

Open Burning Rule Amendment Workgroup Meeting Summary May 13, 2009

Participants:

Tom Frazier (MTA)	Cara Clore (Clinton Co)
Patty O'Donnell (NWMCOG) (<i>phone</i>)	Steve Essling (MWIA)
Kory Groetsch (MDCH)	Laura DeGuire (DEQ)
Frederick Koos (DeWitt Twp, FD)	Matt Flechter (DEQ)
Jerry Avery (DEQ)	Robert Schmeling (DEQ) (<i>phone</i>)
Dave Fiedler (DEQ)	Rhonda Zimmerman (DEQ)
Jim Ostrowski (DEQ)	Don Pyle (U.P Recycling Coalition) (<i>phone</i>)
Paul Kollmeyer (DNR)	James Clift (MEC)
Vickie Webster (Muskegon Co Health Dept)	Joy Taylor Morgan (DEQ)
Jim Helmstetter (Genesee Co Health Dept)	

General Business:

- Meeting agenda and material was distributed and discussed.
- Jim Ostrowski presented the following background information with regards to trash burning:
 1. Summary of Michigan's existing Air Quality and Waste Management rules that pertain to open burning.
 2. How Michigan's rules compare to other states in the Great Lakes regions and the U.S.
 3. Why DEQ is concerned about trash burning. This included a detailed discussion of the toxic air contaminants emitted and other risks involved.
 4. Why trash burning is a priority to DEQ.
 5. Overview of the proposed rule amendments.
- The workgroup began open discussion of issue. The following questions were presented as discussion topics:
 1. How does this change affect existing ordinances?
 2. How will rule be enforced? What is the role of DEQ?
 3. Are disposal alternatives available?
 4. How will local government be informed of rule change?
 5. Is burning of leaves affected?
- A potential timeframe for the rule change was discussed. It was determined that the date of finalization would probably be around March 2010. Members of the workgroup expressed concern that a January 2011 compliance date would leave insufficient time to properly educate communities. It was suggested that the compliance date be one year after rule finalization (e.g. June 2011). DEQ will confirm the timeline for finalization of the rule and discuss possible options for a compliance date with stakeholders to ensure

that it is an implementable time frame as stated in the most recent Solid Waste Policy document.

- Specifics of the existing rule were discussed, in particular, public confusion regarding language. It was agreed upon that the terms “nuisance” and “domestic burning” need to be more clearly defined in the rule amendment. Paul Kollmeyer elaborated on this, stating that while the Department of Natural Resources (DNR) is, in fact, supportive of the rule amendment, statutory law (Part 515 of Act 451) does permit burn barrels and does define domestic burning and that this may cause further confusion in any rule changes. It was agreed that, despite this fact, a rule amendment should still be implemented, as little opposition is anticipated, and that an actual legislative change be pursued later. It was also agreed that more discussion with the DNR is needed prior to rule amendment.

Enforcement

- Rule enforcement was discussed. It was determined that due to lack of staff and other resources at the state level, enforcement be deferred to local government. Questions were raised, including concern again, over the language. If definitions are unclear, enforcement becomes difficult. It was determined that better tools are needed for easier enforcement, including language modification as well as a better structure for establishing fines, if need be. It was suggested that a warning ticket, including educational literature, be issued upon first offense, and increased enforcement for subsequent offenses. DEQ needs to clarify under what statute/rule local authorities can cite residents for violation of rule. Rhonda Zimmerman (DEQ) passed around a short charge card that was developed for local law enforcement to help with citations of scrap tire violations. It was suggested that something similar could be done for open burning violations.
- Frederick Koos (DeWitt Twp Fire Chief) discussed regulations and enforcement in DeWitt Township, where an ordinance is already in place. According to Koos, approved burning barrels in Dewitt Twp are inspected by local authorities every other year. Domestic burning is defined as yard waste, paper and cardboard. A warning is issued for the first offense, and a civil infraction for a second offense.
- Jim Ostrowski noted that ideally a local unit of government will create its own ordinance regulating trash burning and include language that makes it enforceable at the local level. The DEQ needs to work with stakeholders to develop tools that can be used to assist local units of gov with creating ordinances. The DEQ must also determine what options a local unit of government may have for enforcement under state law and which agencies may be available to enforce in cases where the local gov does not have an ordinance.

Access to Waste Disposal Services

- Members of the workgroup had differing views on whether trash pick up and/or drop off service was available to all residents of the state. Steve Essling stated that Michigan Waste Industries Association believes all residents have access to alternative disposal methods (pick up or drop off). Tom Frazier with MTA debated this fact and was concerned about access issues for residents in very rural areas. He believes this will be

a concern for townships and residents in the state. DEQ will work with stakeholders to verify that all residents have access to waste disposal services. This may include a map or database of waste disposal locations that can be accessed by local officials or residents.

Education

- It was determined that while better education won't immediately change open burning behavior, it will remain the greatest tool for enforcement. Patty O'Donnell (NWMCOG) discussed the recent success Minnesota has seen in the reduction of burning barrels, due to better education and outreach. Public Service Announcements were proposed, including pursuing endorsement from an influential health organization, i.e. American Lung Association. It was suggested that the DEQ team up with local governments as they explore educational tools. Tom Frazier agreed that the Michigan Townships Association could, indeed, play a role in the educational process. Accessibility to waste disposal was discussed. It was determined that in the event of decreased access (in more rural areas), a GIS map displaying transfer station locations be available to residents. In addition, a database with such information was also suggested.

Next Steps

- A follow-up meeting was suggested. All agreed upon in-house format, as opposed to meeting via phone or internet.
- Steve Essling of Waste Management and Michigan Waste Industries Association agreed to talk to members about a coverage map.
- Jim Ostrowski will continue to develop education and enforcement tools.
- Next meeting scheduled for June 4th. Time and location TBD.

Summary created by Carin Sodeman and Jim Ostrowski