

Wood Chips Exempt Use Guidance

Description: This document describes rule exemptions for beneficial reuse of waste wood for erosion control, landscaping, trail surface, and soil amendment. Wood may be from any source, such as tree trimming, construction, or demolition, but must be unpainted, untreated, and free of physical contaminants, such as plaster, metal, and plastic. The exemptions don't apply to glued wood products (see "Engineered Wood Products" below), or wood treated to control insects and rot. Note: DNR is currently evaluating beneficial use of certain glued wood products.

The rules exempt the use site from licensing as a solid waste (SW) facility, although certain requirements still apply to the use site and wood storage and processing may be regulated.

Accepted Practices: Place unpainted, untreated wood (shredded, chipped, bark, or saw dust) for beneficial use as erosion control, landscaping, trail surface, or soil amendment in accordance with accepted practices. If accepted practices do not exist for a particular use, the material should not be used in that way. State Law generally prohibits placement in floodplains, wetlands, lakes, rivers, or streams. Federal Law also prohibits placement of wood as fill in floodplains, except as may be allowed under specific flood management guidance developed under the Federal Emergency Management Act (FEMA) and local government flood management plans developed in accordance thereof. However, placement of thin layers of wood chips within a floodplain for landscaping and trail surfaces is acceptable.

Examples of accepted practices (beneficial use) for erosion control with shredded wood include the following:

- "Mulching for Construction Sites", Standard No. 1058 (WDNR Watershed Program), and
- "Wisconsin Erosion Control Product Acceptability List" (WDOT).

An example of accepted practices (beneficial use) for sawdust as soil amendment can be found in "Soil Management in Yards and Gardens" (WA State University Cooperative Extension). Sawdust alone is not recommended as a soil amendment, because wood decomposition will use up nitrogen from the soil. The problem may be corrected by adding nitrogen to the soil for 2 or more years. Site specific evaluation by an individual with knowledge of soil and plant nutrient needs is advisable for critical or large projects. To minimize the need for repeat nitrogen additions, it is recommended to use "organic nitrogen" (nitrogen that is bound in living carbon), such as compost from yard materials, food wastes, or manure. Appropriate nitrogen addition depends on existing soil conditions, and the wood quantity, plant types, and other factors.

Rule Exemptions: The following rule exemptions allow the wood uses listed in this guidance:

- Section NR 500.08(2)(e), Wis. Adm. Code, allows use of unpainted, untreated wood chips, bark, and sawdust for landscaping and trail surface, in accordance with certain criteria (listed below) and generally accepted practices. Proper storage of wood chips, bark, and sawdust at the landscaping and trail surface use site is also exempt from licensing as a SW facility.
- Section NR 500.08(2)(a), Wis. Adm. Code, allows disposal of unpainted, untreated wood at sites that are not licensed SW disposal facilities, in accordance certain criteria listed below.

The rule exemptions listed above require conformance with the following criteria:

- The wood shall not be placed within a floodplain (section NR 504.04(3)(c), Wis. Adm. Code), except for landscaping or trail surfaces, as described in “Accepted Practices” above.
- The wood shall not be placed in a manner or in a location that will cause any of the following problems (section NR 504.04(4)(a) to (f), Wis. Adm. Code):
 - (a) Significant adverse impact on wetlands.
 - (b) Significant adverse impact on critical habitat areas.
 - (c) Detrimental effect on any surface water.
 - (d) Detrimental effect on groundwater quality.
 - (e) Concentration of explosive gases in soils or air in excess of the lower explosive limit, or in any structure in excess of 25% of the lower explosive limit.
 - (f) Hazardous air contaminant emissions exceeding limits in section NR 445.03, Wis. Adm. Code.
- The site shall be operated and maintained in a nuisance-free and aesthetic manner (section NR 500.08(2), Wis. Adm. Code).

Engineered Wood Products: Sections NR 500.08(2)(a) and (e) do not apply to wood products that have undergone chemical treatment, such as addition of glues or treatment for insect and rot control.

Note: In fall 2003 DNR began evaluation of environmental impacts from use of certain glued wood products (chipped) for erosion control in a private pilot project. DNR expects the evaluation to be complete by spring 2004. If results show low risk and effective erosion control, DNR will develop further guidance or issue an exemption in summer 2004 to encourage this use. DNR will review other projects upon submittal of a written proposal under chapter NR 518, Wis. Adm. Code (landspreading), or section NR 500.08(5), Wis. Adm. Code (beneficial reuse). Beneficial reuse (under section 289.43(8), Stats.) may be issued for either of the following:

- specified types of SW facilities that do not warrant regulation as a SW facility; or
- to allow an individual generator to dispose of a specified type of SW at a site other than a licensed SW disposal facility.

Additional Regulatory Considerations: Activities related to wood use may be regulated:

- Wood storage and processing may be regulated under sections NR 502.05 and 502.08, Wis. Adm. Code, respectively.
- Erosion control is regulated by the Department of Commerce and local ordinance.
- Grinding wood to a small particle size may generate excessive dust.
- Placement of large quantities of wood may be regulated disposal under local ordinance.
- Wood uses described herein involve placement on the ground, and therefore meet the definition of “disposal” in section 289.01(34), Stats. However, this document is not intended to address placement of wood waste for purely disposal purposes. Improper wood use can cause detrimental impacts to surface and groundwater, and generate explosive gas.

Legal Notice: 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. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. 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.