

Minnesota: Closing the Gaps

The Law

Residential garbage burning in burn barrels, fire pits, etc., has been illegal in Minnesota since 1969. In addition to that main ban, two key statutes exist that specify exemptions and prohibited materials relating to residential garbage burning in Minnesota.

Minn. Stat. 88.171 Section 27, Subd. 8 (Open Burning Prohibitions) addresses burning of prohibited materials such as industrial waste, garbage and hazardous wastes. Subdivisions 1 - 10 detail the specific materials that are prohibited and may not be burned in Minnesota. Subdivision 8 specifically addresses “garbage.”

This statute text also states that “A county may allow a resident to conduct open burning of material...that is generated from a resident’s household if the county board by resolution determines that regularly scheduled pickup of the material is not reasonably available to the resident.”

Minn. Stat. 17.135, the Department of Agriculture’s section on Farm Disposal of Solid Waste, covers the specifics relating to farming operations and open burning or burying of municipal solid waste. This statute offers an additional exemption to Minnesota’s ban on garbage burning, and allows a “person who owns or operates land used for farming” to bury or burn household waste “if the burying is done in a nuisance free, pollution free and aesthetic manner on the land used for farming.” This exemption does not apply “if regularly scheduled pickup of solid waste is reasonably available at the person’s farm, as determined by resolution of the county board.”

For full Statute Text, see www.moea.state.mn.us/reduce/burnbarrel.cfm

Exemption Challenges

Even though both statutes discuss situations where residents can still burn waste on-site, between the list of prohibited materials and specific circumstances under which burning is allowed, the reality is that garbage burning still is mostly prohibited. Unfortunately, other statutory exemptions (see “Farmer Exemption” below) create additional problems for counties wishing to change behavior and reduce residential garbage burning. Even though Minn. Stat. 88.171 provides an avenue for county boards to approve residential garbage burning for residents who do not have regularly scheduled garbage pickup, it only allows materials relating to food management (which would only be a portion of a resident’s waste). In addition, regardless of whether or not a waste item was the result of food management, materials like plastic (which make up a significant part of food management waste) would still not be eligible to be burned. Coated paper and other packaging materials that have been chemically treated would also be banned from burning under the prohibited items list.

Farmer Exemption

This statute creates the most confusion and difficulty when it comes to clearly understanding who can burn, who can’t, what can be burned, etc. Minn. Stat. 17.135 allows farmers to burn or bury their waste on their farmland if the burying is done in a “nuisance free, pollution free, and aesthetic manner” and only if the county board has not passed a resolution stating that garbage service is reasonably available at the person’s farm. This is a difficult statute to interpret, since the “pollution free” manner only technically applies to the burying option. It is not possible to burn most garbage without creating pollution such as dioxin, furans, etc.

Enforcement

MN DNR conservation officers and county sheriff’s deputies can issue citations for violations of open burning

regulations. If the report concerns burning within city limits, local fire departments manage enforcement and education of those burning. Fines and corrective action vary by area, but can include up to a \$700 fine or a court summons.

Legal Burning

Vegetative material such as leaves, brush and untreated wood may be legally burned in Minnesota unless restricted by local ordinance. Open burning permits are required when the ground is not snow covered and the resident wishes to burn between the hours of 8 a.m. and 6 p.m. Permits are not required if the resident plans to burn in an approved burner between the hours of 6 p.m. and 8 a.m. Permits also are not required if the resident will be burning in a campfire, grill or camp stove. Permits are issued by volunteer fire wardens in the community, as well as at DNR forestry offices.

For more information about burn permits in Minnesota, contact the MN DNR or visit www.dnr.state.mn.us/forestry/fire/questions.html.

Please see an example of a fact sheet for Burn Permit Holders in the Education Section.



All garbage releases toxic chemicals when burned. Even paper.



Highlights and Challenges

Currently, 28 counties in Minnesota have passed resolutions stating garbage service is reasonably available to residents. Many times, counties have difficulty passing a “no burn” resolution because officials do not have a clear understanding of the health and environmental problems associated with burn barrels, because they themselves burn, or because of perceived concerns over potential backlash from residents who believe it is their right to burn.

It is important to have a clear law that says all garbage burning is illegal. Enforcing laws against burning is easier for regulatory officials such as county solid waste officials, police or conservation officers when all burning of municipal solid waste in a county is banned without exception and there is no question or doubt in the mind of those who are in charge of enforcing residential garbage burning issues. Also, many residents who are allowed to burn or bury their household waste because of the statute may also use this method to dispose of banned materials such as batteries, shingles, plastic, etc. Uniform regulation through a “no-burn” resolution makes it much more difficult for people to dispose of these banned materials in an inappropriate manner such as burning or burying them. Working with these and other local enforcement officials is key to a successful reduction campaign along with education, incentives and infrastructure elements.

For more information

Visit www.moea.state.mn.us/reduce/burnbarrel.cfm or contact:
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