

DEPARTMENT OF **NATURAL RESOURCES AND ENVIRONMENTAL QUALITY**

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the Secretary of State on

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **natural resources and environmental quality** by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-18 and **2009-31**, MCL 324.99903 and **MCL 324.99919**.)

R 336.1310 of the Michigan Administrative Code is amended as follows:

PART 3. EMISSION LIMITATIONS AND PROHIBITIONS—PARTICULATE MATTER

R 336.1310 Open burning.

Rule 310. (1) A person shall not cause or permit open burning of refuse, garbage, or any other waste materials, except for the burning of any of the following:

(a) **Prior to April 1, 2011, waste disposal** material from and at 1- or 2-family dwellings if the burning does not violate any other department rules.

(b) Yard clippings and leaves from and at 1- or 2-family dwellings if the burning does not violate any other department rules.

~~(b)~~(c) Structures and other materials used exclusively for fire prevention training.

~~(c)~~(d) Trees, logs, brush, and stumps in accordance with applicable state and local regulations if the burning is not conducted within a priority I area as listed in table 33, a priority II area as listed in table 34, nor closer than 1400 feet to an incorporated city or village limit and if the burning does not violate any other department rules.

~~(d)~~(e) Beekeeping equipment and products, including frames, hive bodies, hive covers, combs, wax, and honey, if burned for bee disease control.

~~(e)~~(f) Logs, brush, charcoal, and similar materials that are used in preparing food or for recreation.

(g) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.

(h) Prescribed burns designed to meet ecological or silvicultural management objectives and in accordance with Part 515 of the act.

(i) Wooden apple storage bins burned for disease or pest control if constructed from untreated lumber and located at an apple producing or processing facility. The burning

shall not be conducted within a priority I area as listed in table 33, a priority II area as listed in table 34, nor closer than 1400 feet to an incorporated city or village limit.

(2) The exceptions specified in subrule (1) of this rule do not authorize open burning if prohibited by local law or regulation.

DEPARTMENT OF **NATURAL RESOURCES AND ENVIRONMENTAL QUALITY**

WASTE AND HAZARDOUS MATERIALS DIVISION

SOLID WASTE MANAGEMENT

Filed with the Secretary of State on

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director and the department of **natural resources and environmental quality** by Sections **11512(1)**, **11531(1)**, ~~11538~~, ~~11539~~, and 11540 of 1994 PA 451, and Executive Reorganization Order Nos. 1995-16 **and 2009-31**, MCL **324.11512(1)**, **324.11531(1)**, ~~324.11538~~, ~~324.11539~~, 324.11540, and 324.99903, **and 324.999919.**)

R 299.4128 of the Michigan Administrative Code is amended to read as follows:

PART 1. GENERAL PROVISIONS

R 299.4128 Open dumping and open burning prohibited.

Rule 128. (1) A person shall not dispose of solid waste in an open dump, except as provided in the act.

(2) Solid waste from an individual's own household or from the planting of privately owned farmland shall be considered a hazard to health and shall not be disposed of in an open dump upon the individual's own land, as provided in section 11512 of the act, if it is any of the following:

(a) Asbestos waste.

(b) A hazardous commercial chemical product.

(c) A used battery.

(d) A pesticide container.

(e) Waste from the demolition of the residence, except for components that are listed as inert material in R 299.4114.

(3) Open burning of solid waste is prohibited, except as provided in subrules ~~(4)~~, ~~(5)~~, and ~~(6)~~ **to (8)** of this rule.

~~(4) If not prohibited by local ordinance,~~ **On and after April 1, 2011, an individual shall not burn solid waste, other than yard clippings, from the individual's own household upon the individual's own land. Prior to April 1, 2011, an individual is not prohibited by the act and these rules from burning solid waste from the individual's own household upon the individual's own land if both all of the following conditions are met:**

(a) The burning is not prohibited by local ordinance.

~~(ab)~~ **The burning does not create a nuisance and is otherwise in compliance with Part 55 of the act and the administrative rules promulgated under part 55 of the act.**

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(6c) Other than yard clippings, the burning is conducted in an approved container constructed of metal or masonry that has a metal covering device that does not have openings larger than $\frac{3}{4}$ inch.

(5) An individual shall not burn yard clippings unless any of the following occurs:

(a) The yard clippings are generated by the individual's own household and burned on the individual's own land.

(b) The burning is not prohibited by local ordinance.

(c) The burning is allowed under section 11522 of the act.

(d) The burning is not injurious to human life or property and does not unreasonably interfere with the enjoyment of life or property.

(56) A person may burn waste for energy recovery in a facility other than an incinerator under R 299.4110.

(67) A person may burn trees, logs, brush, and stumps under R 299.4110.

(78) The open burning of grass clippings or leaves, or both, is prohibited in any municipality that has a population of 7,500 or more persons under section 11522 of the act, unless specifically authorized by local ordinance. A municipality shall report an open burning ordinance to the department within 30 days of the enactment of the ordinance.