

Outdoor Burning

Can I Burn?

Learn the Law • A Guide for Citizens

**Houston-Galveston Area Council
Texas Commission on Environmental Quality**



Outdoor Burning

Outdoor burning, in general, is illegal in the Houston-Galveston Region because it contributes to air pollution.

The purpose of this guide is to help you know how to burn safely and legally, if it is necessary to burn.

There are some exceptions in which burning is necessary.

In those cases, the Outdoor Burning Rule has been designed to protect the environment and promote public health and safety.

Conditions in which exceptions are met depend on county population and ozone attainment status.

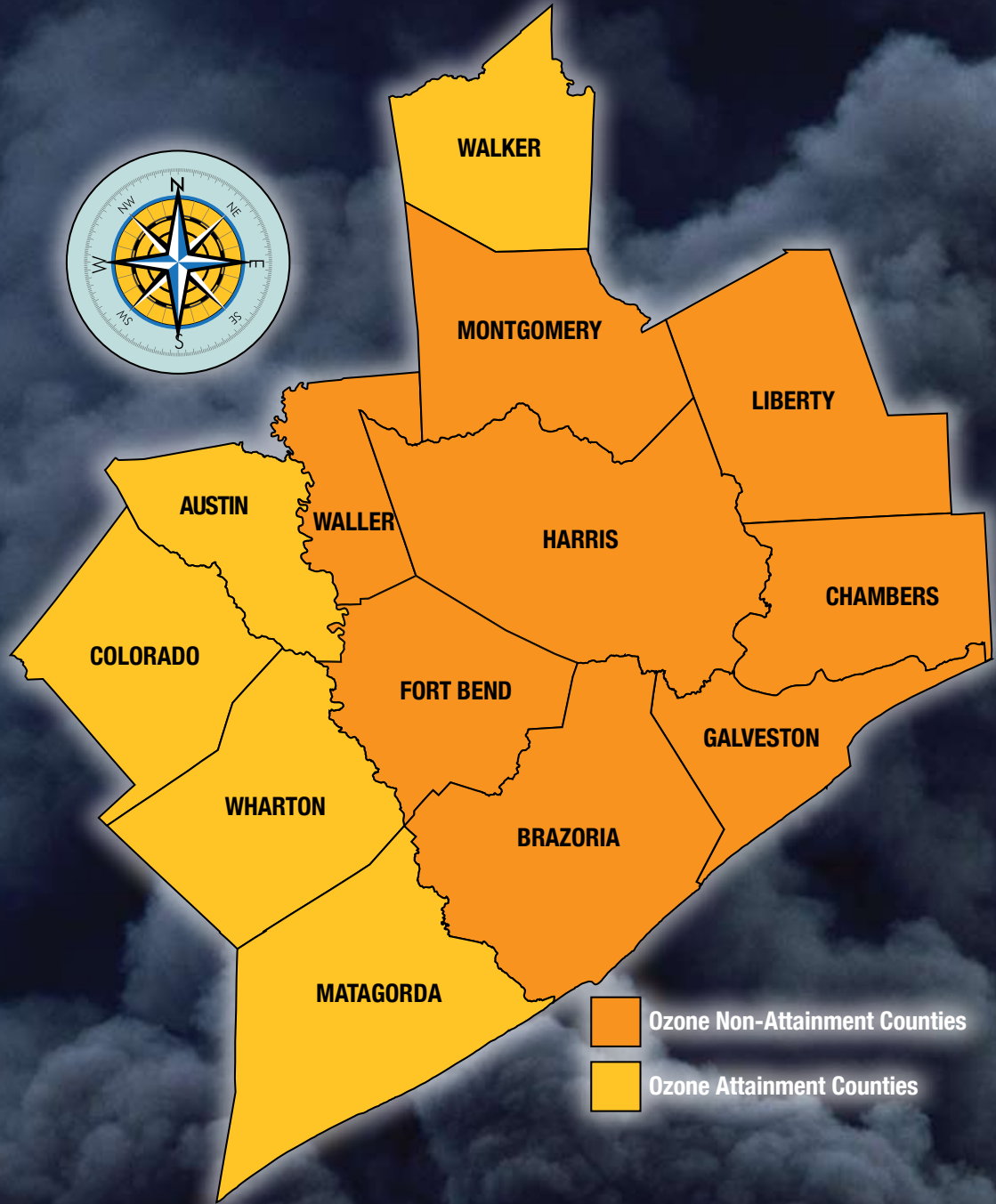
Note: If you live in an incorporated area, check local ordinances before burning.

How to Report Someone Illegally Burning Outdoors

- Call the TCEQ Region 12 Office at 713-767-3714 or your local air pollution control office.
- Call the TCEQ Environmental Complaint Hotline 1-888-777-3186.
- Submit an email at cmplaint@tceq.texas.gov
- Submit a complaint via the online form on the agency website: <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

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Ozone Non-Attainment —does not meet the National Ambient Air Quality Standards (NAAQS) for ozone.
Ozone Attainment—does meet the National Ambient Air Quality Standards (NAAQS) for ozone.

Alternatives to Burning

With creative thinking and help from the TCEQ Region 12 office (713-767-3714), you can develop ways to dispose of your waste other than burning it.

Here are a few ideas:

Recycling

Recycling is separating paper, glass, plastics, aluminum and other metals, computer and small electronic waste from trash material. Some materials can be sold at a salvage yard, donated at a recycling center or landfill.

Composting

Wastes from landscape maintenance can often be easily composted on site. Similar wastes, even some papers, can be composted under the right conditions.

Mechanical Chipping or Mulching

Mulch, wood and plant products, can be used for soil enrichment, moisture retention and creating compost. In some cases, mulch can be a marketable product and put to use where it is produced, or given to residents and nurseries.

If the material cannot be used as landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed of by some other means.

Logging

Trees cleared for development sometimes can be converted to a marketable product—lumber, pulp or firewood—as one way to reduce the costs of disposal.

Landfills

Landfills are a permitted outdoor area for waste disposal. Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic and glass.

Air-Curtain Incineration (Trench Burning)

- Many land-clearing contractors have portable devices, known as trench burners or air-curtain incinerators, that can be used to dispose of brush or untreated lumber with minimal emissions.
- These devices must be authorized by the TCEQ, prior to their construction at a burn site, and must have obtained authorizations for a state (usually a Permit by Rule) and a federal operating permit.
- Many contractors and distributors lease out these devices.



When to Notify TCEQ

PURPOSE OF BURNING	NOTIFY THE TCEQ	WHO TO NOTIFY*
DISPOSAL		
• Domestic Waste	Not Required	1*
• Diseased Animal Carcasses	Not Required	1*
• Plant Growth On-Site	Not Required	1* 3*
• Crop Residue	Orally or In Writing	1* 3*
PRESCRIBED BURNS		
• Coastal Salt Marsh	In Writing 15 Working Days Prior Oral Notification also Required	3*
• Other than Coastal Salt Marsh	Orally or In Writing	1* 2* 3*
OTHER		
• Ceremonial Fires	Not Required	1*

*Notifications

1. Check local ordinances and notify any other government having jurisdiction over the area—for example, the county fire marshal, local fire department, or local law enforcement officials.
2. Notify the Texas Forest Service before conducting prescribed burns for forest management.
3. Before conducting the burn, determine whether any “structures containing sensitive receptors” (for example, residences, greenhouses, stables, etc.) are within 300 feet of and in the general direction downwind from the site of the burn. If so, obtain written permission from the occupants or operators of those structures before you begin the burn.

If your situation fits requirements for an exception, you may also need:

- Approval from the regional TCEQ office before you burn.
- To check local burn ordinances or regulations.

- To comply with general requirements for allowable outdoor burning before you burn.

TCEQ staff, acting on behalf of the TCEQ executive director, will consider:

- If there is a practical alternative.
- If the burning will cause or contribute to a nuisance or traffic hazard.
- Whether the practice will violate any federal or state primary or secondary standard for ambient air quality.

A TCEQ authorization may require you to follow certain procedures to control or abate emissions.

The authorization may be revoked at any time if the TCEQ determines:

- The outdoor burning is creating a nuisance.
- That it violates any provision of an applicable permit.
- It is causing a violation of any air quality standard.
- It is not conforming to the conditions specified in the authorization.

Notification to TCEQ Recommended



Brazoria, Fort Bend, Galveston, Harris, Liberty

Domestic Wastes

- You may burn domestic waste if collection is not provided or authorized by the local government. Domestic wastes include waste that normally results from the function of life within a residence and include: kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics, rubber), clothing, grass, leaves, and branch trimmings.
- Businesses may not burn domestic waste.

Plant Growth

- On-site burning of trees, brush, grass, leaves branch trimmings and other plant growth by the property owner or authorized agent is allowed if there is no practical alternative.
- These ozone non-attainment counties in TCEQ region 12 will generally require a practical alternative.
- Only TCEQ may determine if a practical alternative exists.
- If there is no practical alternative then the material must be generated from the property on which the burning occurs, generated as a result of right-of-way maintenance or land clearing operations or maintenance along water canals.

Crop Residue Burning

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Burning is subject to general requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock must not be negatively impacted by the burn.
- Notification to TCEQ is recommended, but not required.

YOU MUST STILL COMPLY

- If you qualify for an exception and meet the general requirements for allowable outdoor burning, you are still subject to nuisance conditions under the Texas Administrative Code and the Texas Health and Safety Code.
- Punishments are created under the Texas Water Code.
- The Texas Health and Safety Code provides TCEQ with the authority to authorize outdoor burning of waste. Fire marshals and chiefs do not have this authority.

Austin, Colorado, Matagorda, Wharton

Domestic Wastes

- You may burn domestic waste if collection is not provided or authorized by the local government. Domestic wastes include waste that normally results from the function of life within a residence and include: kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics, rubber), clothing, grass, leaves, and branch trimmings.
- Businesses may not burn domestic waste.

Plant Growth

- On-site burning of trees, brush, grass, leaves branch trimmings and other plant growth by the property owner or authorized agent is allowed if:
 - Material is only generated from the property, is generated as a result of right-of-way maintenance, land clearing operations, maintenance along water canals.
- Practical alternatives are not required.
- Commercial operations may also burn.

Consolidated Burning

- Plant growth waste generated from residential properties may be burned at a consolidated burn site.

- The designated site must be located outside a municipality.
- The owner or authorized agent of the designated burn site must comply with several conditions prior to burning (contact TCEQ for specific conditions).

Crop Residue Burning

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Burning is subject to general requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock must not be negatively impacted by the burn.
- Notification to TCEQ is recommended, but not required.

YOU MUST STILL COMPLY

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Is it Safe
to Burn?





Montgomery County

- *Montgomery County has an exception to the Outdoor Burning Rule that differs from all other counties.*
- *If you live in an incorporated area, inside a city/town, also check local ordinances before burning.*

Household Refuse

- Burning of household refuse (garbage, rubbish, paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses) is prohibited:
 - On a lot that is in a neighborhood (a platted subdivision; or property contiguous to and within 300 feet of a platted subdivision).
 - On a lot that is smaller than 5 acres.
- An offense is a Class C misdemeanor.
- Businesses may not burn household refuse.

Plant Growth

- On-site burning of trees, brush, grass, leaves branch trimmings and other plant growth by the property owner or authorized agent is allowed if there is no practical alternative.
- The ozone non-attainment counties in TCEQ region 12 will generally require a practical alternative.

- Only TCEQ may determine if a practical alternative exists.
- If there is no practical alternative, then the material must be generated from the property on which the burning occurs, generated as a result of right-of-way maintenance or land clearing operations or maintenance along water canals.

Crop Residue Burning

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Burning is subject to general requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock must not be negatively impacted by the burn.
- Notification to TCEQ is recommended, but not required.

YOU MUST STILL COMPLY

- If you qualify for an exception and meet the general requirements for allowable outdoor burning, you are still subject to nuisance conditions under the Texas Administrative Code and the Texas Health and Safety Code.
- Punishments are created under the Texas Water Code.
- The Texas Health and Safety Code provides TCEQ with the authority to authorize outdoor burning of waste. Fire marshals and chiefs do not have this authority.

Walker County

Domestic Wastes

- You may burn domestic waste if collection is not provided or authorized by the local government. Domestic wastes include waste that normally results from the function of life within a residence and include: kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics, rubber), clothing, grass, leaves, and branch trimmings.
- Businesses may not burn domestic waste.

Plant Growth

- On-site burning of trees, brush, grass, leaves branch trimmings and other plant growth by the property owner or authorized agent is allowed if:
 - Material is only generated from the property, is generated as a result of right-of-way maintenance, land-clearing operations, maintenance along water canals.
- Practical alternatives are not required; therefore, commercial operations may also burn.

Crop Residue Burning

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Burning is subject to general requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock must not be negatively impacted by the burn.
- Notification to TCEQ is recommended, but not required.

YOU MUST STILL COMPLY

- If you qualify for an exception and meet the general requirements for allowable outdoor burning, you are still subject to nuisance conditions under the Texas Administrative Code and the Texas Health and Safety Code.
- Punishments are created under the Texas Water Code.
- The Texas Health and Safety Code provides TCEQ with the authority to authorize outdoor burning of waste. Fire marshals and chiefs do not have this authority.





Chambers, Waller

Domestic Wastes

- You may burn domestic waste if collection is not provided or authorized by the local government. Domestic wastes include waste that normally results from the function of life within a residence and include: kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics, rubber), clothing, grass, leaves, and branch trimmings.
- Businesses may not burn domestic waste.

Plant Growth

- On-site burning of trees, brush, grass, leaves branch trimmings and other plant growth by the property owner or authorized agent is allowed if there is no practical alternative.
- Only TCEQ may determine if a practical alternative exists.
- These ozone non-attainment counties in TCEQ region 12 will generally require a practical alternative.
- If there is no practical alternative then the material must be generated from the property on which the burning occurs, generated as a result of right-of-way maintenance or land clearing operations or maintenance along water canals.

Consolidated Burning

- Plant growth waste generated from specific residential properties may be burned at a consolidated burn site.

- The designated site must be located outside a municipality.
- The owner or authorized agent of the designated burn site must comply with several conditions prior to burning (contact TCEQ for specific conditions).

Crop Residue Burning

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Burning is subject to general requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock must not be negatively impacted by the burn.
- Notification to TCEQ is recommended, but not required.

YOU MUST STILL COMPLY

- If you qualify for an exception and meet the general requirements for allowable outdoor burning, you are still subject to nuisance conditions under the Texas Administrative Code and the Texas Health and Safety Code.
- Punishments are created under the Texas Water Code.
- The Texas Health and Safety Code provides TCEQ with the authority to authorize outdoor burning of waste. Fire marshals and chiefs do not have this authority.

General Requirements for Outdoor Burning

Now I know the Outdoor Burning Rule. Anything else?

The standard exceptions, explained before, cover the most common situations in which burning is an acceptable practice. It may be necessary to notify the TCEQ, local governmental agencies, and neighbors before conducting burning under one of the exceptions.

There may be local ordinances or county burn ban regulations that must be met. Under ALL of the exceptions, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

These are the general requirements for allowable outdoor burning.

- The party responsible for the burn must be present and remains liable for damages, injuries or other consequences that may result from burning, even when it is carried out in compliance with these regulations.
- Burn only outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance that permits burning.
- Burn only when the wind direction and weather conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip or navigable water body (lake, river, stream, bay) or have an adverse effect on any off-site structure containing “sensitive receptors” (residence, business, farm building, greenhouse).
- Keep fires downwind, or at least 300 feet away, from any neighboring structure that contains sensitive receptors. This requirement may be waived with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.

- Post someone to flag traffic if the burning causes smoke to blow onto a road or highway at any time.
- Begin burning no earlier than one hour after sunrise, end it the same day, and no later than one hour before sunset.
- Don't burn 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.

YOU MUST STILL COMPLY

- If you qualify for an exception and meet the general requirements for allowable outdoor burning, you are still subject to nuisance conditions under the Texas Administrative Code 101.4 and the Texas Health and Safety Code 341, 343 and 382.
- Punishments are created under the Texas Water Code, Chapter 7.177.
- Texas Health and Safety Code 382.018 provides TCEQ with the authority to authorize outdoor burning of waste. Fire marshals and chiefs do not have this authority.

When Burning Does Not Fit an Exception

If a burning situation does not fit an exception, but seems necessary, then a request for burning authorization can be made to the Texas Commission for Environmental Quality (TCEQ) Region 12 office at 713-767-3714.

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A copy of the Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201–221, can be obtained from the TCEQ at 512-239-0028, or online at <https://www.sos.state.tx.us/tac/index.shtml>.

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