

R 299.4128 Open dumping and open burning prohibited.

Rule 128. (1) A person shall not dispose of solid waste in an open dump, except as provided in the act.

(2) Solid waste from an individual's own household or from the planting of privately owned farmland shall be considered a hazard to health and shall not be disposed of in an open dump upon the individual's own land, as provided in section 11512 of the act, if it is any of the following:

- (a) Asbestos waste.
- (b) A hazardous commercial chemical product.
- (c) A used battery.
- (d) A pesticide container.
- (e) Waste from the demolition of the residence, except for

components that

are listed as inert material in R 299.4114.

(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:

(a) The burning does not create a nuisance and is otherwise in compliance with part 55 of the act and the administrative rules promulgated under part 55 of the act.

(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.

History: 1993 MR 9, Eff. Oct. 8, 1993; 1999 MR 3, Eff. Apr. 12, 1999.