

Michigan: Local Enforcement

The Law

In Michigan, open burning is regulated under R 336.1310 of the Michigan Air Pollution Control Rules and R 299.4128(3) of the Solid Waste Rules. These rules are administered by the Michigan Department of Environmental Quality (DEQ) Air Quality Division and the Waste and Hazardous Materials Division, respectively. Open burning is also regulated by the Michigan Department of Natural Resources (MI DNR), under Part 515 of the Natural Resources and Environmental Protection Act.

Enforcement

The DEQ does not regulate open burning at residential sources. It is up to local governments to regulate open burning at these sources. However, the DEQ does regulate any open burning done at commercial sources, which in most cases is prohibited. The DNR is responsible for issuing burn permits in Northern Michigan as well as enforcing any open burning regulations pertaining to forest fire prevention.

Since the DEQ does not usually regulate open burning at the residential level, local government ordinances play a vital role in restricting open burning. Local ordinances may be more stringent than state regulations, but they may not be less restrictive.

Legal Burning

The DNR issues burn permits in Northern Michigan for any open burning done outside of a burn barrel when the ground is not snow covered. Burn permits are issued by local government in Southern Michigan (see www.michigan.gov/dnr/0,1607,7-153-10367_11851-55945--,00.html for a listing of where to obtain a burn permit).

Local governments may require that a permit be obtained for burning in a burn barrel, but it is not required by state law.

State rules don't provide a list of materials that cannot be burned. Rather, they only allow certain materials to be burned. If the rules don't allow the material to be burned, it cannot be burned. Materials that can be burned include solid waste from a family dwelling in an approved container, as long as it is not prohibited by local ordinance and does not create a smoke or odor nuisance.

Highlights

Two of Michigan's strengths include good educational material and several regulations that restrict open burning (open burning is regulated under Michigan's solid waste, air quality, and forest management rules). A weakness is the lack of resources to enforce residential open burning issues. The state must rely heavily on local governments to enact and enforce ordinances locally. The DEQ is in the process of developing a "Model Open Burning Ordinance" that local governments may use, similar to the one developed by the Wisconsin Department of Natural Resources.

Educating Residents and Enforcers

The DEQ has developed several fact sheets and brochures that explain Michigan's open burning regulations and alternatives.

For more information

Visit www.michigan.gov/deqair (select "Open Burning Information"), or contact:

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