1992, shall comply with section 33-20-03.1-04.

History: Effective December 1, 1992; amended effective May 1, 1999.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07, 23-29-14

33-20-06.1-01. Applicability. The requirements of this chapter and of sections 33-20-01.1-08, 33-20-04.1-02, 33-20-04.1-03, 33-20-04.1-04, 33-20-04.1-05, and 33-20-04.1-09 apply to owners and operators of municipal waste landfills, except that the department may allow alternate performance and design criteria, as specified in subsections 2 and 3 of section 33-20-06.1-02, and it may waive section 33-20-04.1-03 for a municipal waste landfill receiving less than twenty tons [18.2 metric tons] per day based upon factors such as the site's climate, hydrogeology, topography, geology, ground water quality and location, and the type of wastes received. In addition to the requirements of this chapter, municipal solid waste landfills receiving on average more than five hundred tons [455 metric tons] per day shall comply with section 33-20-10-03, subsection 2 of section 33-20-10-04, and section 33-20-10-05.

History: Effective December 1, 1992; amended effective October 1, 1994; August 1, 1995.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04

South Dakota

74:27:07:02. Applicability. The provisions contained in this article apply to any person involved in any aspect of the management of solid waste, including recycling, processing, transporting, storing, or disposing of solid waste.

Source: 17 SDR 8, effective July 26, 1990.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.14, 34A-6-1.18.

74:27:07:03. Phase-in period for existing facilities. Existing facilities must comply with the provisions of chapters 74:27:03, 74:27:07 to 74:27:09, inclusive, 74:27:11, and 74:27:17. Existing facilities must comply with the applicable provisions of chapters 74:27:12 to 74:27:15, inclusive, and 74:27:19 to 74:27:21, inclusive, on October 9, 1993. Facilities operating on October 9, 1993, must comply with chapter 74:27:16 on April 9, 1994.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.11.

Law Implemented: SDCL 34A-6-1.4, 34A-6-1.14, 34A-6-1.18, 34A-6-1.37.

74:27:07:03.01. Applicability for new facilities. New facilities must comply with the applicable provisions of chapters 74:27:07 to 74:27:21, inclusive.

Source: 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.11.

Law Implemented: SDCL 34A-6-1.4, 34A-6-1.14, 34A-6-1.18, 34A-6-1.37.

Wisconsin

NR 500.01 Purpose. The purpose of this chapter is to provide definitions, submittal requirements, exemptions and other general information relating to solid waste facilities. This chapter is adopted pursuant to s. 227.11, Stats., and ch. 289, Stats.

History: Cr. Register, January, 1988, No. 385, eff. 2–6–88.

NR 500.02 Applicability.

(1) Except as otherwise provided, this chapter governs all solid waste facilities as defined in s. 289.01 (35), Stats., except hazardous waste facilities as defined in s. 291.01 (8), Stats., and regulated under chs. NR 600 to 690, and metallic mining operations as defined in s. 293.01 (5), Stats., and regulated under ch. NR 182.

(2) 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 have been approved under s. 281.41, Stats., or permitted under ch. 283, Stats., except for facilities used for the disposal of solid waste.

History: Cr. Register, January, 1988, No. 385, eff. 2–6–88; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1992, No. 437; am. (1), Register, June, 1996, No. 486, eff. 7–1–96; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register March 2003 No. 567.**

NR 500.08 Exemptions.

(1) GENERAL. The following facilities are exempt from all requirements of chs. NR 500 to 538:

(a) Facilities used for the disposal of solid waste from a single family or household on the property where it is generated.

(b) Riprapping projects using inert solid waste materials approved by the department under s. 30.12, Stats., or in submerged shorelands in Lake Michigan, the title to which has been granted by the state to a municipality.

(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 but are exempt from licensing and the requirements of chs. NR 500 to 538:

(a) Facilities where only clean soil, brick, building stone, concrete, reinforced concrete, broken pavement, and unpainted or untreated wood are disposed.

(b) Facilities for the exclusive disposal of spoils from sand, gravel or stone and crushed stone quarry operations and similar nonmetallic earth materials.

(c) Facilities for the disposal of wood residue from a saw mill, debarker or equivalent industry which produces less than 5,000 board feet of lumber per year or equivalent and the total disposal facility volume is less than 500 cubic yards of wood residue.

(d) Facilities where railroad ties or utility poles 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.

(f) Facilities where glass is processed or used as an aggregate replacement in asphalt pavement and subbase material under roadways subject to the following:

1. 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.

2. The amount of contaminants present with the glass such as labels, caps and metal rings shall be minimized to the extent necessary to prevent interference with the performance of the asphalt or roadbed aggregate. Asphalt and roadbed aggregate containing glass shall be designed and used in accordance with generally accepted engineering practice. The glass shall have sufficient properties to perform the function of the aggregates it replaces. The use of glass particles greater than 1/2 inch in size requires written department approval.

3. Glass shall be collected and 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 placed on a hard, all weather surface such as asphalt or concrete.

(3) DREDGED MATERIAL EXEMPTIONS. The following facilities are exempt from the licensing and plan review requirements of chs. NR 500 to 538 but shall be developed in accordance with the following requirements:

(a) Facilities for the disposal of nonhazardous dredged material consisting of less than 3000 cubic yards from Lake Michigan, Lake Superior, the Wisconsin river, the Sheboygan river, the Milwaukee river, the Brule and Menominee rivers, the Fox river, the Mississippi river, or from any inland lakes or ponds treated with arsenicals provided the facility complies with the performance standards specified in s. NR 504.04 (4).

(b) Facilities for the disposal of non-hazardous dredged material from rivers not listed in par. (a) provided the facility complies with the performance standards specified in s. NR 504.04 (4).

(c) Facilities for the disposal of nonhazardous dredged material from inland lakes or ponds that have not been treated with arsenicals provided the facility complies with the performance standards specified in s. NR 504.04 (4).

(4) EXEMPTIONS FROM SOLID WASTE RULES. Exemptions from the requirements of chs. NR 500 to 538 may be granted in writing by the department in special cases except as otherwise provided. A person may apply for an exemption by providing the department with a written request along with the appropriate documentation which demonstrates that the proposal will not cause environmental pollution as defined in s. 299.01 (4), Stats. The department shall take into account such factors as the population of the area being served, the amount of waste being generated, the geologic and hydrogeologic conditions at the facility, the design of the facility, the operational history

of the facility, the physical and chemical characteristics of the waste and any other information which may be appropriate. The department shall review and make a written determination on the exemption request within 65 business days after receipt of a complete request and the appropriate review fee under ch. NR 520 unless a different time period is provided by law.

(5) BENEFICIAL REUSE.

(a) The department may grant exemptions from the requirements of ch. 289, Stats., for the purpose of allowing or encouraging the 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.

(b) Facilities where wood ash is stored, handled, transported or landspread provided either of the following is met:

1. 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.

2. Wood ash is managed in accordance with s. NR 518.04 (6).

(6) REMEDIATION ACTION EXEMPTION. The following facilities are exempt from solid waste program regulatory requirements under ch. 289, Stats., and chs. NR 500 to 538:

(a) Facilities for the treatment, storage or disposal of solid waste which is excavated for the primary purpose of conducting a site investigation or implementing an interim or remedial action in compliance with the requirements of chs. NR 700 to 726 and which is returned to the same property from which it was excavated in compliance with the requirements of ch. NR 718; and

(b) Facilities for the treatment, storage or disposal of excavated contaminated soil which are operated in compliance with the requirements of ch. NR 718.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; cr. (6), Register, April, 1994, No. 460, eff. 5-1-94; am. (1) (intro.), (2), (3) (intro.), (4) and (5), cr. (2) (d), (e), (f) and (3) and (5) (c), r. (3) (a), renum. (3) (b) to be (3) (a), Register, June, 1996, No. 486, eff. 7-1-96; am. (1) (intro.), (2) (intro.), (3) (intro.), (4), (6) (intro.), r. (5) (b) and renum. (5) (c) to be (5) (b), Register, December, 1997, No. 504, eff. 1-1-98; am. (3) (a), Register, September, 1998, No. 513, eff. 10-1-98.