

# Beneficial Use Under the Low Hazard Waste Exemption



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**Waste & Materials Management  
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**Description:** This document describes the low hazard waste exemptions that may be requested for beneficial use of a solid waste in accordance section NR 500.08(5), Wis. Adm. Code, and section 289.43(8), Stats. If granted, the exemptions must be issued in writing. Department staff are encouraged to inquire about similar proposals and potential concerns.

**Assigned Staff:** Gretchen Wheat.

**Exemption Process:** The department will consider beneficial use of any type of solid waste upon submittal of information by any person concerning the potential hazard to public or the environment. The proposed waste use and related activities should not cause “environmental pollution”, as defined in section 289.01(8), Stats.:

The contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

A submittal needs to address the waste characteristics, proposed use, and related activities, since the potential hazard to public or the environment is based on all of these issues:

- **Waste Characterization:** Describe how the waste is derived and generated. Also provide a laboratory analysis listing the ingredients, and identify ingredients of concern to public health or the environment. Water leach and aquatic toxicity testing may be useful to determine potential hazards. Characterization may be required for each solid waste type, and each waste mixture.
- **Proposed Use:** Describe how the waste will be used, including how much waste will be used under what circumstances, and identify any critical management practices and use limitations.
- **Related Activities:** Describe related activities, such as waste storage and processing. State the maximum waste quantity that will be stored at any one time, and necessary design and operational practices. Also provide a drawing showing the site location and design.

After an applicant has submitted an exemption request, a fee of \$500 will be charged, except the fee may be waived if Department staff time doesn't exceed 4 hours, in accordance with chapter NR 520, Wis. Adm. Code.

The department may require periodic testing of the wastes and impose other conditions, as provided in section 289.43(8)(c), Stats. Exemptions must comply with section 289.43(8)(b)2. or 3., Stats.:

- On a case-by-case basis, exempt specified types of solid waste facilities from regulation as licensed solid waste facilities.
- Authorize an individual generator to dispose of a specified type of solid waste at a site other than a licensed solid waste disposal facility.

**Contact 608/266-2111 or [DNRWasteMaterials@Wisconsin.gov](mailto:DNRWasteMaterials@Wisconsin.gov) for further information.**

**Disclaimers:** This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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