

## BURNING -- CONTROL OF OPEN BURNING

(Commission Policy No. 4206)

A. Enabling Act

Act 348 of Public Acts of 1965, the Air Pollution Control Act.

B. General Policy

The department, under authority granted by Act 348, Public Acts of 1965, and Act 329, Public Acts of 1969, shall not allow open burning except under special permission for specific materials. No burning shall be allowed in areas adjacent to forest lands when the ground is not snow covered, without a permit from the department.

Specific Policies

The following types of open burning are specifically not to be allowed:

1. The open burning of refuse from a multiple dwelling is not allowed.
2. The open burning of refuse at commercial and industrial sites is not allowed.
3. The open burning of building demolition or excess construction material is not allowed.
4. The open burning of automobiles or parts thereof is not allowed.
5. The open burning of highly flammable, toxic or explosive materials cannot be allowed without special approval from the department. There may be occasions in any area of the state resulting from accidents in the handling and transportation of these materials where removal is not possible and where controlled burning would eliminate a jeopardy to the public health, safety and environment. Every effort should be extended to eliminate the need for such emergency burning.

Burning under special conditions may be permitted providing such operation are not in violation of a local ordinance and does not create a nuisance or hazard to health and that consideration be given to local weather conditions and related factors so as to avoid causing any nuisance or hazard to health, as follows:

1. The burning of refuse is allowed in incinerators which can perform in such a manner as to comply with the Air Pollution Control Rules and Regulations.
2. The backyard burning of household refuse including yard trimmings and leaves can be allowed; however, is not recommended practice and is to be discouraged.

3. Fires purposely set for the actual instruction and training of public and industrial fire fighting personnel may be allowed. In no way should the technique be construed to mean that building demolition, as such, be designated as a training function.
4. Campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions may be allowed.
5. The following types of burning can be allowed SUBJECT TO THE CONDITIONS CITED PREVIOUSLY, PROVIDED SUCH BURNING IS CONDUCTED A MINIMUM OF 1400 FEET FROM THE NEAREST INCORPORATED CITY OR VILLAGE LIMIT:
  - a. Burning of trees, logs, brush and stumps at land clearing operations in rural areas may be allowed. Tires, plastics and similar materials are not to be used in such fires.
  - b. Burning of trees, logs, brush and stumps at refuse disposal operations in rural areas may be allowed provided such material is isolated from the general refuse.
  - c. Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural and wildlife management practices may be allowed.
  - d. Fires purposely set to forest lands for accepted management practices may be allowed.
  - e. Fires purposely set for rural railroad rights-of-way maintenance to reduce potential fire hazards may be allowed. Open burning of rights-of-way in any residential or populated area is not permitted.

C. Explanation

Prohibitions on open burning have evolved because of the need to protect the health and welfare of the public. The Air Pollution Control Act, Act 348, Public Acts of 1965, authorizes control of overall types of open burning. Permission must be obtained from health department having jurisdiction or the department. The Forest Fire Law, Act 329, Public Acts of 1969, authorizes controls over burning in areas adjacent to private and public forest lands.

D. Procedure

ALL PERMIT WRITERS AND FOREST MANAGEMENT PERSONNEL MUST BE AWARE OF THE RESTRICTIONS AND GUIDELINES.

Special or unusual burning problems not covered by the guidelines should be referred to the Air Quality Division, Department of Natural Resources.

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