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Chapter NR 625

RECYCLING STANDARDS

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NR 625.01 Purpose. The purpose of this chapter is to specify the requirements that apply to the recycling of hazardous waste.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 625.02 Applicability. This chapter applies to hazardous waste recycling facilities. This chapter does not apply to solid waste recycling facilities that recycle only:

- (1) Non-hazardous solid waste,
- (2) Metallic mining wastes resulting from a mining operation as defined in s. 293.01 (9), Stats., or
- (3) A combination of wastes described in subs. (1) and (2).

Note: In addition to the requirements of this chapter, hazardous waste burned in boilers and industrial furnaces is also subject to regulation under 40 CFR part 266 subpart H. Besides applying to certain hazardous waste burned for energy recovery, those federal requirements also apply to hazardous waste processed in boilers and industrial furnaces for materials recovery or as an ingredient. Examples of industrial furnaces that can be used for hazardous waste processing for materials recovery or as an ingredient include smelting, melting and refining furnaces, including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction made under s. 13.93 (2m) (b) 1., Stats., Register, August, 1992, No. 440; am. (2), r. (3), renum. (4) to be (3) and am., Register, May, 1995, No. 473, eff. 6-1-95; **correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1998, No. 509.**

NR 625.03 Definitions. The definitions in s. NR 600.03 apply to this chapter.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 625.04 General. (1) Except as provided in s. NR 625.05, the owner or operator of a hazardous waste recycling facility that meets the requirements of this chapter may be exempted from all of the requirements of chs. NR 630 to 685, except ch. NR 680, except those requirements specifically made applicable in this chapter, in one of 2 ways:

(a) The owner or operator of a recycling facility that meets the requirements of s. NR 625.06 is exempt from regulation under chs. NR 630 to 685 and is not required to apply for a written exemption under this chapter.

(b) The owner or operator of a recycling facility that is not exempt under s. NR 625.06 may apply to the department for a written exemption from regulation under s. NR 600.04 and chs. NR 630 to 685. The following provisions apply to the owner or operator of a recycling facility who applies for a written exemption from the requirements of chs. NR 630 to 685 under s. NR 625.07, 625.08 or 625.09:

1. The owner or operator of a recycling facility who obtained an operating license, interim license, variance or waiver for the recycling activities prior to July 1, 1985 may continue to operate the recycling facility under the terms and conditions of the applicable approval, or may request an exemption under this chapter to replace that approval.

2. The owner or operator of a recycling facility in existence on July 1, 1985 who did not obtain an operating license, interim license, variance or waiver shall terminate the hazardous waste recycling activity and decontaminate or remove all hazardous

waste and hazardous waste residues, regardless of whether the facility was exempt from regulation under this section as it existed prior to July 1, 1985. Receipt of a request for an exemption under this section by the department by December 28, 1985, shall allow a facility to continue to operate until the exemption request is approved or denied by the department, provided that the owner or operator complies with the following requirements. Exemptions apply only to the actual recycling activity and not to other hazardous waste management activities.

- a. The security requirements specified in s. NR 630.14.
- b. The inspection requirements specified in s. NR 630.15.
- c. Operation requirements specified in s. NR 630.17 (2).
- d. Recordkeeping and reporting requirements specified in s. NR 630.31 and 630.40.
- e. The hazardous waste discharge reporting requirements specified in s. NR 630.22 (2) (c).
- f. The operational requirements specified in s. NR 665.09, if the facility is an incinerator burning only hazardous waste for the primary purpose of heat recovery.

3. The owner or operator of a proposed recycling facility may request an exemption under this section from certain requirements of chs. NR 630 to 685 for the proposed recycling activities. The owner or operator of a proposed recycling facility may not construct or operate the facility until the department approves the exemption request in writing.

(2) The department shall advise the applicant in writing of the receipt and approval or disapproval of any exemption request. Disapproval of an exemption request shall require the owner or operator to terminate the existing hazardous waste recycling activity and decontaminate or remove all hazardous waste and hazardous waste residues, unless the facility may be operated under an existing department approval under sub. (1). The department shall advise the applicant, in writing within 65 business days after receipt of the exemption request, whether the exemption request is complete or incomplete. Failure to provide a complete exemption request within 65 business days after the date of the written advisory that the request is incomplete may be a basis for denial of the request. The department may extend the period to provide a complete exemption request if the applicant can show that the extension is necessary to develop the required information to complete the request. The department shall advise the applicant of the approval or disapproval of the exemption request within 65 business days after finding the request complete.

(3) (a) The department shall make a determination of an exemption request based on the following criteria:

1. The types of wastes to be recycled and their associated hazards.
2. The likelihood of a discharge of hazardous waste or hazardous constituents from the normal operations of the recycling activity and the associated impact on public health and safety or the environment.

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3. Whether the exemption would promote improved methods of managing hazardous waste.

(b) The department shall grant an exemption to all recycling facilities which meet the requirements of this chapter unless the department determines that the recycling will present a significant hazard to public health and safety or the environment, which may not be eliminated or mitigated by appropriate procedures or controls.

(4) Any recycling exemption applies only to the actual recycling activity, and not to other hazardous waste management activities. Applicable generator, transporter, storage, treatment and disposal requirements shall be complied with unless the activity is specifically exempted elsewhere in chs. NR 600 to 685.

Note: Any hazardous waste generated by a recycling activity is regulated under chs. NR 600 to 685. For example, wastes generated from the processing of waste lead-acid batteries, such as acid, lead plates and battery cases shall be properly managed at an approved hazardous waste facility.

(5) Hazardous waste recycling units shall be constructed of sturdy, leakproof materials and shall be designed, constructed and operated so as to prevent hazardous waste from being discharged during the unit's operating life.

(6) Upon termination of a recycling activity regulated under this section, the owner or operator shall remove all hazardous waste and hazardous waste residues from the recycling units and terminate the hazardous waste recycling activity and decontaminate or remove any other hazardous waste or hazardous waste residues.

Note: Any hazardous waste recycling activity regulated under this section may be terminated by modifying the recycling activity so as to cease recycling hazardous waste, but continuing to recycle nonhazardous solid waste.

(7) Owners or operators of facilities subject to ch. NR 680 licensing requirements with hazardous waste management units that recycle hazardous waste are subject to the requirements of chs. NR 631 and 632.

(8) Hazardous waste that is exported to or imported from the designated member countries of the Organization for Economic Cooperation and Development (OECD) listed in s. NR 615.14 for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is subject to either the manifesting requirements of s. NR 610.08 (1) (d) or 615.08 or to the universal waste management standards of ch. NR 690.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; cr. (7), Register, May, 1995, No. 473, eff. 6-1-95; **am. (1) (intro.), (a), (b) (intro.) and 3., cr. (8), Register, May, 1998, No. 509, eff. 6-1-98.**

NR 625.05 Ineligible activities. The following types of activities are not eligible for an exemption under this chapter:

(1) Recycling that constitutes disposal.

(2) Except as provided in s. NR 625.07, the burning of hazardous waste in incinerators. Notwithstanding s. NR 625.07, the burning of hazardous waste in cement kilns located within the boundaries of incorporated municipalities with a population greater than 500,000, using the latest census data, is not eligible for an exemption under this section.

(3) Recycling in surface impoundments.

(4) Recycling in waste piles.

(5) Recycling in land treatment units.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 625.06 Legitimate recovery or reclamation. The legitimate recovery or reclamation of hazardous waste is exempt from regulation under chs. NR 630 to 685, except for certain units that perform recovery or reclamation, which may be exempt from regulation under chs. NR 630 to 685 if they meet the definition of a totally enclosed treatment facility.

Note: An example of a totally enclosed treatment facility is an enclosed still which is directly connected to a process that produces waste for recovery in the still.

(1) The security requirements in s. NR 630.14.

(2) The preparedness and prevention requirements in s. NR 630.21 and the contingency plan and emergency procedures

requirements in s. NR 630.22. These requirements do not apply to any generator who recycles only waste generated on-site and who generates and accumulates hazardous waste in quantities less than those specified in ch. NR 610.

(3) The personnel training requirements in s. NR 630.16 (1) and (2). These requirements do not apply to any generator who recycles only waste generated on-site and who generates and accumulates hazardous waste in quantities less than those specified in ch. NR 610.

(4) The manifest, recordkeeping and reporting requirements in ss. NR 630.30, 630.31 and 630.40.

(5) The general inspection requirements in s. NR 630.15.

(6) The hazardous waste discharge reporting requirements specified in s. NR 630.22 (2) (c).

(7) The notification requirements in s. NR 600.05.

(8) The operational requirements specified in s. NR 630.17 (2).

(9) If the facility is accepting waste from off-site for recycling, the following additional requirements:

(a) The general waste analysis requirements in s. NR 630.12.

(b) The waste analysis plan requirements in s. NR 630.13 (1).

(c) The applicable storage requirements in chs. NR 640, 645, 655 and 670.

(10) The requirements of s. NR 625.04 (4), (5) and (6).

(11) Any other requirements as ordered, and determined to be necessary, by the department to protect public health and safety or the environment.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; **am. (2), Register, May, 1995, No. 473, eff. 6-1-95; am. Register, May, 1998, No. 509, eff. 6-1-98.**

NR 625.07 Hazardous waste burned for energy recovery. (1) **GENERAL.** The requirements of this section apply to owners and operators of facilities that burn hazardous waste in boilers or industrial furnaces not regulated under ch. NR 665 and that are regulated under 40 CFR Part 266 Subpart H, except as provided in sub. (2), for energy recovery; and to those who produce, process, blend or distribute hazardous waste fuel for burning. This section does not apply to gas recovered from hazardous waste management activities when the gas is burned for energy recovery.

(2) **EXCEPTIONS.** This section does not apply to the following hazardous wastes:

(a) Hazardous wastes that are exempt from regulation under s. NR 605.05.

(b) Hazardous wastes that are subject to the very small quantity generator requirements under s. NR 610.07.

(3) **PROHIBITIONS.** (a) A person may not market hazardous waste fuel except:

1. To persons who have notified the department and EPA of their hazardous waste fuel activity and have an EPA identification number; and

2. If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces.

(b) Hazardous waste fuel may not be burned for energy recovery except in the following devices:

1. Industrial furnaces.

2. The following boilers:

a. Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

b. Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000,

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based on the most recent census statistics, unless the kiln fully complies with all regulations under ch. NR 665.

(4) STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE FUEL. (a) Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to the applicable regulations under chs. NR 610 and 615.

(b) Generators who market hazardous waste fuel to a burner are also subject to the requirements of sub. (6).

(c) Generators who are burners are also subject to the requirements of sub. (7).

(5) STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE FUEL. (a) Transporters of hazardous waste fuel, and hazardous waste that is used to produce fuel, are subject to the requirements of ch. NR 620.

(6) STANDARDS APPLICABLE TO MARKETERS OF HAZARDOUS WASTE FUEL. Persons who market hazardous waste fuel are termed "marketers". Marketers include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process or blend hazardous waste from these hazardous wastes, and persons who distribute but do not process or blend hazardous waste fuel. Marketers are subject to the following requirements:

(a) *Prohibitions.* The prohibitions under sub. (3) apply.

(b) *Notification of hazardous waste fuel activities.* Even if a marketer has previously notified EPA of its hazardous waste management activities and obtained an EPA identification number, they shall renotify to identify their hazardous waste fuel activities.

(c) *Storage.* The applicable provisions of s. NR 615.05 (4) and chs. NR 630, 640, 645, 660 and 670.

(d) *Off-site shipment.* When the marketer initiates a shipment of hazardous waste fuel, the applicable standards for generators in chs. NR 610 and 615.

(e) *Required notices.* 1. Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:

a. For shipments within Wisconsin the burners or marketers have notified the department and EPA and identified their hazardous waste fuel activities or for shipments outside of Wisconsin the burners or marketers have notified EPA and identified their hazardous waste fuel activities; and

b. If the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in sub. (3) (b).

2. Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the first marketer shall provide the other marketer with a one-time written and signed certification that the first marketer notified the department and EPA under 42 USC 6930 and identified its hazardous waste fuel activities.

Note: The publication containing Title 42 of the United States Code may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

(f) *Recordkeeping.* In addition to the applicable recordkeeping requirements of chs. NR 610, 615, 630, 640, 645 and 675, a marketer shall keep a copy of each certification notice received or sent for 3 years from the date last engaged in a hazardous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) STANDARDS APPLICABLE TO BURNERS OF HAZARDOUS WASTE FUEL. Hazardous waste fuel may be burned in boilers for energy recovery in boilers or industrial furnaces and be eligible for an exemption from regulation under ch. NR 665 and certain provisions of ch. NR 630. To be considered for this exemption, the owner or operator of the facility shall submit a written request to the department in accordance with par. (a).

(a) At a minimum, the request shall be prepared in accordance with s. NR 680.05 and shall contain the following:

1. The name, address and telephone number of the owner and the operator of the facility.

2. A drawing of the recycling facility.

3. A description of the processes to be used for the recycling of hazardous waste, and how these processes meet the definition of recycling, the capacity of these processes and a description of the management of any hazardous waste residues generated from the recycling activity.

4. A description of the hazardous wastes to be recycled at the facility, including the hazardous waste numbers, and an estimate of the quantities of each waste to be recycled annually.

5. A description of how compliance with the requirements of par. (c) will be accomplished, including a copy of the facility's contingency plan as required under ss. NR 630.21 and 630.22 and a description of how the facility will close in accordance with s. NR 625.04 (6). These descriptions are not required for facilities which burn hazardous waste for energy recovery in a boiler or industrial furnace in amounts less than 1,000 kilograms per month, if the hazardous waste burned exhibits only the characteristic of ignitability, and no other characteristic listed in s. NR 605.08 (1) to (5), or is listed under s. NR 605.09 solely because it exhibits the characteristic of ignitability.

6. The signature of the owner or operator as specified in s. NR 680.05.

(b) Exemptions for burning hazardous waste in boilers and in industrial furnaces for energy recovery shall be issued in writing by the department.

(c) The owner or operator of an exempt facility shall meet the following requirements:

1. The security requirements in s. NR 630.14.

2. The preparedness and prevention requirements in s. NR 630.21 and the contingency plan and emergency procedures requirements in s. NR 630.22.

3. The personnel training requirements in s. NR 630.16 (1) and (2).

4. The manifest, recordkeeping and reporting requirements in ss. NR 630.30, 630.31 and 630.40.

5. The general inspection requirements in s. NR 630.15.

6. The hazardous waste discharge reporting requirements specified in s. NR 630.22 (2) (c).

7. The operational requirements specified in s. NR 630.17 (2).

8. The notification requirements specified in s. NR 600.05. Even if a burner has previously notified EPA and the department of hazardous waste management activities and obtained an EPA identification number, the burner shall renotify to identify the hazardous waste fuel activities.

9. The requirements of s. NR 625.04 (4), (5) and (6).

10. If the facility is accepting waste from off-site for recycling, the following additional requirements apply:

a. The general waste analysis requirements in s. NR 630.12.

b. The waste analysis plan requirements in s. NR 630.13.

c. The applicable storage requirements in chs. NR 640, 645, 655 and 670.

11. *Required notices.* Before a burner accepts the first shipment of hazardous waste fuel from a marketer, the burner shall provide the marketer a one-time written and signed notice certifying that:

a. The burner has notified the department and EPA and identified its hazardous waste fuel activities and

b. The fuel will be burned only in a boiler or industrial furnace identified in s. NR 600.03, and in sub. (3) (b).

12. In addition to the recordkeeping requirements indicated in subd. 4., a burner shall keep a copy of each certification notice

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sent to a marketer for 3 years from the date that hazardous waste fuel was last received from the marketer.

13. Generators who accumulate hazardous waste fuel prior to burning on site shall comply with the additional requirements of chs. NR 610 and 615.

14. Other requirements as specified, and determined to be necessary, by the department to protect public health, safety or the environment.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1), (7) (c) 2. and 11. b., r. (2) (a), renum. (2) (b) and (c) to be (2) (a) and (b), Register, May, 1995, No. 473, eff. 6-1-95; (7) (a) 5., Register, May, 1998, No. 509, eff. 6-1-98.

NR 625.08 Beneficial use or reuse. Beneficial use or reuse of a hazardous waste may be exempted from regulation under chs. NR 630 to 685. To be considered for this exemption, the owner or operator of the facility shall submit a written request to the department in accordance with s. NR 625.04 (1) (b).

(1) At a minimum the request shall be prepared in accordance with s. NR 680.05 and shall contain the following:

(a) The name, address and telephone number of the owner and the operator of the facility where the waste will be used or reused.

(b) A description of how the hazardous wastes will be used or reused, including any processes for treatment of the hazardous wastes prior to use or reuse.

(c) A description of the hazardous wastes to be used or reused at the facility, including the hazardous waste numbers, and an estimate of the quantities of each waste to be recycled annually.

(d) A description of the management of any hazardous waste residues generated from the recycling activity.

(e) A description of how the requirements of sub. (2) will be complied with, including a copy of the facility's contingency plan and emergency procedures as required under ss. NR 630.21 and 630.22 and a description of how the facility will close in accordance with s. NR 625.04 (6).

(f) The signature of the owner or operator as specified in s. NR 680.05.

(2) The owner or operator of an exempt facility shall meet the following requirements:

(a) The security requirements in s. NR 630.14.

(b) The preparedness and prevention requirements in s. NR 630.21 and the contingency plan and emergency procedures requirements in s. NR 630.22.

(c) The personnel training requirements in s. NR 630.16 (1) and (2).

(d) The manifest, recordkeeping and reporting requirements in ss. NR 630.30, 630.31 and 630.40.

(e) The general inspection requirements in s. NR 630.15.

(f) The hazardous waste discharge reporting requirements specified in s. NR 630.22 (2) (c).

(g) The operational requirements specified in s. NR 630.17 (2).

(h) The notification requirements in s. NR 600.05.

(i) The requirements of s. NR 625.04 (4), (5) and (6).

(j) If the facility is accepting waste from off-site for recycling, the following additional requirements apply:

1. The general waste analysis requirements in s. NR 630.12.

2. The waste analysis plan requirements in s. NR 630.13.

3. The applicable storage requirements in chs. NR 640, 645 and 655.

(k) Other requirements as specified, and determined to be necessary, by the department to protect public health and safety or the environment.

(3) Exemptions for using or reusing hazardous waste shall be issued in writing, by the department.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91, correction in (2) (j) 3., made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1993, No. 447; am. (2)

(b), (j) 3., Register, May, 1995, No. 473, eff. 6-1-95; am. Register, May, 1998, No. 509, eff. 6-1-98.

NR 625.09 Other activities. Other recycling activities not specifically eligible for an exemption under ss. NR 625.06, 625.07 and 625.08 may also be exempted by the department from certain requirements of chs. NR 630 to 685. Owners or operators of the recycling facilities shall make a request to the department, in writing, for an exemption. The request shall be made in accordance with s. NR 625.04 (1) (b) and shall contain the minimum information specified in s. NR 625.07 (7) (a).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. Register, May, 1998, No. 509, eff. 6-1-98.

NR 625.10 Special requirements. The department may require the owner or operator of any recycling facility which is otherwise exempt under this chapter to comply with all or part of the requirements of chs. NR 630 to 685, under s. NR 600.07, where compliance with the requirements is necessary to protect public health, safety or the environment.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. Register, May, 1998, No. 509, eff. 6-1-98.

NR 625.11 Revocation. An exemption under this chapter may be revoked by the department if the owner or operator of the recycling facility fails to comply with any of the applicable requirements of this chapter or any term or condition of the exemption.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 625.12 Waste lead-acid batteries destined for recycling. (1) GENERAL. (a) Persons who generate, transport or store waste lead-acid batteries destined for recycling but do not recycle them, other than spent batteries that are to be regenerated, are not subject to regulation under chs. NR 600 to 685, except as provided in this section:

(b) 1. The waste lead-acid batteries are managed to prevent breakage, spills or discharges to the environment; and

2. Any waste generated during the management of waste lead-acid batteries is managed in accordance with chs. NR 600 to 685. The waste is not subject to the exemption from regulation in this subsection.

(2) STORAGE PRIOR TO RECYCLING. Owners or operators of lead-acid battery recycling facilities storing waste lead-acid batteries at the recycling facility before recycling them, other than spent batteries that are to be regenerated, are subject to the applicable requirements of chs. NR 600 to 685 for that storage, except that they are exempt from the waste analysis requirements of ss. NR 630.12 and 630.13 (1), and the manifest requirements of s. NR 630.30.

(3) SPECIAL REQUIREMENTS. (a) The department may require the owner or operator of any facility managing waste lead-acid batteries which is otherwise exempt under this chapter to comply with all or part of the requirements of chs. NR 630 to 685 under s. NR 600.07 (1), where compliance with the requirements is necessary to protect public health, safety or the environment.

(b) The department may require any generator or transporter of waste lead-acid batteries who is otherwise exempt under this section to comply with all or part of the requirements of chs. NR 600 to 685 under s. NR 600.07 (2), where compliance with the requirements is necessary to protect public health, safety or welfare or the environment.

Note: The actual recycling of waste lead-acid batteries is regulated under ss. NR 625.01 to 625.11 and not under this section.

Note: Any hazardous waste generated by a recycling activity is regulated under chs. NR 600 to 685. For example, wastes generated from the processing of waste lead-acid batteries, such as acid, lead plates and battery cases must be properly managed at an approved hazardous waste facility.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. (1) (a), (2) (intro.) and (3) (a), Register, May, 1998, No. 509, eff. 6-1-98.