

1975 Assembly Bill 363

Date published: October 3, 1975

CHAPTER 83, Laws of 1975
(Veto Overruled)

AN ACT to amend 144.43; and to create 144.431 of the statutes, relating to open burning of solid waste.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 144.43 of the statutes is amended to read:

144.43 Solid waste disposal standards. The department shall, no later than January 1, 1969, prepare and adopt minimum standards for the location, design, construction, sanitation, operation and maintenance of solid waste disposal sites and facilities and shall, following a public hearing, adopt such rules relating to the operation and maintenance of solid waste disposal sites and facilities as it deems necessary, except that such rules relating to open burning shall be consistent with s. 144.431.

SECTION 2. 144.431 of the statutes is created to read:

144.431 Solid waste open burning standards. (1) As used in this section:

(a) "Air curtain destructor" means a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(b) "Open burning" means combustion in which the by-products thereof 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.

(c) "Population equivalent" means the population equal to the sum of the population of the geographical area based on the most recent census data, or department of administration census data used for tax sharing purposes, plus the seasonal population not included in the census data, plus one person per 1,000 pounds per year of industrial, commercial and agricultural waste.

(2) The department shall grant licenses for the open burning of solid waste at the licensee's solid waste disposal sites if:

(a) The open burning operation serves a population equivalent of less than 2,500 or, if the operation is controlled by more than one municipality, a population equivalent of less than 2,500 for each such municipality. The department shall give consideration to seasonal variations in population in granting partial yearly burning exemptions.

(b) All portions of the licensed operation are greater than one-fourth mile from any residence or place of public gathering, or written consent is obtained from all residents and proprietors within one-fourth mile thereof.

- (c) The open burning does not include the burning of wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products.
 - (d) The open burning operation is supervised by an attendant.
 - (e) The open burning operation is accomplished in a nuisance-free manner and does not create hazards for adjacent properties.
 - (f) Adequate firebreaks are provided and provision is made to obtain the services of the local fire protection agency if needed.
 - (g) The open burning operation is not in violation of any federal air pollution control rules, or any state air pollution control rules required to be adopted under applicable federal laws or regulations.
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