

## Chapter NR 403

## LOCAL AIR POLLUTION CONTROL PROGRAMS

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**NR 403.01 Applicability; purpose. (1) APPLICABILITY.** This chapter applies to any unit of local government authorized to establish and administer an air pollution control program.

**(2) PURPOSE.** This chapter is adopted under ss. 285.11, 285.13, 285.73 and 285.75, Stats., to establish the criteria for departmental approval of a local air pollution control program and to authorize local governmental units to adopt ordinances, regulations or resolutions which are more stringent or restrictive than the provisions of chs. NR 400 to 499.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86; corrections in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1996, No. 492.

**NR 403.02 Definitions.** The definitions contained in ch. NR 400 apply to the terms used in this chapter.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 403.03 County and regional programs.** Approved local programs must be compatible with chs. NR 400 to 499 and the implementation plan, avoid duplication, and provide:

- (1) Sufficient staff and resources to carry out the program.
- (2) An air pollution control officer responsible for the program.
- (3) Record keeping and reporting to the department of emission inventory, air quality monitoring, enforcement status, and other data on a standardized basis and in the form prescribed by the department.
- (4) An agreement defining the responsibilities of the department and local agency to achieve an effective program.

**(5) Countywide or regionwide enforcement of regulations involving:**

- (a) Open, backyard, and leaf burning.
- (b) Ringelmann and opacity standards on stationary, semistationary, and mobile sources.
- (c) Incinerators rated at or less than 50 pounds per hour of solid wastes (dry basis) or liquid wastes.
- (d) Fugitive dust, odors and other pollutants from sources exempt under ch. NR 406.
- (e) Fugitive dust, odors and other pollutants from sources not exempt under ch. NR 406, where authorized by the department.
- (f) Zoning restrictions where air pollution considerations are involved.

**(6) Consultation on traffic planning, approval, and implementation where air pollution considerations are involved, such as freeways, highway relocation and highway widening.**

**History:** Cr. Register, March, 1972, No. 195, eff. 4-1-72; am. (5) (c), Register, June, 1975, No. 234, eff. 7-1-75; renum. from NR 154.07 and am. (5) (d) and (e), Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 403.025, Register, May, 1992, No. 437, eff. 6-1-92.

**NR 403.04 Limitations on county, regional or local regulations.** Nothing in chs. NR 400 to 499 shall be construed to limit the provisions of any county, regional, or local ordinance, regulation, or resolution which is more stringent or restrictive.

**History:** Cr. Register, March, 1972, No. 195, eff. 4-1-72; renum. from NR 154.21, Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 403.03, Register, May, 1992, No. 437, eff. 6-1-92.