



Senate Fiscal Agency
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House Bill 4207 (Substitute S-1 as reported)

Sponsor: Representative Kenneth Kurtz

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend Parts 55 (Air Pollution Control) and 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit the open burning of certain household waste materials.
- Provide that a person who violated the open burning prohibition would be responsible for a State civil infraction, and prescribe civil infraction penalties for a violation.
- Preclude the Department of Environmental Quality (DEQ) from promulgating or enforcing a rule that extended the open burning prohibition to materials not listed in the bill.
- Provide that Parts 55 and 115 would not prohibit the open burning of wooden fruit or vegetable storage bins, under certain circumstances.

Part 55 requires the DEQ to promulgate air quality rules, including rules to control or prohibit air pollution and comply with the Federal Clean Air Act. The bill provides that Section 11522 (in Part 115) would apply to open burning.

Section 11522 prohibits the open burning of grass clippings and/or leaves in any municipality with a population of at least 7,500, unless specifically authorized by a local ordinance. A county or municipality may not authorize open burning of grass clippings and/or leaves by an ordinance that would otherwise be prohibited under Part 55 or rules promulgated under that part.

Beginning 180 days after the bill's effective date, Section 11522 also would prohibit a person from conducting open burning of household waste that contained plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials.

MCL 324.5512 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no impact on State finances, and a positive impact on local finances. Under the bill, individuals who illegally engaged in the burning of household waste would have to pay a fine of \$75 for the second offense in a three-year period, \$150 for a third offense in a three-year period, and \$300 for a fourth or subsequent offense in a three-year period. No fine would be issued for a first offense. It is unknown how many individuals would be fined under the bill, but revenue from fines issued would benefit public libraries.

Date Completed: 3-22-12

Fiscal Analyst: Josh Sefton