

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4207

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 5512 and 11522 (MCL 324.5512 and 324.11522);  
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5512. (1) The department shall promulgate rules for  
2 purposes of doing all of the following:

3       (a) Controlling or prohibiting air pollution.

4       (b) Complying with the clean air act.

5       (c) Controlling any mode of transportation that is capable of  
6 causing or contributing to air pollution.

7       (d) Reviewing proposed locations of stationary emission  
8 sources.

9       (e) Reviewing modifications of existing emission sources.

(f) Prohibiting locations or modifications of emission sources that impair the state's ability to meet federal ambient air **QUALITY** standards.

(g) Establishing suitable emission standards consistent with **FEDERAL** ambient air quality standards ~~established by the federal government~~ and factors including, but not limited to, conditions of the terrain, wind velocities and directions, land usage of the region, and the anticipated characteristics and quantities of potential air pollution sources. This part does not prohibit the department from denying or revoking a permit to operate a source, process, or process equipment that would adversely affect human health or other conditions important to the life of the community.

(h) Implementing sections 5505 and 5506.

(2) Unless otherwise provided in this part, each rule, permit, or administrative order promulgated or issued under this part prior to November 13, 1993 shall remain in effect according to its terms unless the rule or order is inconsistent with this part or is revised, amended, or repealed.

**(3) SECTION 11522 APPLIES TO OPEN BURNING.**

Sec. 11522. (1) ~~Beginning on March 28, 1995, the~~ **THE** open burning of grass clippings or leaves ~~, or both,~~ is prohibited in any municipality having a population of 7,500 or more, unless specifically authorized by local ordinance, which ordinance shall be reported to the department of natural resources within 30 days of enactment.

(2) ~~This section~~ **SUBSECTION (1)** does not ~~allow~~ **PERMIT** a county or municipality to ~~permit~~ **AUTHORIZE** open burning of grass clippings

1 or leaves ~~, or both,~~ by an ordinance that would otherwise be  
2 prohibited under part 55 or rules promulgated under that part.

3 (3) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THE  
4 AMENDATORY ACT THAT ADDED THIS SUBSECTION, A PERSON SHALL NOT  
5 CONDUCT OPEN BURNING OF HOUSEHOLD WASTE THAT CONTAINS PLASTIC,  
6 RUBBER, FOAM, CHEMICALLY TREATED WOOD, TEXTILES, ELECTRONICS,  
7 CHEMICALS, OR HAZARDOUS MATERIALS.

8 (4) SECTIONS 11546 AND 11549 DO NOT APPLY TO AN INDIVIDUAL WHO  
9 VIOLATES SUBSECTION (3) BY OPEN BURNING OF WASTE FROM THAT  
10 INDIVIDUAL'S HOUSEHOLD. SUCH AN INDIVIDUAL IS RESPONSIBLE FOR A  
11 STATE CIVIL INFRACTION AND IS SUBJECT TO THE FOLLOWING:

12 (A) FOR A FIRST OFFENSE WITHIN A 3-YEAR PERIOD, A WARNING BY  
13 THE JUDGE OR MAGISTRATE.

14 (B) FOR A SECOND OFFENSE WITHIN A 3-YEAR PERIOD, A CIVIL FINE  
15 OF NOT MORE THAN \$75.00.

16 (C) FOR A THIRD OFFENSE WITHIN A 3-YEAR PERIOD, A CIVIL FINE  
17 OF NOT MORE THAN \$150.00.

18 (D) FOR A FOURTH OR SUBSEQUENT OFFENSE WITHIN A 3-YEAR PERIOD,  
19 A CIVIL FINE OF NOT MORE THAN \$300.00.

20 (5) NOTWITHSTANDING SECTION 5512, THE DEPARTMENT SHALL NOT  
21 PROMULGATE OR ENFORCE A RULE THAT EXTENDS THE PROHIBITION UNDER  
22 SUBSECTION (3) TO MATERIALS NOT LISTED IN SUBSECTION (3).

23 (6) THIS PART, PART 55, OR RULES PROMULGATED UNDER THIS PART  
24 OR PART 55 DO NOT PROHIBIT A PERSON FROM CONDUCTING OPEN BURNING OF  
25 WOODEN FRUIT OR VEGETABLE STORAGE BINS CONSTRUCTED FROM UNTREATED  
26 LUMBER IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

27 (A) THE BURNING IS CONDUCTED FOR DISEASE OR PEST CONTROL.

1 (B) THE BURNING IS NOT CONDUCTED AT ANY OF THE FOLLOWING  
2 LOCATIONS:

3 (i) WITHIN A PRIORITY I AREA AS LISTED IN TABLE 33 OR A  
4 PRIORITY II AREA AS LISTED IN TABLE 34 OF R 336.1310 OF THE  
5 MICHIGAN ADMINISTRATIVE CODE.

6 (ii) IN A CITY OR VILLAGE.

7 (iii) WITHIN 1,400 FEET OUTSIDE THE BOUNDARY OF A CITY OR  
8 VILLAGE.

9 (7) SUBSECTIONS (5) AND (6) DO NOT AUTHORIZE OPEN BURNING THAT  
10 IS PROHIBITED BY A LOCAL ORDINANCE.

11 (8) A CONGRESSIONALLY CHARTERED PATRIOTIC ORGANIZATION THAT  
12 DISPOSES OF AN UNSERVICEABLE FLAG OF THE UNITED STATES BY BURNING  
13 THAT FLAG IS NOT SUBJECT TO REGULATION OR PENALTY FOR VIOLATING A  
14 STATE LAW OR LOCAL ORDINANCE PERTAINING TO OPEN BURNING OF  
15 MATERIALS OR SUBSTANCES.

16 Enacting section 1. Section 5514 of the natural resources and  
17 environmental protection act, 1994 PA 451, MCL 324.5514, is  
18 repealed.