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Chapter NR 509

INITIAL SITE REPORTS FOR LANDFILLS

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Note: Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1997, No. 500.

NR 509.01 Purpose. The purpose of this chapter is to ensure that efficient, nuisance-free and environmentally acceptable solid waste management procedures are practiced in this state and to outline the requirements regarding initial site reports for proposed new landfills or expansions of existing landfills. The purpose of submitting an initial site report is to obtain a preliminary opinion from the department on the potential a proposed property has for development as a landfill and the advisability of spending additional time and funds to prepare a feasibility report. This chapter is adopted under ch. 289, Stats., and s. 227.11, Stats.

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96.

NR 509.02 Applicability. (1) Except as otherwise provided, this chapter governs all landfills as defined in s. 289.01 (20), Stats.

(2) This chapter does not apply to:

(a) Solid waste facilities regulated under chs. NR 502 and 503.

(c) Hazardous waste facilities as defined in s. 291.01 (8), Stats., and regulated under chs. NR 660 to 679; and metallic mining operations as defined in s. 293.01 (9), Stats., and regulated under ch. NR 182.

(d) The location, 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.; or 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, June, 1996, No. 486, eff. 7-1-96; **CR 05-020: r. (2) (b) Register January 2006 No. 601, eff. 2-1-06; correction in (2) (c) made under s. 13.93 (2m) (b) 7., Stats.**

NR 509.03 Definitions. The terms used in this chapter are defined in s. NR 500.03.

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96.

NR 509.04 Initial site inspection. (1) INSPECTION REQUEST. Any person intending to establish a new landfill, an expansion of an existing landfill or a noncommercial soil borrow source designated to be used in the construction, operation or closure of a specific landfill shall submit a written request to the department for an initial site inspection for the purpose of evaluating compliance with the applicable locational criteria and performance standards of s. NR 504.04.

(2) SUBMITTAL REQUIREMENTS FOR INSPECTION REQUEST. Any person submitting a request to the department to perform an initial site inspection shall comply with all requirements of this section and s. NR 500.05 (5) to (8).

Note: One copy of the information required by this section shall be submitted to the department's field office responsible for the area in which the facility is proposed to be located and one copy shall be submitted to the department's bureau of waste management, 101 S. Webster Street, P. O. Box 7921, Madison, Wisconsin 53707.

(3) DEPARTMENT RESPONSE. The department shall conduct an initial site inspection within 22 business days after receipt of the request and receipt of the information required in this section. Follow up inspections may be necessary depending on the season to

identify any obscured features of the proposed property such as wetlands. The department shall render a preliminary opinion regarding the suitability of the site location and identify any additional studies or information that shall be submitted to determine if a proposed landfill or soil borrow source complies with the applicable locational criteria and performance standards of s. NR 504.04 within 22 business days of completing the inspection. A favorable evaluation under this section does not guarantee a favorable initial site report opinion.

(4) CONTENTS OF INSPECTION REQUEST FOR A PROPOSED SOLID WASTE LANDFILL. An initial site inspection request for a proposed new landfill or an expansion of an existing landfill shall include the following:

(a) A cover letter identifying the applicant and authorized contact, type of landfill and operation being proposed, property ownership, location by quarter - quarter section and present land use.

(b) Identification of any known potential impacts to endangered and threatened species in accordance with s. 29.604 (4), Stats., and the federal endangered species act or historical, scientific or archeological areas in accordance with s. 44.40, Stats., including any prior studies or surveys conducted at the proposed site.

(d) An enlarged 7.5 minute USGS map or other base map having a minimum scale of 1" = 500'. Map scale and contour intervals shall be revised when necessary to sufficiently show relief, surface waters, floodplains, existing land use conditions and all water supply wells and residences located within one mile of the property boundaries of the proposed landfill.

(e) A preliminary identification of all potential conflicts with the locational criteria and performance standards specified in s. NR 504.04 for landfills except for s. NR 504.04 (4) (d) to (f).

(5) CONTENTS OF INSPECTION REQUEST FOR A SOIL BORROW SOURCE FOR A SPECIFIC SOLID WASTE LANDFILL. An initial site inspection request for a noncommercial soil borrow source designated to be used in the construction, operation, or closure of a specific landfill shall include the following:

(a) The information listed in sub. (4) (a) to (d).

(b) A preliminary identification of all potential effects on wetlands, surface waters or areas that contain threatened or endangered species per s. 29.604, Stats., and per s. NR 27.01 (8).

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96; **CR 05-020: r. and recr. (4) (b), r. (4) (c), am. (5) (b) Register January 2006 No. 601, eff. 2-1-06.**

NR 509.05 Submittal requirements. (1) GENERAL PROVISIONS. Prior to submitting a feasibility report, an applicant shall obtain an initial site report opinion from the department. The initial site report shall follow the general submittal requirements of s. NR 500.05, address all requirements of this section, include the department's initial site inspection evaluation and all pertinent information submitted for the initial site inspection, and may contain any or all of the information identified in ch. NR 510.

(2) COMPLETENESS. Within 30 days after an initial site report is submitted, the department shall determine whether or not the initial site report is complete. The department shall determine the completeness of the initial site report by determining whether or not the minimum requirements of this section have been met. If

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the report is incomplete, the department shall notify the applicant, in writing, and specify the information which shall be submitted to make the initial site report complete. If the report is complete, the department shall notify the applicant, in writing, and render an opinion as to whether the proposed property has potential, limited potential, or little or no potential for development as a landfill. This notification shall be done within 60 days after the determination of completeness. A favorable opinion under this section does not guarantee a favorable feasibility determination.

(3) CONTENT. The initial site report shall identify the project title; name, address and phone number of the primary contacts including the proposed landfill's owner, operator and any consultants; present property owner; proposed landfill location by quarter-quarter section; total acreage of the property and anticipated limits of filling; proposed landfill life and design capacity; municipalities and industries to be served; anticipated waste types and characteristics; anticipated volumes of each major waste stream and any seasonal fluctuations taking into account waste reduction, reuse, recycling, composting and the recovery of energy from solid waste; anticipated cover frequency; mode of operation; and anticipated sub-base, base and final grades.

Note: Limits of filling is defined in s. NR 500.03 (127).

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96.

NR 509.06 Land use information. The initial site report shall include a discussion of land uses at the proposed landfill location and the surrounding area. A thorough discussion of land uses which may have an impact on the suitability of the property for waste disposal or on groundwater quality shall be included. The report shall address all areas where land use may affect or be affected by the proposed new landfill or proposed expansion to an existing landfill. At a minimum, this will be the area within one mile of the anticipated limits of filling. The discussions shall be supplemented with land use maps. At a minimum, the report shall specifically address the following items:

(1) ADJACENT LAND OWNERS. Land owners whose property is contiguous to the proposed landfill's property boundaries and all residences within 1,200 feet of the anticipated limits of filling shall be identified and located on a map. This information may be presented on a plat map. However, any changes to current ownership conditions shall be noted.

(2) LAND USE ZONING. A discussion of land use zoning, with particular attention given to areas where zoning variances will be required, where agricultural impact statements may be required, or where floodplain, conservancy, shoreland or wetland zoning is designated.

(3) DOCUMENTATION OF PRESENT LAND USES. A description of the current land uses, with particular emphasis on the discussion of known recreational, historical, archaeological areas, areas that contain threatened or endangered species per s. 29.604, Stats., and per s. NR 27.01 (8) and state or local natural areas; and county forest lands. If the landfill owner proposes to accept municipal solid waste or other putrescible waste, the initial response letter from the federal aviation administration concerning any airports whose runway end is located within 5 miles of the anticipated limits of filling shall be included in the report.

(4) TRANSPORTATION AND ACCESS. The present or proposed transportation routes and access roads, including any weight restrictions, shall be delineated.

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96; CR 05-020: am. (3) Register January 2006 No. 601, eff. 2-1-06.

NR 509.07 Regional geotechnical information. The initial site report shall include a discussion of the regional setting of the proposed landfill. This discussion may be limited to information available from publications such as a hydrologic investigations atlas, water supply papers, informational circulars and technical bulletins published by the Wisconsin geologic and natural history survey, the United States geological survey and the natural resources conservation service. The regional setting to be discussed is the area which may affect or be affected by the proposed landfill. At a minimum, this will be the area within one mile of the anticipated limits of filling. The discussions shall be supplemented with available regional bedrock and glacial geology maps, USGS topographic maps, NRCS soil maps and regional water table maps. Specifically, the following items shall be discussed:

(1) TOPOGRAPHY. The existing topography including predominant topographic features.

(2) HYDROLOGY. The surface water drainage patterns and significant hydrologic features such as surface waters, springs, surface water drainage basins, divides and wetlands.

(3) GEOLOGY. The origin, nature and distribution of bedrock; the origin, texture, thickness and distribution of the unconsolidated units; and the texture and classification of the surficial soils.

(4) HYDROGEOLOGY. The depth to groundwater, groundwater flow directions, groundwater divides, aquifers and identification of the aquifers used by water supply wells.

(5) WATER QUALITY. Information on groundwater and surface water quality available from the USGS, WGNHS, DNR, UW-Extension and regional planning commissions.

History: Cr. Register, June, 1996, No. 486, eff. 7-1-96.