

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Jimmy Sylvia  
Chambers County Judge  
P.O. Box 939  
Anahauc, TX 77514

Dear Judge Sylvia:

Recent strong winds and flooding in Chambers County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Chambers County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Houston Regional (Region 12) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

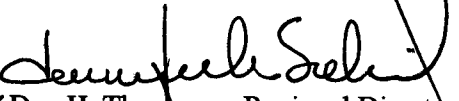
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Ms. Linda Vasse, Air Program Manager, Region 12 at (713) 767-3500 if you have questions regarding the burning of wind and flood debris.

Sincerely,



for Don H. Thompson, Regional Director  
Houston Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable James D. Yarbrough  
Galveston County Judge  
722 Moody, Suite 200  
Galveston, TX 77550

Dear Judge Yarbrough:

Recent strong winds and flooding in Galveston County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Galveston County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Houston Regional (Region 12) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable James D. Yarbrough  
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- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Ms. Linda Vasse, Air Program Manager, Region 12 (at (713) 767-3500 if you have questions regarding the burning of wind and flood debris.

Sincerely,



Don H. Thompson, Regional Director  
Houston Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Billy Caraway  
Hardin County Judge  
Hardin County Courthouse, 300 Monroe  
Kountze, TX 77625

Dear Judge Caraway:

Recent strong winds and flooding in Hardin County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Hardin County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable Billy Caraway

Page 2

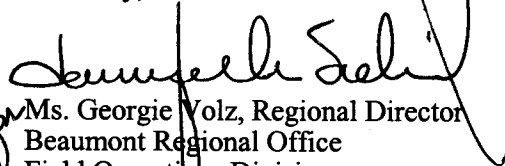
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



for Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Joe N. Folk  
Jasper County Judge  
P.O. Box 2070  
Jasper, TX 75951

Dear Judge Folk:

Recent strong winds and flooding in Jasper County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Jasper County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable Joe N. Folk

Page 2

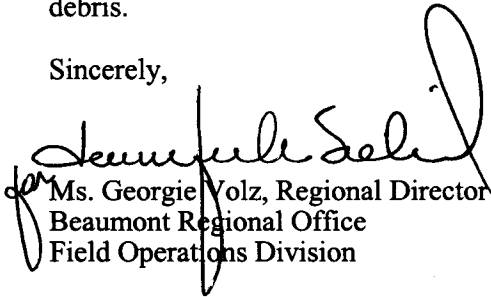
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Carl R. Griffith, Jr.  
Jefferson County Judge  
Jefferson County Courthouse, 1149 Pearl Street  
Beaumont, TX 77701

Dear Judge Griffith:

Recent strong winds and flooding in Jefferson County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Jefferson County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);


The Honorable Carl R. Griffith, Jr.  
Page 2  
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Lloyd Kirkham  
Liberty County Judge  
1923 Sam Houston, Room 201  
Liberty, TX 77575

Dear Judge Kirkham:

Recent strong winds and flooding in Liberty County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Liberty County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable Lloyd Kirkham

Page 2

September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
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- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Truman Dougharty  
Newton County Judge  
P.O. Drawer S  
Newton, TX 75966

Dear Judge Dougharty:

Recent strong winds and flooding in Newton County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Newton County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable Truman Dougharty

Page 2

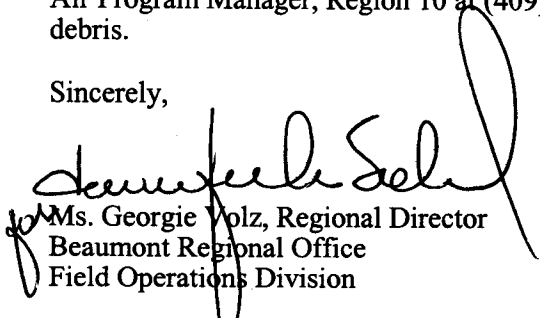
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Carl K. Thibodeaux  
Orange County Judge  
801 Division  
Orange, TX 77630

Dear Judge Thibodeaux:

Recent strong winds and flooding in Orange County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Orange County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

- Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

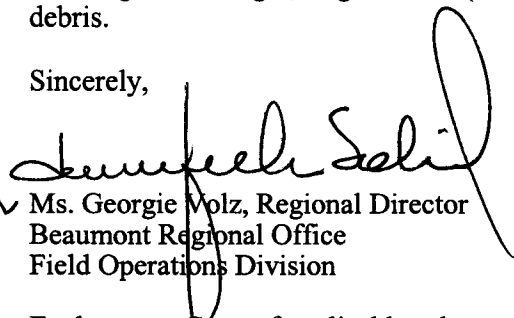
The Honorable Carl K. Thibodeaux  
Page 2  
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
- Burning should be authorized only during daylight hours;
- Debris should be separated into small piles, if possible;
- Materials to be burned should be reasonably dry to prevent excessive smoke; and,
- Burning animal carcasses should be conducted using a trench burner, if possible.

Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was accumulated prior to this flooding event. The local authority conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



pr Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 30, 2005

The Honorable Jerome P. Owens  
Tyler County Judge  
100 W. Bluff  
Woodville, TX 77630

Dear Judge Owens:

Recent strong winds and flooding in Tyler County have resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, officials must comply with local fire codes and get approval from local fire authorities prior to burning. Due to the extensive volume of storm debris in need of disposal, in Tyler County, the TCEQ is providing authorization to burn storm debris within the affected areas. Authorization will remain effective while emergency conditions exist. The TCEQ is continuing to monitor the need for ongoing outdoor burning. Please refer to the TCEQ's website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) for updates regarding the authorization period.** If additional outdoor burning activities are required after this date, please contact the TCEQ Beaumont Regional (Region 10) Office. Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

This letter is considered necessary documentation for counties seeking reimbursement from the Federal Emergency Management Agency (FEMA) for disposal costs.

Under authority of 30 TAC §111.215, "Executive Director Approval of Otherwise Prohibited Outdoor Burning", the TCEQ is providing this letter to authorize county and municipal governments to burn brush, trees and other plant growth that is causing a detrimental health and safety condition provided the conditions of 30 TAC §111.219 "General Requirements for Allowable Outdoor Burning" are followed. TCEQ is also authorizing the burning of lumber debris resulting from recent floods provided reasonable effort is made to separate these materials from materials that otherwise should not be burned such as treated wood, tires, plastics, insulation, and natural and synthetic rubber. The TCEQ will allow local authorities to burn within city limits provided all other provisions of 30 TAC §111.219 are followed, including the distance requirement from homes and roads.

There may be circumstances in which burning within the provisions of 30 TAC §111.219 is not practical. In these cases, the TCEQ regional office may be requested to authorize the necessary and prudent burning of storm debris on a case-by-case basis. Local authorities should contact the appropriate regional office to request authorization if they are not able to meet all the burn conditions listed in 30 TAC §111.219 and this letter. These authorizations must, however, be consistent with the following:

Burning activity may be approved at permitted landfills within permitted boundaries provided that this activity occurs on a site that has not been landfilled (virgin land);

The Honorable Jerome P. Owens

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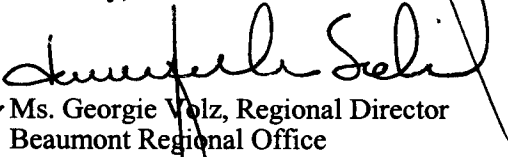
September 30, 2005

- Burning of tires, shingles, paints/solvents, plastics, insulated wire, batteries, appliances, asbestos materials, and aerosol or pressurized containers should be avoided and efforts to segregate these materials must be exercised. **The following types of materials can not be included in any burn under any circumstances: compressed gas cylinders containing hazardous materials such as propane, acetylene, chlorine or any other hazardous material that may be injurious to public health and safety;**
- Distance to neighbors and structures should be evaluated to prevent occurrence of nuisance conditions or fire safety hazards;
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TCEQ recommends that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Stuart Mueller, Air Program Manager, Region 10 at (409) 898-3838 if you have questions regarding the burning of flood debris.

Sincerely,



for Ms. Georgie Volz, Regional Director  
Beaumont Regional Office  
Field Operations Division

Enclosures - Copy of applicable rules

**SUBCHAPTER A**  
**§§101.4 - 101.5,**  
**Effective June 15, 2005**

**§101.4. Nuisance.**

No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Adopted March 30, 1979      Effective May 6, 1979

**§101.5. Traffic Hazard.**

No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use.

Adopted March 30, 1979      Effective May 6, 1979

Chapter 111 - Control of Air Emissions from Visible  
Emissions and Particulate Matter

**SUBCHAPTER B  
OUTDOOR BURNING**

**§§111.201, 111.203, 111.205, 111.207, 111.209, 111.211, 111.213,  
111.215, 111.219, 111.221  
Effective November 18, 2004**

**§111.201. General Prohibition.**

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director. The term "executive director," as defined in Chapter 3 of this title (relating to Definitions), includes authorized staff representatives.

Adopted August 21, 1996

Effective September 16, 1996

**§111.203. Definitions.**

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Natural Resource Conservation Commission (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Extinguished** - The absence of any visible flames, glowing coals, or smoke.

(2) **Landclearing operation** - The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

(3) **Practical alternative** - An economically, technologically, ecologically and logistically viable option.

(4) **Prescribed burn** - The controlled application of fire to naturally-occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.

(5) **Structure containing sensitive receptor(s)** - A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

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(6) **Sunrise/Sunset** - Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

(7) **Wildland** - Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.

Adopted August 21, 1996 Effective September 16, 1996

**§111.205. Exception for Fire Training.**

(a) Outdoor burning shall be authorized for training fire-fighting personnel when requested in writing and when authorized either verbally or in writing by the local air pollution control agency. In the absence of such local entities, the appropriate commission regional office shall be notified. The burning shall be authorized if notice of denial from the local air pollution control agency, or commission regional office is not received within 10 working days after the date of postmark or the date of personal delivery of the request.

(b) Facilities dedicated solely for fire-fighting training, at which training routinely will be conducted on a frequency of at least once per week, shall submit an annual written notification of intent to continue such training to the appropriate commission regional office and any local air pollution control agency.

(c) Facilities dedicated solely for fire-fighting training, at which training is conducted less than weekly, shall provide an annual written notification of intent, with a telephone or electronic facsimile notice 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial telephone/facsimile notice includes all such sessions. Both the written and telephone notifications shall be submitted to the appropriate commission regional office and any local air pollution control agency.

(d) Authorization to conduct outdoor burning under this provision may be revoked by the executive director if the authorization is used to circumvent other prohibitions of this subchapter.

Adopted August 21, 1996 Effective September 16, 1996

**§111.207. Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth.**

Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.219(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

Adopted August 21, 1996 Effective September 16, 1996

**§111.209. Exception for Disposal Fires.**

Outdoor burning shall be authorized for the following.

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(1) Domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Provision of waste collection refers to collection at the premises where the waste is generated. The term "domestic waste" is defined in §101.1 of this title (relating to Definitions). Wastes normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings. Examples of wastes not considered domestic waste which cannot be burned, include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.

(2) Diseased animal carcass burning when burning is the most effective means of controlling the spread of disease.

(3) Veterinarians in accordance with Texas Occupations Code, §801.361, Disposal of Animal Remains.

(4) On-site burning of trees, brush, and other plant growth for right-of-way maintenance, landclearing operations, and maintenance along water canals when no practical alternative to burning exists and when the materials are generated only from that property. Structures containing sensitive receptors must not be negatively affected by the burn. Such burning shall be subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of the rule for a continual burning situation. Commission notification or approval is not required.

(5) Crop residue burning for agricultural management purposes when no practical alternative exists. Such burning shall be subject to the requirements of §111.219 of this title, and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required. This section is not applicable to crop residue burning covered by an administrative order.

(6) Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a county or municipal government at a site it owns upon receiving site and burn approval from the executive director. Such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than once every two months. Such burns cannot be conducted at municipal solid waste landfills unless authorized under §111.215 of this title (relating to Executive Director Approval of Otherwise Prohibited Outdoor Burning), and shall be subject to the requirements of §111.219 of this title.

Adopted October 27, 2004

Effective November 18, 2004

**§111.211. Exception for Prescribed Burn.**

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Outdoor burning shall be authorized for:

(1) Prescribed burning for forest, range and wildland/wildlife management purposes, with the exception of coastal salt-marsh management burning. Such burning shall be subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning), and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required.

(2) Coastal salt-marsh management burning conducted in Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jefferson, Kleberg, Matagorda, Nueces, Orange, Refugio, and San Patricio Counties. Coastal salt-marsh burning in these counties shall be subject to the following requirements:

(A) All land on which burning is to be conducted shall be registered with the appropriate commission regional office using a United States Geological Survey map or equivalent upon which are identified significant points such as roads, canals, lakes, and streams, and the method by which access is made to the site. For large acreage, the map should be divided into manageable blocks with identification for each defined block. The information must be received for review at least 15 working days before the burning takes place.

(B) Prior to any burning, notification, either verbal or written, must be made to, and authorization must be received from the appropriate commission regional office. Notification must identify the specific area and/or block to be burned, approximate start and end time, and a responsible party who can be contacted during the burn period.

(C) Such burning shall be subject to the requirements of §111.219 of this title.

Adopted August 21, 1996

Effective September 16, 1996

**§111.213. Exception for Hydrocarbon Burning.**

Outdoor burning shall be authorized for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification as set forth in §101.6 of this title (relating to Notification Requirements for Major Upset), and if the executive director has determined that the burning is necessary to protect the public welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

Adopted August 21, 1996

Effective September 16, 1996

**§111.215. Executive Director Approval of Otherwise Prohibited Outdoor Burning.**

If not otherwise authorized by this chapter, outdoor burning may be authorized by written permission from the executive director if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or

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secondary ambient air standard. The executive director may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the executive director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

Adopted August 21, 1996

Effective September 16, 1996

**§111.219. General Requirements for Allowable Outdoor Burning.**

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

(1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.

(2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.

(3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(6) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted

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persistent low-level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

Adopted August 21, 1996

Effective September 16, 1996

**§111.221. Responsibility for Consequences of Outdoor Burning.**

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

Adopted August 21, 1996

Effective September 16, 1996