

Burning and Disposal of Wood Wastes in Wisconsin

PUB-WA-612 2005



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Purpose

This fact sheet describes state requirements and answers questions related to burning, disposal, and management of wood wastes in Wisconsin, including trees, brush, and waste lumber. For additional information on open burning, consult the publications available on our Open Burning Web Site at: <http://dnr.wi.gov/topic/OpenBurning/>.

General Questions about the Regulations

What are the regulations in Wisconsin concerning wood wastes?

Although all wood wastes fall within the statutory definition of “solid waste” and are subject to regulation, the regulations contain many exemptions related to burning and disposal of untreated unpainted wood. The regulations for open burning of wood are contained in s. NR 429.04 (Air Management Regulations) and in s. NR 502.11 (Solid Waste Regulations), Wis. Adm. Code. The regulations are available on the web at: <http://www.legis.state.wi.us/rsb/code.htm> . In general, open burning of wood is exempt from state air pollution and solid waste regulations if:

- The burning is only for “dry, unpainted, and untreated wood”, and;
- It occurs on the same property where the waste was generated, and;
- It meets one of the following:
 - It is the result of an agricultural or silvicultural activity or
 - It involves small quantities of wood waste from a household or
 - It’s one-time burning with prior notification to and methods approved by the DNR Air Management Program.

There are other more explicit requirements and exemptions in the air and waste regulations for burning and disposal. Local regulations can be more stringent. Consult the DNR and the specific regulations if you have a question about what’s allowed. Under the DNR forest fire management program burning permits may be required for all outdoor debris burning (grass, paper, leaves, brush) whenever the ground is not completely snow covered. These permits may be obtained from an Emergency Fire Warden (EFW), Ranger Station, or DNR office. A local burning permit may be required even if a DNR permit is not.

Why is wood burning regulated?

Particulate matter and many other harmful air pollutants can be emitted when wood is burned. Treated or painted wood is much worse than clean wood and shouldn’t be burned at all. Burning debris (brush, wood waste, garbage, prairies, fields, garden debris, etc.) is the number one cause of forest fires in Wisconsin.

What is “dry, unpainted, untreated wood” as referred to in DNR’s waste regulations?

The term refers to both natural wood and to lumber that’s dry, unpainted, and untreated. “Painted wood” is wood that has a surface coating of latex- or oil-based paint. “Treated wood” includes wood that has been treated with preservatives (such as pressure treatments for rot resistance such as Penta or CCA-type products), stain, varnish, or polyurethane-type surface treatments. Treated wood also includes manufactured wood products containing resins and glues such as plywood, particleboard, OSB (oriented strand board), and composite wood products. Painted and/or treated wood waste must be disposed at a licensed, approved solid waste facility. Open burning of these materials is not allowed by state regulations. It’s also unacceptable to burn painted or treated wood in a stove or other indoor heating device because burning those materials can emit toxic chemicals such as lead and arsenic.

Questions about Wood Wastes from Trees, Branches and Brush

How should brush and tree wastes be managed?

Wood from timber harvesting and other land clearing activities that cannot be beneficially used should be left on site to naturally decompose. For those situations that require removal of the waste, the preferred option is have it chipped and reused as mulch, landscaping, or erosion control material. When neither on-site decomposition nor chipping is feasible, open burning of the clean wood may be legal on the same property where it's generated (refer to the questions above). Remember to always check with the DNR forest ranger and local officials to see if a burning permit is necessary.

The DNR open burning regulations exempt clean wood and yard wastes that come from a single family or household. Can resort and other business owners who live on the same property as their business burn leaves and brush during spring and fall cleanup?

Although mulching and composting are preferred, business owners who live on the same property as their business are allowed to burn leaves and brush on that property. Check with local officials and the local DNR forest ranger to find out if a burning permit is needed. Local ordinances may restrict open burning of leaves and brush. The Department encourages composting and mulching of these materials rather than open burning which can cause air pollution concerns.

Questions about Open Burning and Disposal of Lumber

What construction and demolition materials cannot be burned?

Any construction or demolition materials containing plastic, rubber, asphalt, rubbish, or treated or painted wood cannot be burned. (See the question, What is "dry, unpainted, untreated wood" as referred to in DNR's waste regulations? above, for descriptions of treated and painted wood.) Cardboard should be recycled. Clean wood that is not separated from other demolition wastes must be properly disposed as demolition waste.

What should be done with construction and demolition wastes?

Unless it has been separated for recycling and reuse, construction and demolition waste must be disposed at a construction and demolition waste landfill, a municipal solid waste landfill, or at a solid waste transfer facility. Recyclable material and clean unpainted, untreated lumber that has been separated can be managed differently.

If clean unpainted, untreated lumber is separated, what are the options?

If clean lumber is separated from the other wastes, consideration should first be given to reusing the material or using it for heating. If this isn't an option, chipping the wood waste and reusing it as mulch is the next best method. Although it's not recommended, state regulations allow homeowners to burn small amounts of clean untreated, unpainted household lumber separated from the other demolition or construction waste. The lumber can be burned only on the same property. Contractors and other businesses must have a DNR approval if they wish to burn clean wood that's been separated from other waste materials. Local ordinances may be more stringent. Always check local ordinances and check to see if a state or local burning permit is required.

Contact DNRWasteMaterials@wisconsin.gov with questions.

Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WA-19-0612-C

DOCUMENT TITLE

Burning and Disposal of Wood Wastes in Wisconsin-Fact Sheet

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 289, Wis. Stats., chs. NR 429 and 502, Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

October 21, 2019

DATE FINALIZED

November 12, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

November 12, 2019

Signature

Date