

# Welcome

## Open Burning Rule Amendment Workgroup





# Introductions



# Today's Goal

1. Brief Key Stakeholders on Trash Burning Issue and Rule Amendment Proposal
2. Discuss Issues and Potential Solutions



# Agenda

- **Background**
- **Issue**
  - **Why DEQ is concerned**
  - **Why is this a priority**
- **Proposed Amendments**
- **Stakeholder Discussion**

# Handouts



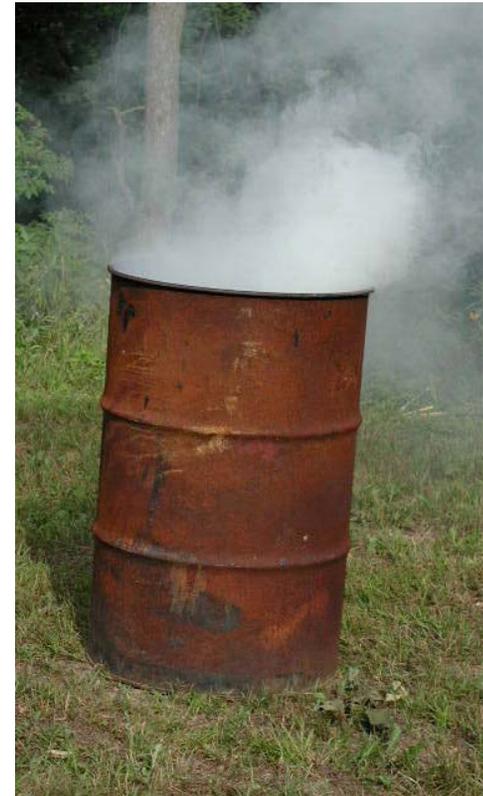
# What is Open Burning?

- Burn Barrels
- Yard Waste
- Campfires
- Fire Suppression Training



# Residential Trash Burning

- Focus on Trash burning
- Not leaf burning



# How is it Regulated?

- Michigan DEQ
  - Air Quality Division
  - Waste and Hazardous Materials Division
- Michigan DNR
- Local Gov



# How is it Regulated?

- Air Quality Rules – R 336.1310

## 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:

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) Waste disposal material from and at 1- or 2-family dwellings if the burning does not violate any other department rules.

(b) Open burning in a priority I area as listed in table 34, or in 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) Beekeeping equipment and products, including frames, hive bodies, hive covers, combs, wax, and honey, if burned for bee disease control.

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

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



# How is it Regulated?

- Solid Waste Rules – R 299.4128

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

(4) If not prohibited by local ordinance, 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 of the following conditions are met:



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

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

(7) 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.

# How is it Regulated?

- Local Ordinances
  - Can be more restrictive than state regulation

ALPINE TOWNSHIP  
KENT COUNTY, MICHIGAN  
ORDINANCE NO. 98-1  
ALPINE TOWNSHIP BURNING ORDINANCE

An ordinance to protect the public health, safety and general welfare by regulating the use of fire, prohibiting fires within certain prescribed areas, prohibiting fires under certain prescribed circumstances, and providing for the abatement of any violation thereof.

THE TOWNSHIP OF ALPINE ORDINANCE NO. 98-1

Section 1. Purpose

Burning of leaves, grass, wood and/or other materials creates hazardous byproducts that can pollute the soil nearby surfaces, create odors and pollutants that substantially increase the discomfort of the public and other respiratory ailments. This Ordinance regulates burning throughout the Township, part of the Township.

This Ordinance recognizes the tradition of burning in agriculture and horticulture and is not intended to be more restrictive than the requirements of this Ordinance.

This Ordinance shall not apply to the burning of

35.100

OPEN BURNING  
GRAND HAVEN CHARTER TOWNSHIP  
ord. no. 200 eff. June 1, 1994

An Ordinance to regulate open burning, to provide for the abatement of violations as nuisances, and to provide penalties for its violation.

THE CHARTER TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN, ORDAINS:

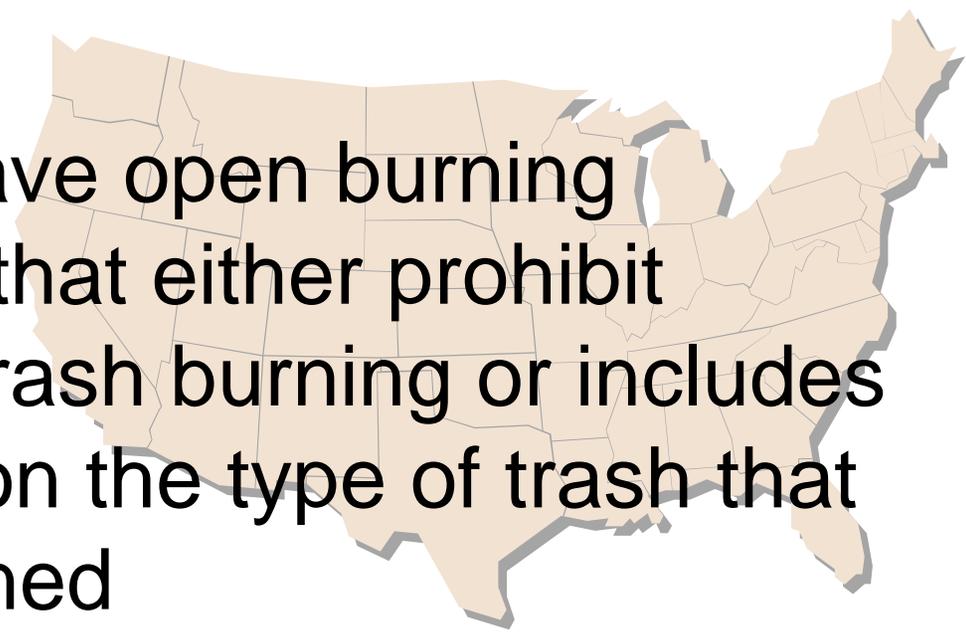
35.101

Sec. 1 DEFINITIONS

As used in this Ordinance the following terms are defined as follows:

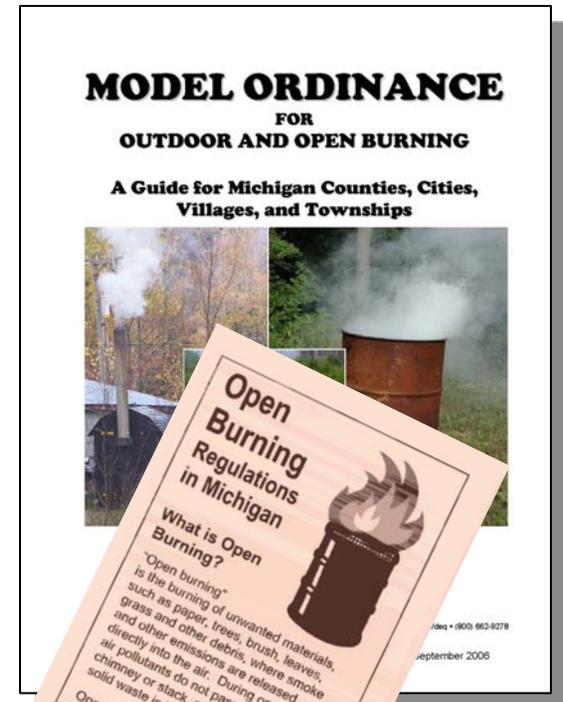
# How do State Regulations Compare?

- MI only Great Lakes state that doesn't prohibit or restrict trash burning
- 40 states have open burning regulations that either prohibit residential trash burning or includes strict limits on the type of trash that may be burned



# Current Strategy

- DEQ has developed educational materials to provide to public
- DEQ defers residential open burning complaints to local unit of government



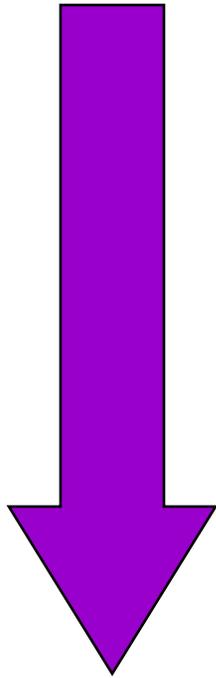
# Why are we Concerned?

- The composition of trash has changed
- Trash burning releases toxic chemicals into environment that can cause adverse health impacts.



# Release of Toxic Chemicals

Direct Exposure  
(e.g. inhalation)



Indirect Exposure  
(e.g. bioaccumulation)

- Particulate Matter
- Sulfur Dioxide
- Carbon Monoxide
- PAHs
- Metals
- Hexachlorobenzene
- Dioxin

# Why are we Concerned?

## Direct Exposure Health Effects

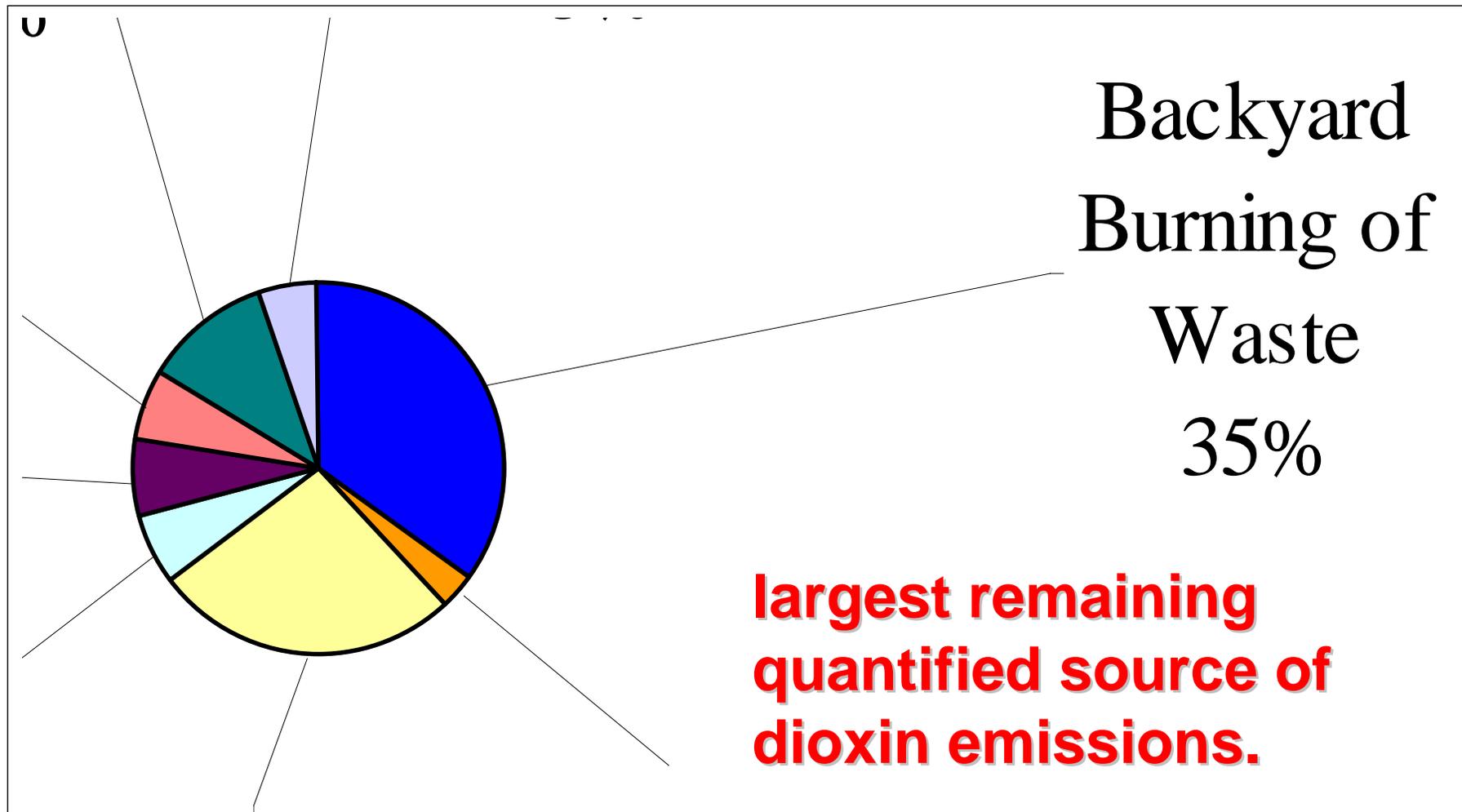
- Eye and lung irritant
- Asthma trigger
- Emphysema
- Other respiratory diseases

## Indirect Exposure Health Effects

- Reproduction and development effects
- Endocrine Disruption
- Immunosuppression
- Cancer

# U.S. Inventoried Dioxin Releases in 2000

Source: An Inventory of Sources and Environmental Releases of Dioxin-Like Compounds in the United States for the Years 1987, 1995, and 2000, November 2006.



# Why are we Concerned?

## Why are Dioxins a Problem?

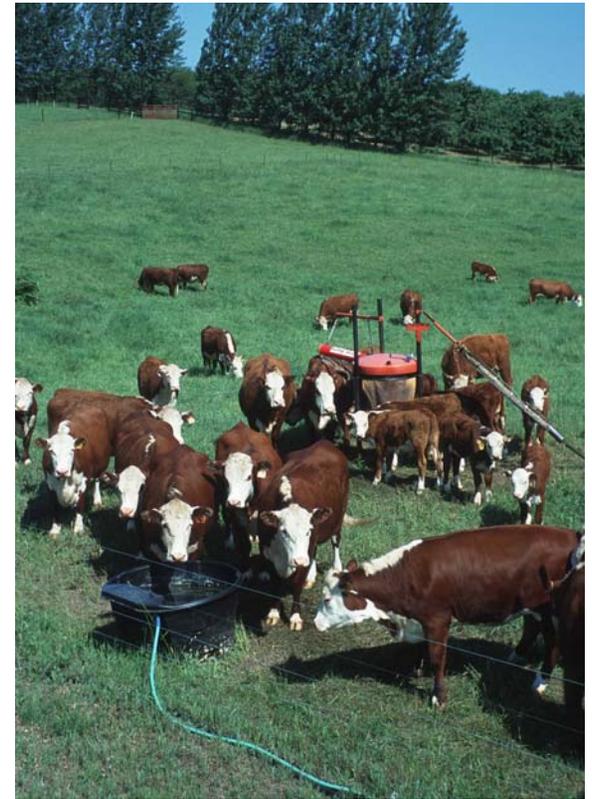
- Persist in the environment.
- Shown to be highly toxic in animal and human studies – even at extremely low levels.
- Impact reproduction & development, suppress the immune system, and can cause cancer.
- Bioaccumulative and remain in the body for a long period of time.
- Principal route of exposure is via food intake.



# Why are We Concerned?

**Concern is not just about releases, but also exposure...**

- Most burning occurs in rural areas where emissions can readily contribute to contamination of animal feed and grazing lands.





# Why are We Concerned?

- Risk to Property
  - Fire Danger
  - Odors/nuisances

Lansing State Journal 4/20/09

## Careless burning of cardboard caused fire

TYRONE TWP. - A fire official says a woman was burning cardboard when the blaze engulfed and destroyed her Livingston County home.

It happened in Tyrone Township, about 40 miles northwest of Detroit. About 40 firefighters from several agencies helped douse the fire.

Fenton Fire Deputy Chief Edward Hadfield told the Livingston County Daily Press & Argus no one

He said "the homeowner was burning trash too close too the house."

Hadfield told WHMI-FM the resident was burning cardboard Friday when the blaze spread to grass and then her house.

# Why are We Concerned?

- Residents continue to burn despite:
  - Risk to human health
  - Risk to environmental health
  - Risk to property
  - Improved access to waste disposal and recycling services





# Why is this a Priority?

- Risk to Human Health, the Environment, and property
- Open Burning Rules are out-of-date
- 2007 Solid Waste Policy (page 20)

## APPROPRIATELY USING REGULATORY REQUIREMENTS, EDUCATION, AND FINANCIAL INCENTIVES TO ENCOURAGE CHOICES CONSISTENT WITH THE MANAGEMENT PREFERENCES

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To encourage choices consistent with the management preferences, Michigan should:

1. Facilitate access to accurate and easy-to-use information about the consequences of alternative choices.
2. Develop and promote incentive systems to increase participation in waste utilization programs.
3. Consider a disposal ban for a material that presents significant and avoidable harm if there are acceptable alternatives such that the ban would not result in an unacceptable increase in illegal disposal.
4. Consider a disposal ban for a large volume, easily recycled material that has high resource potential, provided there is a well-developed market and collection infrastructure.
5. Consider deposit systems or equivalent for high risk or large volume products only if they would create an efficient, effective, and equitable collection and utilization infrastructure.
6. Facilitate waste utilization in recreational and other public settings.

7. Prohibit within an implementable time frame the on-site burning or burying of household refuse.

associated with its management as a solid waste.

9. Expand and improve information and education programs by:
  - a. Developing and making available a statewide message on waste utilization that can be appropriately tailored and presented to different audiences.
  - b. Including information on the economic development potential of waste utilization.
  - c. Using a variety of tools and media.
  - d. Developing a means to evaluate effectiveness.
  - e. Addressing key audiences such as local decision-makers, industry, retailers, residents, and students.
  - f. Supporting coordinated and collaborative efforts at the local level.



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May 24, 2007



# Why is this a Priority?

- Risk to Human Health, the Environment, and property
- Open Burning Rules are out-of-date
- 2007 Solid Waste Policy (page 20)
- Local ordinances difficult to create when state rule allows activity.

# Proposed Rule Amendment

- Amend exemptions that allow for trash burning at a residence.
- Does not affect burning of brush, grass, leaves where currently allowed.





# Proposed Rule Amendment

- R 336.1310 (Air Rule)
- Amend exemption language for waste disposal at residence 310(1)(a)
- Add exemption for contraband disposal and prescribed burns



# Proposed Rule Amendment

- R 299.4128 (Waste Rule)
- Amend exemption language for waste disposal at residence 128(4)
- Clarify requirements for burning “yard clippings”



# Proposed Rule Amendment

- Will prohibit all open burning except:
  - Grass clippings and leaves (if criteria met)
  - Brush, logs, stumps (if criteria met)
  - Fire suppression training
  - Recreational fires
  - explosive or other dangerous or contraband materials by police or other public safety organization.
  - Prescribed burning
  - Beekeeping equipment



# Proposed Rule Amendment

- Request for Rule Making approved
- Meeting with stakeholders
- Regulatory Impact Statement
- Public Hearing
- Draft Rules



# Implementation Strategy

1. Rule Change

2. Education/Outreach Campaign

- Publications
- Outreach to local officials
- Outreach to general public



# Discussion

- How does this change affect existing ordinances?
- How will rule be enforced? What is role of DEQ?
- Are disposal alternatives available?
- How will local gov be informed of rule change?
- Is burning of leaves affected?
- Other issues?



# How does this change affect existing ordinances?

- Not required to have ordinance
- Ordinances must be as restrictive as state law
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# How will rule be enforced? What is role of DEQ?

- Continue to defer enforcement to local gov
- DEQ will provide tools and guidance.
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# Are disposal alternatives available?

- Yes. All residents in Michigan have access to drop-off or pick up service
- DEQ work with stakeholders to identify all sites





# How will local gov be informed of rule change?

- Education/Outreach strategy



# Burning of Leaves

- Burning of leaves is not affected.
- Amended rules provide clarification.
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# Other Issues

