

State Office of Administrative Hearings and Rules
P.O. Box 30695; 611 West Ottawa Street
Lansing, MI 48909-8195
Phone (517) 335-2484 FAX (517) 335-6696

REQUEST FOR RULEMAKING (RFR)

In accordance with MCL 24.239(1): "Before initiating any changes or additions to rules, an agency shall file with the State Office of Administrative Hearings and Rules a request for rulemaking." The agency will complete this form and send an electronic copy to the SOAHR at soahr_rules@michigan.gov. The SOAHR will review the request for rulemaking and send its response to the agency (see last page).

Department or agency	Department of Environmental Quality (DEQ)
Bureau/Division	Waste and Hazardous Materials Division
Address	P.O. Box 30241, Lansing, Michigan 48909-7741
Contact person	Matthew Flechter
Telephone	517-373-8422
FAX	517-335-2245

Title of proposed rule(s) or rule set:

Administrative Rules for Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Act 451)

Rule number(s) or rule set range of numbers:

R 299.4128 Open dumping and open burning prohibited.

Estimated timetable for completion:

April 2010

Brief description of the proposed rule(s):

The rule will be amended to phase out the exemption that allows households to burn solid waste (refuse, rubbish, and trash). A subsection of the rule will be deleted with the effect of prohibiting the burning of household waste. The changes to Part 115 will not amend the exemptions [R 299.4128(6) and (7)] that allow the burning of grass clippings or leaves under certain circumstances. There will be no change to a local government's ability to authorize the burning of grass clippings or leaves. The rule will be amended in concert with amendments to the administrative rules promulgated pursuant to Part 55, Air Pollution Control, of Act 451.

State or federal statutory or regulatory basis for this proposed rule(s) [include statutory references and public acts, as necessary]:

MCL 324.11540

Problem the proposed rule intends to address/solve:

The proposed revisions will prohibit the burning of household solid waste. The amendment will reduce citizen exposure to pollution and reduce health risks caused by residential burning of solid waste. The amendment will also lower the amount of pollution deposited onto terrestrial watersheds and aquatic environments.

Although the vast majority of Michigan residents have access to waste disposal services (either drop-off or curbside), the open burning of household waste, including food, paper, plastics, and other rubbish, continues to be a common practice in rural communities throughout the state.

The open burning of household waste or trash is usually conducted in burn barrels. Some of the toxic air contaminants emitted from open burning waste include hydrogen cyanide, sulfur dioxides, polycyclic aromatic hydrocarbons, benzene, lead, mercury, and dioxin. These contaminants can have acute and chronic detrimental effects on the people exposed to the emissions, including damage to the lungs, nervous system, kidneys, and liver. Also, the deposition of toxic air contaminants to terrestrial watersheds and aquatic environments contributes to long-term pollution of river and lake waters and sediments. In addition to these concerns, open burning of household waste often triggers wildfires and is often a nuisance to neighbors. The odors and emissions from trash burning are the source of numerous nuisance complaints that are received by the DEQ and local officials throughout the year.

A U.S. Environmental Protection Agency report, entitled “An Inventory of Sources and Environmental Releases of Dioxin-Like Compounds in the U.S. for the Years 1987, 1995, and 2000” (November 2006), identifies residential trash burning as the leading source of dioxin emissions in the U.S. This means that open burning of household waste now contributes more total dioxin to the air than municipal waste incinerators. The report explains that “In 1987 and 1995, the leading source of dioxin emissions to the U.S. environment was municipal waste combustion; however, because of reductions in dioxin emissions from municipal waste combustors, it dropped to the fourth ranked source in 2000. Burning of domestic refuse in backyard burn barrels remained fairly constant over the years, but in 2000, it emerged as the largest source of dioxin emissions to the U.S. environment.”

Reviewed by the following Departmental Regulatory Affairs Officer (RAO):

Susan Maul, Acting Regulatory Affairs Officer

 ↓ To be completed by the SOAHR ↓

Reviewed by SOAHR Representative:

Norene Lind, Administrative Rules Manager

SOAHR Response:

Date RFR received: 4-6-09		
Approval	<input checked="" type="checkbox"/>	
Disapproval	<input type="checkbox"/>	Explain:
More information needed	<input type="checkbox"/>	Explain:
Date RFR approved: 4-6-09		SOAHR #: 2009-019 EQ

(SOAHR-RFR March 2008)