Chapter NR 429

MALODOROUS EMISSIONS AND OPEN BURNING

NR 429.01 Applicability; purpose
NR 429.02 Definitions
NR 429.03 Malodorous emissions
NR 429.04 Open burning

NR 429.01 Applicability; purpose. (1) APPLICABILITY. This chapter applies to all air contaminant sources and to their owners and operators.

(2) PURPOSE. This chapter is adopted under ss. 144.31 and 144.38, Stats., to establish emission limitations, odor tests and abatement or control requirements for malodorous air contaminant sources and to limit the conditions under which open burning is permitted in order to protect air quality.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1), Register, May, 1992, No. 437, eff. 6-1-92.

NR 429.02 Definitions. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Open burning" means oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include the combustion occurring at a properly operated air curtain destructor.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86; renum. (2) to be NR 400.02 (98m) and am., Register, May, 1992, No. 437, eff. 6-1-92; **am. (intro.), (1), Register, December, 1995, No. 480, eff. 1-1-96.**

NR 429.03 Malodorous emissions. (1) GENERAL LIMITATIONS. No person may cause, allow or permit emission into the ambient air of any substance or combination of substances in such quantities that an objectionable odor is determined to result unless preventive measures satisfactory to the department are taken to abate or control such emission.

(2) OBJECTIONABLE ODOR TESTS. An odor shall be deemed objectionable when either or both of the following tests are met:

(a) Upon decision resulting from investigation by the department, based upon the nature, intensity, frequency and duration of the odor as well as the type of area involved and other pertinent factors.

(b) Or when 60% of a random sample of persons exposed to the odor in their place of residence or employment, other than employment at the odor source, claim it to be objectionable and the nature, intensity, frequency and duration of the odor are considered.

(3) ABATEMENT OR CONTROL REQUIREMENTS. Abatement or control requirements may include but are not limited to:

(a) Use of catalytic incinerators, after burners, scrubbers, adsorbers, absorbers or other methods approved by the department.

(b) The removal and disposal of odorous materials.

(c) The use of methods in handling and storage of odorous materials that minimize emissions.

(d) The following of prescribed standards in the maintenance of premises to reduce odorous emissions.

(e) Use of best available control technology to reduce odorous emissions.

History: Renum. from NR 154.18 (1), Register, September, 1986, No. 369, eff. 10-1-86; am. (1), Register, May, 1992, No. 437, eff. 6-1-92.

NR 429.04 Open burning. (1) PROHIBITION AND EXCEPTIONS. Open burning is prohibited with the following exceptions:

(a) Burning of brush or weeds on agricultural lands.

(b) Fires set for practice and instruction of fire fighters, or testing of fire fighting equipment.

(c) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the department where no reasonable alternative is available.

(d) Burning of explosive or dangerous material for which there is no other safe means of disposal.

(e) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) except where prohibited by local ordinance.

(f) Burning at rural or isolated solid waste disposal sites outside of the Southeastern Wisconsin Intrastate AQCR which have been granted a written exemption under s. NR 506.04, or burning of special waste where permits are obtained from the department.

(g) Outdoor fires for cooking, ceremonies or recreation.

(h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-ways outside of the Southeastern Wisconsin Intrastate AQCR.

(i) Burning of trees, wood, brush or demolition materials, excluding asphaltic or rubber material, using methods approved by the department.

(j) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

(k) Burning of gaseous or liquid waste in a manner approved by the department.

(l) Burning of small amounts of dry leaves and dry plant clippings except where prohibited by local ordinance.

(2) OPEN BURNING PROCEDURES. All allowed open burning shall be conducted in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.

History: Renum. from NR 154.10, Register, September, 1986, No. 369, eff. 10-1-86; corrections in (1) (f) and (h) made under s. 13.93 (2m) (b) 6 and 7, Stats., Register, July, 1988, No. 391; am. (1) (b), (f) and (i), Register, May, 1992, No. 437, eff. 6-1-92.