

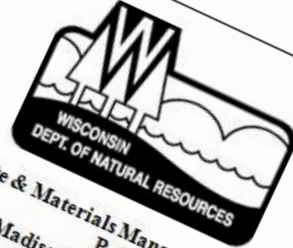
Wisconsin Department of  
Natural Resources

## Solid Waste Management Program

Guidance for the Implementation  
of NR 103 - Water Quality Standards  
for Wetlands

Wetland Impact Review Process  
When Siting a Landfill,  
Non-commercial Soil Borrow Source or  
Other Solid Waste Facility

PUB-WA XXXX  
DATE



Waste & Materials Management  
P. O. Box 7921  
Madison, WI 53707-7921

**Summary:** This guidance is intended for DNR staff both in the Waste and Materials Management Program and the Water Management Program, for landfill applicants and for consultants working on proposed landfills and other solid waste facilities. While the focus of the guidance is on proposed landfills and soil borrow sources, some aspects apply to the siting of other solid waste facilities; however, the siting procedures may be different. If a proposed landfill, soil borrow area or other solid waste facility may directly or indirectly impact wetlands, then a wetland impact review needs to be conducted and a wetland permit may be needed. This guidance outlines the legal requirements that must be followed and the procedures for following them. The procedures outlined in this guidance supersede the procedures outlined in the 1998 guidance titled "Solid Waste Management Program, Guidance for the Implementation of NR 103 - Water Quality Standards for Wetlands." (Pub-WA1120)

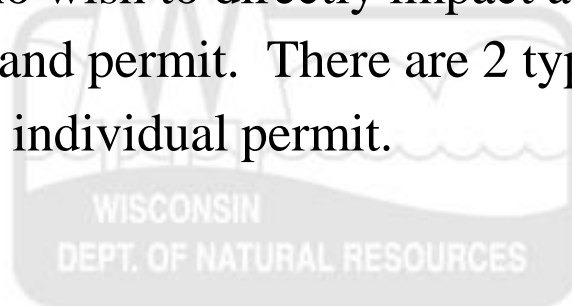
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## Why did I write the guidance and how did we get to this point?

- The Law Changed: Before 2012, the DNR issued permits to impact wetlands through implementing the water quality standards established in ch. NR 103, Wis. Adm. Code.
- For landfill development, the NR 103 water quality standards were reviewed as part of the feasibility review and incorporated into the feasibility determination and plan of operation approval.
- In 2012, section 281.36, stats. took effect. This new section of the statute requires that those who wish to directly impact a wetland, must first apply for and receive a wetland permit. There are 2 types of wetland permits: a general permit and an individual permit.



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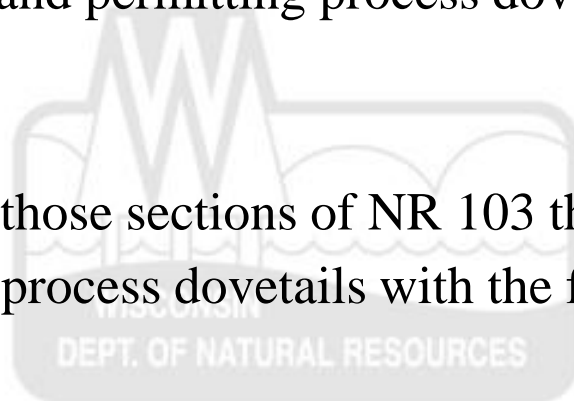
- The NR 103 code still exists; however, the procedures for showing compliance with the water quality standards are superseded by the wetland permitting process of 281.36.
- The guidance was written around the landfill siting process, but the concepts can be applied to the approval process for other solid or hazardous waste facilities in a broader sense.
- The wetland permitting process is now separate from the feasibility decision process, but needs to occur before or concurrently with the feasibility decision process. A department decision on a wetland permit application should be made before or at the same time as a feasibility determination to show compliance with the water quality standards for wetlands.
- The feasibility determination will reference the wetland permit decision.

## What are the main points and the goal of the guidance?

- The guidance is intended to be used by landfill owners and operators, consultants, Watershed Management Program staff and Waste and Materials Management staff.
- The guidance is intended explain the water quality standards for wetlands in an understandable format and provide general information about how to achieve the standards.
- The guidance walks through the landfill siting process from ISI through Plan of Operation approval to describe what needs to be done and when action items should be completed.

## What are the main points and the goal of the guidance?

- The guidance provides:
  - a summary of the wetland impact review process
  - information about submitting a wetland permit application
  - general information about how to conduct a practicable alternatives analysis
  - general information about wetland functional values
  - a list of web links for additional information and a list of abbreviations
  
- One of the goals is to help the Watershed Program's assigned staff become acquainted with the steps of the landfill siting process to help the staff understand how the wetland permitting process dovetails with the landfill siting process.
  
- The guidance highlights those sections of NR 103 that are still pertinent and how the state permitting process dovetails with the federal permitting process.



## Who & What contributed to preparing the guidance?

- Joe Lourigan is the principal author.
- Information from the Waste Program's 1998 Wetland Guidance was used.
- Information from the Watershed Management Program's website was used as well as other web sites such as the Army Corps of Engineers.
- Key people in the Watershed Management Program such as Cami Peterson, Heidi Kennedy and Pam Schense reviewed and edited the document. Key people in the Waste Program such as Jack Connelly and Bob Grefe also provided comments and edits.
- Staff in both the Watershed Management (including their managers) and Waste and Materials Management Programs provided comments on the document.
- Experience going through the process with both the proposed Emerald Park and Metro Landfill expansions.

# Next Steps:

- Make some final adjustments to the document – Brad's edits
- Run the document past legal, both Waste and Watershed
- Get Watershed Management Program's final approval
- Public Notice the Draft

