

Mississippi Open Burning Laws and Requirements

MDEQ Air Division & Solid Waste Division
(Updated 2025)

Mississippi Air and Water Pollution Control Law

49-17-29(1)(a)...Prohibitions

Except as in compliance with paragraph (b) of this subsection, **it is unlawful for any person to cause pollution of the air** in the state or to place or cause to be placed any wastes or other products or substances in a location where they are likely to cause pollution of the air. **It is also unlawful to discharge any wastes, products or substances into the air** of the state which exceed standards of performance, hazardous air pollutant standards, other emission standards set by the commission, or which reduce the quality of the air below the air quality standards or increments established by the commission or prevent attainment or maintenance of those air quality standards. **Any such action is hereby declared to be a public nuisance.**

Mississippi Air and Water Pollution Control Law

49-17-29(1)(b)...Prohibitions

It is unlawful for any person to build, erect, alter, replace, use or **operate any equipment which will cause the issuance of air contaminants unless that person holds a permit from the Permit Board** (except repairs or maintenance of equipment for which a permit has been previously issued), or unless that person is exempted from holding a permit by a regulation promulgated by the commission. . . .

Solid Wastes Disposal Law of 1974

- 17-17-9 Burning of Garbage, etc.

No garbage, or rubbish containing garbage or other putrescible materials, or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or may later be established. The open burning of rubbish shall be permitted only under controlled circumstances where sanitary landfill and landfill is not feasible, and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the controlling agency.

Air Emissions Regulations

11 Miss. Admin. Code Pt. 2, Ch. 1, Rule 1.3(G)

The open burning of residential, commercial, institutional, or industrial solid waste, is prohibited, except as specified herein.

This prohibition does not apply to infrequent burning of agricultural wastes in the field, silvicultural wastes for forest management purposes, land-clearing debris, debris from emergency clean-up operations, and ordnance; and permitted open burning at hazardous waste disposal facilities subject to regulation under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA).

Air Emissions Regulations

11 Miss. Admin. Code Pt. 2, Ch. 1, Rule 1.3(G)(1)

Fires set for the burning of **agricultural wastes in the field and/or silvicultural wastes for forest management purposes** must meet the following conditions.

- (a) A Permit must be obtained from the Mississippi Forestry Commission.
- (b) The open burning must occur **within a time period allowing adequate diffusion of air pollutants** as defined by the permit and the daily weather guides issued by the National Weather Forecast Office.
- (c) Starter or auxiliary fuels may consist of dried vegetation, petroleum derived fuels of the gasoline, kerosene, or light fuel oil types (diesel), or a combination thereof. **Use of or burning of other combustible material that causes excessive visible emission (e.g., rubber tires, plastic materials, etc.) is prohibited.**

Air Emissions Regulations

11 Miss. Admin. Code Pt. 2, Ch. 1, Rule 1.3(G)(2)

Open burning of land-clearing debris must not use starter or auxiliary fuels which cause excessive smoke (**rubber tires, plastics, etc.**); must not be performed **if prohibited by local ordinances; must not cause a traffic hazard**; must not take place where there is a **High Fire Danger Alert** declared by the MS Forestry Commission or Emergency Air Pollution Episode Alert imposed by the Executive Director and must meet the following buffer zones.

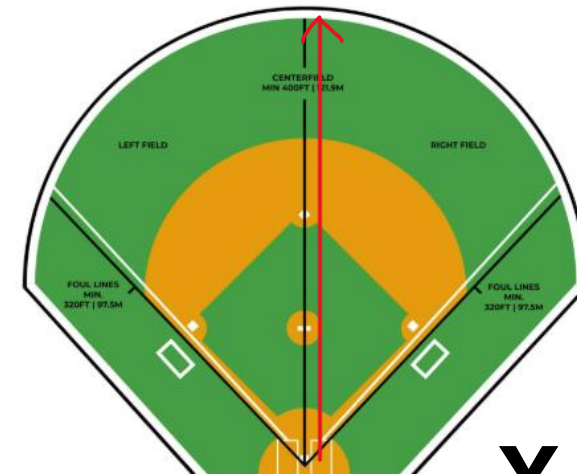
- (a) Open burning without a forced-draft air system must not occur within **500 yards** of an occupied dwelling.
- (a) Open burning utilizing a **forced-draft air system** on all fires to improve the combustion rate and reduce smoke may be done within 500 yards of but not within **50 yards** of an occupied dwelling. [ie. Search air curtain burner]
- (b) Burning must not occur within 500 yards of commercial airport property, . .

How far is 500 yards?

- * 1500 ft
- * 5 Football fields
- * $\frac{1}{4}$ mile
- * A car speeding at 60 mph for 17 sec.
- * 3.75 Pro Baseball
center-field homeruns



X 5



X 3.75

Air Emissions Regulations

11 Miss. Admin. Code Pt. 2, Ch. 1, Rule 1.3(G)(4)

The **prohibition** of open burning of residential solid waste applies to **open burning of leaves and other yard waste** by residential property owners, except when

- the Department [MDEQ] has **deferred** the regulation of the burning of leaves and other yard wastes to a **county** board of supervisors and/or **municipal** governing body, and
- that county or municipal governing body has in effect **a local ordinance** that regulates such open burning and
- has been **approved by MDEQ**.

Air Emissions Regulations

11 Miss. Admin. Code Pt. 2, Ch. 1, Rule 1.3(G)(4) continued...

Approved local ordinances must:

- Provide that the leaves or other yard waste is burned **on the residential property where it originated**. . .
- Be deemed protective of **air quality and public welfare** by the Department [MDEQ] and
- Provide for appropriate burning prohibitions and restrictions during **Air Quality Action Days**. ...
- Include fire safety provisions including prohibitions and restrictions on open burning coordinated through the State Forestry Commission during **dry weather conditions**.

Residential Structures:

Under national and state Asbestos Regulations*

It is never OK to burn a residential structure...

Except for a periodic fire fighter training event which must be pre-approved by the
MDEQ asbestos program

*40 CFR Part 61 Subpart M

*Miss. Code Ann. §§37-138-1 through 37-138-31

*11 Miss. Admin. Code, Pt. 2, Ch. 10

Open Burning Health Concerns

DIOXINS

- Dioxins can form from the **incomplete burning of organic materials** (carbon), chlorine processes, and other sources.
- Dioxins are highly toxic, long-lasting organic compounds.
- They are dangerous even at extremely low levels
- Have been linked to several health problems, including cancer and developmental and reproductive disorders.

DIOXINS

- Dioxins accumulate in the food chain.
- Airborne dioxins can settle onto feed crops, which are then eaten by domestic meat and dairy animals.
- Dioxins also can settle on water or enter waterways through soil erosion.
- These dioxins accumulate in the fats of animals, and then in humans when we consume meat, fish, and dairy products.

Exacerbation of Respiratory Illness

- 1 out of 10 Mississippian residents have asthma*
- Chronic Lower Respiratory Diseases is the fifth leading cause of death in Mississippi (about 59 per 100,000 people)**

*www.cdc.gov/asthma/most_recent_data_states.htm

**www.cdc.gov/nchs/pressroom/sosmap/lung_disease_mortality/lung_disease.htm

Broader Ambient Air Quality Concerns

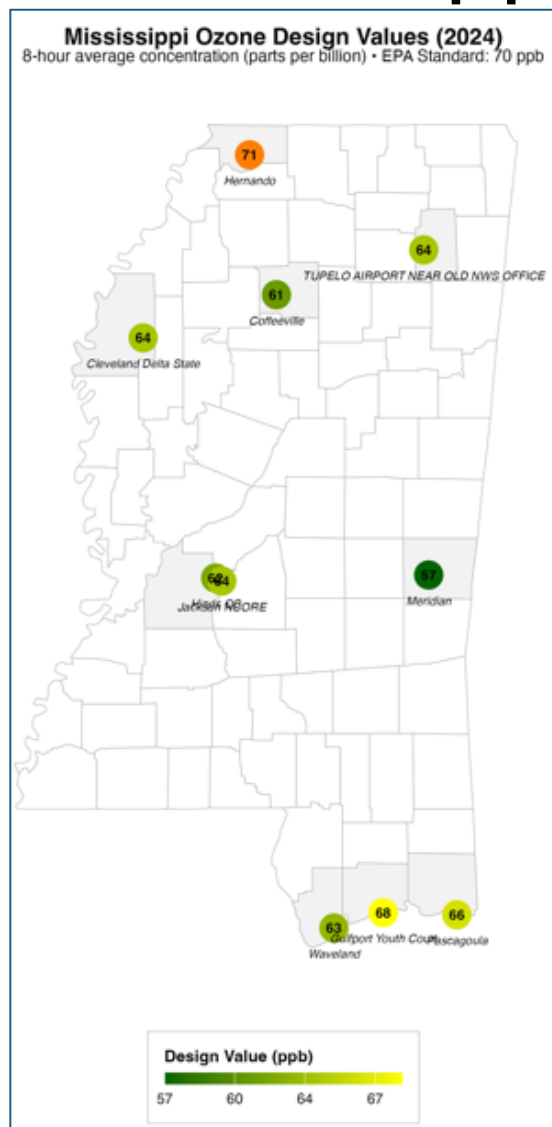
National Ambient Air Quality Standards (NAAQS)

- **EPA's Six Criteria Pollutants:**

- Ozone (O_3)
- Particulate Matter (PM_{10} and $PM_{2.5}$)
- Lead (Pb)
- Nitrogen Dioxide (NO_2)
- Sulfur Dioxide (SO_2)
- Carbon Monoxide (CO)

- **Mississippi Air Quality Status (2024-2025)** is
Currently in attainment for all NAAQS pollutants but
Actively monitoring for ozone and $PM_{2.5}$ concerns

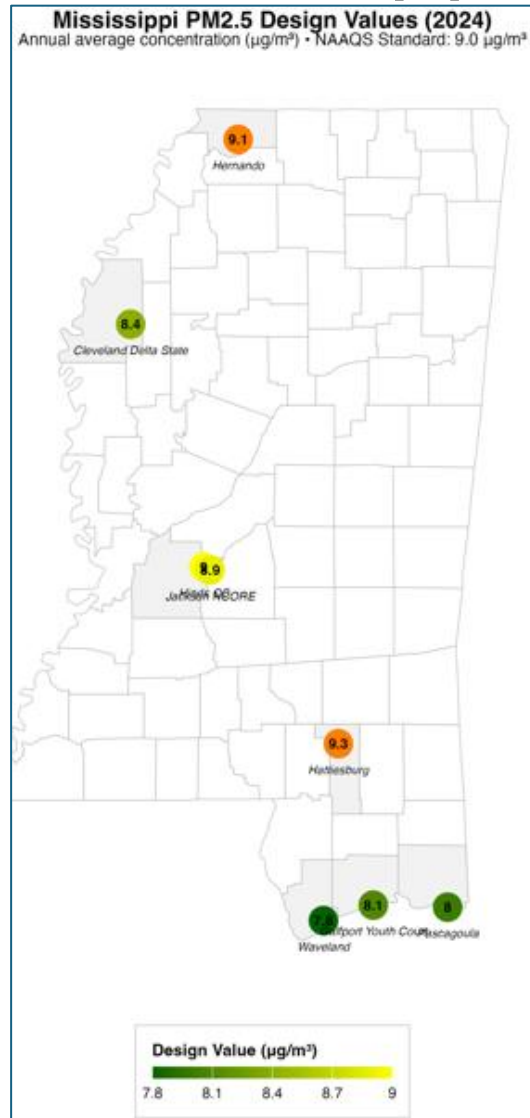
Mississippi Ozone Monitoring Network (2024)



**Current EPA Standard for
8-hour average concentration
= 70 ppb**

Site	County	Design Value (ppb)
Cleveland Delta State	Bolivar	64
Hernando	DeSoto	71
Waveland	Hancock	63
Gulfport Youth Court	Harrison	68
Hinds CC	Hinds	62
Jackson NCORE	Hinds	64
Pascagoula	Jackson	66
Meridian	Lauderdale	57
TUPELO AIRPORT NEAR OLD NWS OFFICE	Lee	64
Coffeeville	Yalobusha	61

Mississippi PM2.5 Monitoring Network (2024)



**Current EPA Standard for
Annual average concentration
= $9.0 \mu\text{g}/\text{m}^3$**

Site	County	Design Value ($\mu\text{g}/\text{m}^3$)
Cleveland Delta State	Bolivar	8.4
Hernando	DeSoto	9.1
Hattiesburg	Forrest	9.3
Waveland	Hancock	7.8
Gulfport Youth Court	Harrison	8.1
Hinds CC	Hinds	9.0
Jackson NCORE	Hinds	8.9
Pascagoula	Jackson	8.0

Key Areas of Focus:

Ozone – Memphis Metro Area

- DeSoto County: 71 ppb (exceeds the 2015 standard of 70ppb)
Multi-state collaboration to reduce NO_x and VOC emissions

PM_{2.5} – New 2024 Standard (9.0 µg/m³)

- Hattiesburg: 9.3 µg/m³
- Hernando (DeSoto County): 9.1 µg/m³

MDEQ is pursuing "exceptional events" exemptions for wildfire and Saharan dust impacts

Mississippi maintains overall compliance but is proactively addressing localized air quality challenges through regional partnerships and EPA demonstrations.

What would be the Implications of a “Non-Attainment” Status ?

- Potential economic development constraints (e.g., limits to industrial growth)
- Longer & more complicated permitting process
- Potential transportation improvement constraints (e.g., restrictions on highway expansion and development)

Bryan Williams
Air Program Support Branch
601.961.5799

Bwilliams@mdeq.ms.gov

Trent Jones
OPC-Waste Division
601-961-5726

Tjones@mdeq.ms.gov

Greg Mallery
Asbestos Section
601-961-5592

GMallery@mdeq.ms.gov

Rodney Cuevas
Air Quality Management
610-961-5566

RCuevas@mdeq.ms.gov