

# Outdoor Burning

## IN TEXAS



**PROGRAM SUPPORT AND ENVIRONMENTAL  
ASSISTANCE DIVISION (PSEAD)**

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# Introduction

TCEQ developed this guide on the Outdoor Burning Rule, Title 30, Texas Administrative Code (30 TAC), Sections 111.201–221 (see [Appendix A](#)), for the public, the regulated community, and responsible state and local officials. It covers key aspects of the Outdoor Burning Rule (or Rule for the purposes of this guidance), including:

- General requirements that allow for outdoor burning.
- Exceptions that allow outdoor burning.
- Notification requirements for allowable outdoor burning.

Appendices contain a copy of the Outdoor Burning Rule, notification requirements, and additional resources.

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## Limitations of This Guide

This document does not include the requirements of other governmental agencies and local authorities (cities or counties). Local authorities and governmental agencies may implement additional restrictions on outdoor burning.

Some municipalities have enacted local ordinances that prohibit or restrict outdoor burning within their corporate limits. Residents should always check with municipal officials about potential limitations on outdoor burning, so they do not unintentionally violate an existing ordinance. Municipal ordinances may be located online at the [Texas State Law Library](#)<sup>1</sup>, and city and county ordinances can be obtained by visiting city and county websites or by contacting them directly.

During extreme fire danger, local authorities or governmental agencies may ban outdoor burning to help prevent wildfires. A county judge and county

commissioners court may issue a ban on outdoor burning that is applicable to unincorporated portions of the county. TCEQ does not set or regulate outdoor burn bans put in place by local authorities.

In addition, Texas criminal statutes specify penalties that pertain to escaped control fires and wildland fires that were deliberately set. People responsible for escaped control fires or arson wildfires may be subject to civil suits for damages caused by these fires.

Numerous authorities, including the [National Weather Service](#)<sup>2</sup> and the [Texas A&M Forest Service](#)<sup>3</sup>, may issue advisories, watches, or warnings when weather and fuel conditions increase the risk of escaped fires or the severity of wildfires. Public cooperation during dangerous wildfire conditions is essential to prevent wildfires and the losses they may cause.

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<sup>1</sup> [guides.sll.texas.gov/texas-law/local-ordinances](https://guides.sll.texas.gov/texas-law/local-ordinances)

<sup>2</sup> [www.weather.gov](https://www.weather.gov)

<sup>3</sup> [tfsweb.tamu.edu](https://tfsweb.tamu.edu)



# The Outdoor Burning Rule Explained

The Outdoor Burning Rule is the result of a coordinated effort to produce streamlined regulations that can be applied consistently and fairly throughout Texas. Its purpose is to protect the environment, promote public health and safety, and avoid nuisance conditions through the regulation of outdoor burning activities.

## Summary of the Rule

The Outdoor Burning Rule prohibits outdoor burning anywhere in Texas but allows exceptions for specific situations where burning is necessary or where it does not pose a threat to human health or the environment. The Rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed. In general, TCEQ does not issue burning permits. However, for situations that do not fit the exceptions stated in the Rule where burning seems necessary, special authorizations to conduct burning can be requested from TCEQ. In addition, the Rule also prohibits storing spontaneously combustible materials other than solid fossil fuel outside.

## General Requirements for Outdoor Burning (30 TAC 111.219)

If an outdoor burn activity meets the conditions for an exception to the general prohibition on outdoor burning, additional requirements designed to protect public health, safety, and the environment may apply. These requirements are designed to reduce the likelihood that the burning will create a nuisance, cause a hazard, or harm the environment. The specific requirements applicable to each type of allowable outdoor burn are identified in the exceptions to the Outdoor Burning Rule (page 6). The party responsible for the burn remains liable for damages, injuries, and other consequences that may result from burning, even when it is carried out in compliance with these regulations.

General requirements include:

- Notifying the Texas A&M Forest Service prior to any prescribed or controlled burns that are intended for forest management.

- Only burning outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance that permits burning (consistent with the [Texas Clean Air Act, Texas Health and Safety Code, Chapter 382](#)<sup>4</sup>).
- Commencing or continuing to burn only when the wind direction and other weather conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g., lake, river, stream, or bay), or have an adverse effect on any off-site structure containing “sensitive receptors” (e.g., a residence, business, farm building, or greenhouse). Up to date information regarding weather conditions can be obtained online. This information should be referenced before conducting outdoor burning to determine the direction and speed of the wind, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast. Ozone level information is available on TCEQ’s [Texas Air Quality Forecast webpage](#)<sup>5</sup>.

“Sensitive receptors” include humans and livestock, as well as “sensitive live vegetation” such as nursery plants, mushrooms under cultivation, and plants raised for pharmaceutical production or use in lab experiments. For a complete definition, see 30 TAC 111.203(7) in [Appendix A](#).

- Posting someone to flag traffic if the burning causes, or may cause, smoke to blow onto or across a road or highway at any time.
- Keeping fires downwind of, or at least 300 feet away from, any neighboring structure that contains

<sup>4</sup> [tceq.texas.gov/goto/txcleanairact](http://tceq.texas.gov/goto/txcleanairact)

<sup>5</sup> [tceq.texas.gov/goto/airtoday](http://tceq.texas.gov/goto/airtoday)



sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.

- Beginning burns at least one hour after sunrise, ceasing burns the same day at least one hour before sunset, and ensuring that a responsible party is present while a burn is active and a fire is progressing. The requirement for having a responsible party in attendance during an active burn phase does not mean that someone has to be in attendance once the fire is nearly complete and is not advancing (i.e., once it principally consists of glowing coals with possibly some patchy residual fires). A fire that has burned down to glowing coals has consumed most of the volatile substances and will not progress as a flame. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke they produce could be a nuisance or a traffic hazard. Do not start burning unless weather conditions are such that the smoke will dissipate (winds of at least 6 miles per hour (mph) without temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than 23 mph). Section 111.219(6)(A) allows flexible burn opportunities with consideration

for meteorological conditions conducive to dispersion. For example, if you wish to burn 100 acres with a road on one side and no sensitive structures around the burn area, extinguish residual fires and smoldering objects along the road where the potential for nuisance or traffic hazard exists and allow the remaining portion of the burn site to subside at a natural rate.

- Not burning any prohibited items, including, but not limited to, electrical insulation, treated lumber, plastic, non-wooden construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical waste, and items that contain natural or synthetic rubber.

A **temperature inversion** is a weather phenomenon where a layer of warmer air sits above cooler air. Since warm air rises, air under the inversion cannot escape, and smoke and pollution get trapped at the surface. Signs of a **temperature inversion** include clear skies, calm wind (< 3 mph), near sunrise or sunset, the presence of dew, horizontal smoke patterns, and ground fog in low-lying areas.

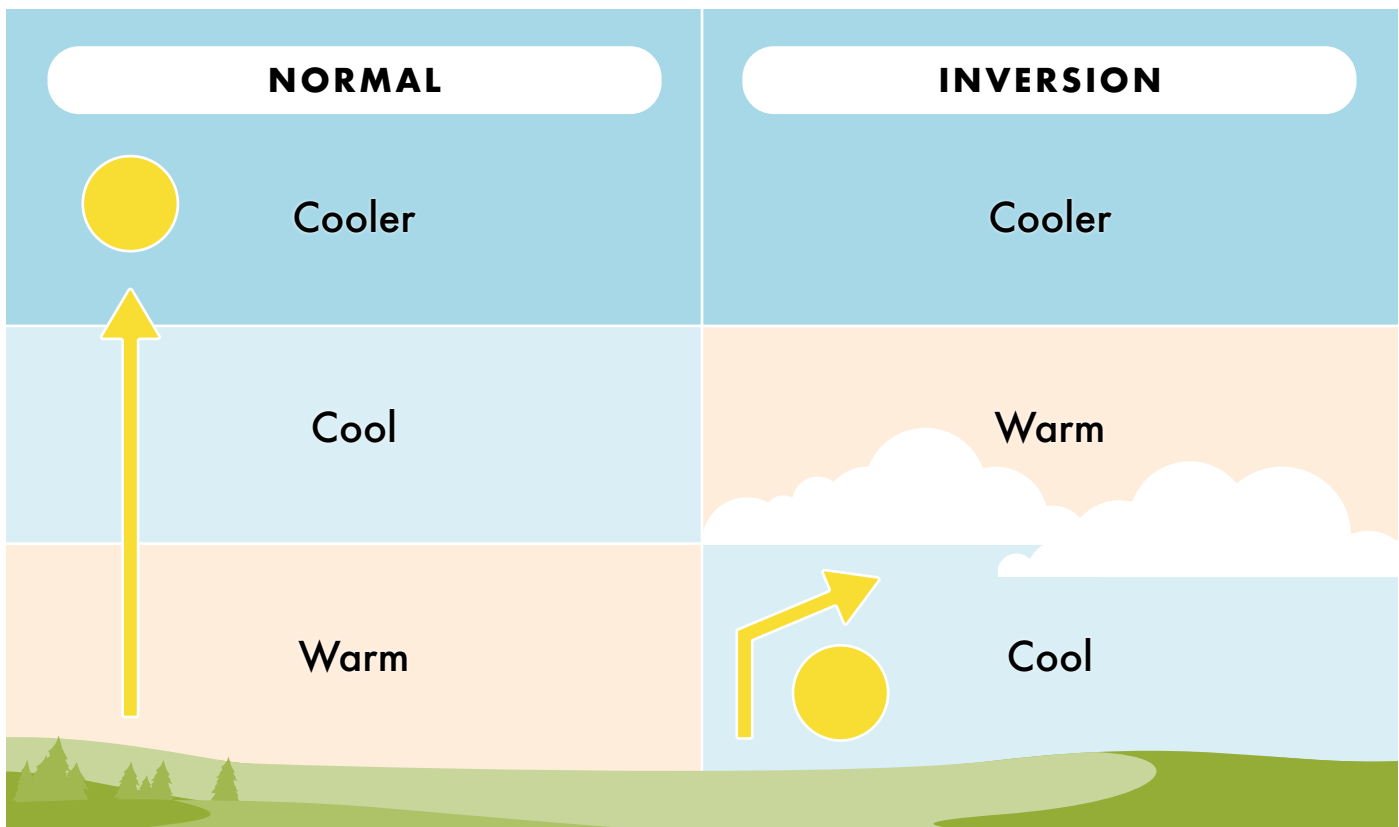


Figure 1: Temperature Inversion



## Common Considerations

### Obtaining a burning permit from TCEQ

TCEQ does not issue outdoor burning permits; however, you may be able to obtain an authorization prior to starting burning under certain conditions. Outdoor burnings in general are prohibited in Texas, although the Outdoor Burning Rule ([Appendix A](#)) does allow certain exceptions. If your situation meets all the requirements for one of the exceptions described in the Rule, you may conduct outdoor burning in accordance with applicable special conditions. Some exceptions may require you to submit a written request to conduct a burn to the appropriate [TCEQ regional office](#)<sup>6</sup> (shown in [Appendix C](#)) to obtain approval before you conduct outdoor burning activities. If your outdoor burning activity does not meet any of the requirements for an exception to the Rule, or if you cannot comply with the special conditions, you may still be able to obtain authorization from the Executive Director.

### Considering neighbors

Even if you meet an exception to burn, you still need to take your neighbors into account. In addition to common courtesy, the Outdoor Burning Rule requires that certain kinds of burning be conducted downwind of, or at least 300 feet from, any structure containing sensitive receptors (see page 3) located on adjacent properties unless written approval is obtained from the owner or occupant of the adjacent or downwind property, the one who will suffer adverse effects. In addition, your burning must not cause a nuisance or traffic hazard, in accordance with 30 TAC 101.4 and 101.5.

### Notifying TCEQ

Some exceptions to the Outdoor Burning Rule require you to notify the appropriate TCEQ regional office (see [Appendix C](#)) before conducting outdoor burning.

In addition, you may have to contact other governmental agencies, local authorities, or your surrounding neighbors. See Appendix B for a quick reference guide to when you should notify TCEQ and the applicable rules.

### Complying with local regulations

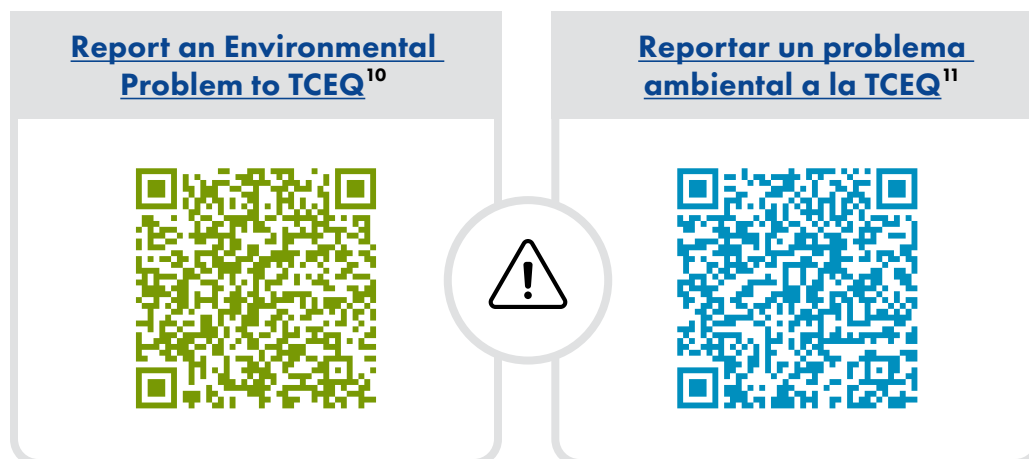
Even if your burning is in compliance with TCEQ regulations, it still may not comply with other, stricter laws, regulations, and ordinances enforced by cities, counties, and other jurisdictions. You must comply with all such regulations (e.g., county burn bans) in addition to TCEQ rules.

### Considering weather conditions

Some exceptions to the Outdoor Burning Rule must be conducted in accordance with applicable special conditions that limit outdoor burning during specific weather conditions and times of day. These include wind direction, wind speed, and temperature inversions. Current and predicted weather conditions should be obtained prior to conducting outdoor burning activities to determine wind speed, wind direction, whether winds are expected to shift during active burning, whether there will be periods of persistent low level atmospheric temperature inversions, and ozone levels. You can obtain up to date weather conditions through websites like [The National Weather Service](#)<sup>7</sup> or [The National Oceanic and Atmospheric Administration](#)<sup>8</sup>. Information regarding ozone levels in your area are available from TCEQ's [Texas Air Quality Forecast](#)<sup>9</sup> website.

### Reporting illegal outdoor burning

The best way to report an environmental problem to TCEQ is by using our online complaint form available on our webpage, or by scanning one of the following QR Codes. If you prefer to submit a complaint by telephone, please contact your TCEQ regional office (see [Appendix C](#)).



<sup>6</sup> [tceq.texas.gov/agency/directory/region](http://tceq.texas.gov/agency/directory/region)

<sup>7</sup> [www.weather.gov](http://www.weather.gov)

<sup>8</sup> [www.noaa.gov](http://www.noaa.gov)

<sup>9</sup> [tceq.texas.gov/goto/airtoday](http://tceq.texas.gov/goto/airtoday)

<sup>10</sup> [tceq.texas.gov/goto/report-an-environmental-problem-to-tceq](http://tceq.texas.gov/goto/report-an-environmental-problem-to-tceq)

<sup>11</sup> [tceq.texas.gov/goto/report-an-environmental-problem-to-tceq-esp](http://tceq.texas.gov/goto/report-an-environmental-problem-to-tceq-esp)

## Practical Alternatives to Burning

The Outdoor Burning Rule defines a practical alternative as being “economically, technologically, ecologically, and logistically viable.” Alternatives are considered on these four criteria to determine whether they are practical with the standard of judgment being that of a reasonable person. For example:

- An option that is technologically available but neither economically affordable nor logistically possible is not practical.
- A method other than burning may not be practical if it cannot achieve the desired ecological outcome.
- An alternative that is technologically, economically, and logistically feasible is not practical if it causes a greater ecological harm than burning.

The following methods of disposal can sometimes serve as practical alternatives to burning:

1. **Recycling** – Salvageable metals can be manually or mechanically separated from other material and sold at a salvage yard. For recycling guidance, rules, and information, see TCEQ’s [Recycling Resources webpage](#)<sup>12</sup>.
2. **Composting** – Organic waste from landscape maintenance can often be composted on-site easily and cleanly. Similar wastes—like paper products, kitchen waste, or cardboard boxes—can be composted under the right conditions. For more information, see TCEQ’s [composting resources webpage](#)<sup>13</sup>.
3. **Mechanical chipping or mulching** – Mulch produced from mechanical chipping and mulching can be used for soil enrichment and moisture retention or used to create compost. In addition, mulch can be turned into a marketable product, used where it is produced, or given to individuals and nurseries. Even if the resulting material cannot be used as landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed by other means.
4. **Logging** – Timber can sometimes be converted into a marketable product—lumber, pulp, or firewood—as one way to reduce disposal costs. The remaining small limbs and brush are then much easier to dispose of through one of the other alternatives.
5. **Landfills** – Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic, and glass. Type IV landfills accept brush. Contact your local landfills for details.
6. **Air-curtain incineration (trench burning)** – Many land-clearing contractors have portable devices,

known as trench burners or air-curtain incinerators, which can be used to dispose of brush or untreated lumber with minimal emissions. These devices must be authorized by the TCEQ Air Permits Division prior to their construction at a burn site. For more information, visit TCEQ’s [Air-Curtain Incinerators webpage](#)<sup>14</sup>.

Section 111.211 of the Outdoor Burning Rule recognizes the use of fire as a necessary management tool for situations where there is no practical alternative. All such burns are subject to the general requirements for allowable outdoor burning (30 TAC 111.219).

**Landclearing** is the uprooting, cutting, or clearing of vegetation 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 that follows clearings for ecological restoration. *The goal of **landclearing** is a major change in land use (i.e., the conversion of the land from one use to another), whereas, the goal of a **prescribed burn** is to restore, maintain, or renew the ecosystem.*

## Exceptions to the Outdoor Burning Rule

The standard exceptions to the Outdoor Burning Rule cover the most common situations where outdoor burning is allowed in Texas. Some of the exceptions will be subject to parts of or all of the general requirements for allowable outdoor burning under 30 TAC 111.219. In addition, some exceptions will require verbal or written notification to the appropriate TCEQ regional office (see [Appendix C](#)), governmental agencies, local authorities, and neighboring properties prior to burning (see [Appendix B](#) for details on specific notification requirements). Local authorities may also regulate outdoor burning by issuing ordinances or burn bans for their area. If an ordinance is in effect, the requirements and restrictions of this ordinance must also be met. TCEQ does not issue or regulate burn bans.

## Special Restrictions

Depending on your location in Texas, there may be additional requirements you need to meet in order to be eligible for an exception under the Outdoor Burning Rule.



## NONATTAINMENT

TCEQ developed the State Implementation Plan (SIP) to meet national air quality standards established in the federal Clean Air Act. The SIP identifies strategies to improve air quality for areas designated as “nonattainment.” Nonattainment areas are formally designated by EPA as having air pollution levels that exceed the National Ambient Air Quality Standards (NAAQS).

Nonattainment areas may have more stringent regulations on outdoor burning than those detailed in the Outdoor Burning Rule. To determine if your county is a nonattainment county, and subject to these exceptions to the Rule, review the map in the [Texas SIP](#)<sup>15</sup> or call your regional TCEQ office (see [Appendix C](#)).

## MONTGOMERY COUNTY

In unincorporated areas of Montgomery County, it is a criminal offense, as well as a violation of agency rules, to burn household refuse on a lot smaller than five acres or located in a “neighborhood.” The terms “neighborhood” and “refuse” are defined in 30 TAC 111.203 (see [Appendix A](#)). Under Texas Local Government Code Section 352.082, this restriction could in the future also apply to certain planned communities if the population of a county adjacent to the one where such a community is located grows to 3.3 million or more.

## Fires for Disposal (111.209)

A broad exception to the Burning Rule exists for fires to dispose of waste or clear land. It includes several more specific categories:

1. **Domestic waste** – Domestic waste (i.e., household trash or rubbish) may be burned when the local governmental organization with jurisdiction over such matters does not collect trash and does not authorize a business or other service to do so. To qualify for this exception, the waste must come from a property that is designed to be a private residence and used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced. According to TCEQ rules [30 TAC 101.1(26)], domestic wastes include wastes that normally result from the function of life within a residence (e.g., kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings). Items such as tires, construction debris, roofing shingles, treated-wood pallets, furniture, carpet, electrical wire, and appliances are not considered domestic waste and cannot be burned. The Rule specifically prohibits the burning of insulated wire while still allowing the burning of piles created by fence demolition, which contain wire and untreated wood wastes. Other conditions of the general requirements for outdoor burning do not apply. In addition, the burning of domestic waste should not cause a nuisance, in accordance with 30 TAC 101.4.
2. **Diseased animal carcasses** – These may be burned when burning is the most effective means of controlling the spread of disease. The general requirements for outdoor burning do not apply to this exception, but burning under this exception must not cause a nuisance or traffic hazard, or be prohibited by local ordinances.
3. **Burning of animal remains by a veterinarian** – A veterinarian may burn animal remains and medical waste—not including sharps (e.g., needles)—associated with animals in their care on their property if the property is located outside the corporate boundaries of a municipality (or within such boundaries if they were annexed on or after September 1, 2003). This section prevails over any other law that authorizes a governmental authority to abate a public nuisance (Texas Occupations Code, Section 801.361).
4. **On-site burning of waste plant growth** – In most attainment counties, trees, brush, grass, leaves, branch trimmings, or other plant growth may be burned on the property on which the material grew. In all cases, the plant growth must be burned by the property owner, or another person authorized to do so by the owner. Depending on the county type, on-site burning of waste plant growth must meet the following requirements. To determine if your county is an attainment or a nonattainment county for the purposes of this exception, review the map in the [Texas SIP](#) or call your regional TCEQ office (see [Appendix C](#)).

<sup>15</sup> [tceq.texas.gov/airquality/sip](http://tceq.texas.gov/airquality/sip)



- **All designated nonattainment counties and some attainment counties** – Burning of waste plant growth is allowed only if the material was generated because of right-of-way (or easement) maintenance, land clearing, or maintenance along water canals, and no practical alternative to burning exists. Burning conducted under this exception must conform to all the general requirements for outdoor burning.
  - **Most attainment counties** – Burning of waste plant growth is allowed regardless of the activity that generated the material, and practical alternatives do not need to be considered beforehand. Burning conducted under this exception must conform to some of the general requirements for outdoor burning, specifically the requirements in 30 TAC 111.219(3, 4, 6, 7) (see [Appendix A](#)). Burning of this type is also subject to local ordinances that prohibit burning within the corporate limits of a city or town. **For the purposes of this exception, some attainment counties are treated as nonattainment counties.** Specifically, any attainment county that contains any part of a municipality that extends into a bordering nonattainment county is treated as a nonattainment county.
5. **Designated residential burn sites in rural areas** – This exception allows private residents in rural areas to transport their yard waste (trees, brush, grass, leaves, branch trimmings or other plant growth) to a designated site for consolidated burning, rather than having numerous smaller fires in the yards of rural neighborhoods. All burning at a designated site must be directly supervised by a fire department employee. A volunteer firefighter can be used to supervise designated burn sites, per [Texas Health and Safety Code, Subsection 382.018\(d\)\(1\)\(D\)\(ii\)](#). Designated burn sites must be outside the corporate limits of a municipality and within a county with a population of less than 50,000. The site must

be designated by its owner, though designation does not require registration with TCEQ. A site is designated by:

- Posting all entrances to the site with a placard that must always be clearly visible and legible, measuring at least 2 feet wide by 4 feet high, and bearing the specific information stated in 30 TAC 111.209(5)(A) (see [Appendix A](#)).
- Specifying which residential properties the site has been designated for and maintaining a record of those specific residential properties. This record must contain a description of a platted subdivision, a list of all specific residential addresses, or both. This record must be made available within 48 hours of any request by any authority having jurisdiction.

Furthermore, the owner of the site must ensure that:

- All waste burned at the site consists of only trees, brush, grass, leaves, branch trimmings, and other plant growth that was generated at one of the specific residential properties for which the site is designated.
  - All burning at the site is directly supervised by a paid, on-duty fire department employee who is part of the fire protection personnel and is acting in the scope of their employment. The fire department employee must notify the appropriate TCEQ regional office by phone or fax 24 hours in advance of each burn. TCEQ will supply them with information on practical alternatives to burning.
6. **Crop residues** – When there is no practical alternative, crop residues may be burned as part of agricultural management. Determining whether there is a practical alternative requires evaluating such things as the type of crop, soil moisture level, soil nutrient benefits, cropping sequence, and the cost of using alternative disposal methods. Burning carried out under this exception must conform to the general requirements for outdoor burning, and



structures containing sensitive receptors (see page 3) must not be negatively affected by the burn. This exception does not apply to crop-residue burning covered by an administrative order.

7. **Off-site plant growth burning** – A county or municipal government may contact the appropriate TCEQ regional office and request site and burn authorization in writing to burn accumulations of brush, trees, and other plant growth that cause a detrimental condition to public health and safety. The burn must occur at a site owned by the local government and will only be authorized if TCEQ determines that there is no practical alternative. The frequency of such burns may not exceed once every two months, and they cannot be used in place of other sound brush-management practices. Burns conducted under this exception must conform to the general requirements for allowable outdoor burning. *The burning may not occur at a municipal landfill without advance permission from TCEQ.*

## COMMON CONSIDERATIONS

### Requesting exceptions not listed in the Rule

If your situation does not fit any of the exceptions given in the Rule, but you would still like to conduct a burn, submit a written request to the TCEQ regional office who serves the county where you wish to conduct outdoor burning. Acting on behalf of the executive director, regional personnel will review your request and determine whether a practical alternative is available. If they agree that none can be found, they will issue you a written authorization to burn which will outline specific conditions that you must follow to control the emissions.

### Burning in rural communities

If there is not a governmentally provided or authorized trash-collection service available to you, you may burn domestic waste on the property where it is produced, as long as outdoor burning is not prohibited by local ordinances and does not create a nuisance or a traffic hazard.

### Disposing of oil filters

You cannot burn old oil filters. They must be taken to an authorized recycling facility. To locate recycling facilities, you may call 800-CLEAN-UP (800-253-2687) or visit the [Earth911 website](http://Earth911.com)<sup>16</sup>.

### Burning waste from a business

According to the Outdoor Burning Rule, the burning of commercial business waste is prohibited. The exception that allows for the burning of domestic waste only applies if the property where the waste is produced is used exclusively as a private residence and the local

governmental authority does not provide or authorize the collection of waste at the premises where the waste is generated. There is no such exception for businesses. You can contract the waste disposal service yourself as part of your business operation and consider the possibility of recycling waste such as boxes, pallets, cardboard, and barrels, or find ways that you or others could reuse these materials.

### Disposing of scrap tires

The Outdoor Burning Rule provides no exception for the disposal of tires (or any other items that contain natural or synthetic rubber) through outdoor burning because of the air pollution that would result. [TCEQ's Scrap Tire Program](http://TCEQ's%20Scrap%20Tire%20Program)<sup>17</sup> (512-239-2335 or [tires@tceq.texas.gov](mailto:tires@tceq.texas.gov)) can give you more information regarding proper methods for tire disposal.

### Rules for municipal landfills

The Outdoor Burning Rule does not allow routine burning at municipal landfills.

### Authorization to burn animal remains

A veterinarian may dispose of the remains and medical waste associated with an animal burial or burning if:

1. the burial or burning occurs on property owned by the veterinarian that is located
  - (a) outside the corporate boundaries of a municipality; or
  - (b) within the corporate boundaries of a municipality as a result of an annexation that occurred on or after September 1, 2003; and
2. at least one of the following requirements is met:
  - (a) a veterinarian-client-patient relationship existed between the veterinarian, the owner or other caretaker of the animal, and the animal before the animal's death
  - (b) the veterinarian diagnosed, treated, boarded, or otherwise cared for the animal before its death; or
  - (c) the veterinarian performed euthanasia or an autopsy on the animal.

Medical waste associated with the animal, except for sharps (e.g., needles), can also be burned. For details, see [Texas Occupations Code, Section 801.361](http://Texas%20Occupations%20Code%20Section%20801.361)<sup>18</sup>.

### Burning trees

There are some exceptions to the prohibition on outdoor burning that may allow you to burn trees. Most cities prohibit burning within city limits and provide waste disposal options or require their residents to contract with a waste disposal service. Grass, leaves, and branch trimmings from residences are all considered "domestic waste." If your local government does not

<sup>16</sup> [www.earth911.com](http://www.earth911.com)

<sup>17</sup> [tceq.texas.gov/permitting/waste\\_permits/tires/tires](http://tceq.texas.gov/permitting/waste_permits/tires/tires)

<sup>18</sup> [statutes.capitol.texas.gov/Docs/OC/htm/OC.801.htm](http://statutes.capitol.texas.gov/Docs/OC/htm/OC.801.htm)

collect domestic waste and does not authorize a private collector to do so, you may burn material of this type. If such waste collection is available, then it cannot be burned under the domestic-waste exception. A separate exception may apply depending on your location, regardless of whether domestic-waste pickup is available. If you are in a county that does not contain any part of a city that extends into a nonattainment county, you may burn plant waste (not all domestic waste) on the property on which it was generated. Under either exception, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

### **Using burning to clear property within city limits**

Depending on the attainment status of the county in which you wish to burn, you may be able to burn trees and brush within city limits. In designated nonattainment counties, as well as attainment counties that border nonattainment counties and include any part of a city extending into the nonattainment county, this type of burning is not exempt unless the municipal government has enacted ordinances that permit burning in accordance with state law. In such cases, you must consider alternatives such as chipping or trench burning. If there is no practical alternative to burning, and the city has not enacted ordinances that permit burning, you may request written permission from TCEQ for authorization to burn, though you cannot commence burning until you receive such authorization. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance (see [Appendix C](#)). In all other counties, this burning meets TCEQ's exception unless the municipal government has enacted ordinances that prohibit burning. For information regarding nonattainment counties visit the [Texas State Implementation Plan webpage](#)<sup>19</sup>.

### **Transporting land clearing materials to be burned elsewhere**

The Outdoor Burning Rule only allows the burning of land clearing materials at the site of the land clearing. You may not move these materials to burn them elsewhere, even if you own the property where they are to be burned.

### **Burning for crop management**

Burning for crop management (e.g., burning corn stubble) is allowed when no practical alternatives exist, provided that it is conducted under suitable weather conditions and at appropriate times, and does not cause a nuisance or traffic hazard.

### **Hay disposal**

Hay used as bedding for animals is not considered crop residue and needs to be properly disposed of by a

method other than burning. Check with your local county officials or agricultural organizations. They may need this material for erosion control or other purposes.

## **Firefighter Training (111.205)**

Organizations that train firefighters must obtain authorization to conduct outdoor burning for such training, including training on the operation of fire extinguishers. To obtain authorization, the organization responsible for the training must send a written request to the local air pollution control agency, or, if there is no such agency, the appropriate TCEQ regional office (see [Appendix C](#)). A list of local air pollution control agencies is available at TCEQ's [Local Air Pollution Control Programs](#)<sup>20</sup> webpage.

If training occurs regularly (weekly, throughout the year) at a dedicated facility, only one annual written notification, sent to the relevant TCEQ regional office, is needed. If a dedicated training facility (i.e., a fire academy for students) conducts training regularly but less than once a week, a telephone, fax, or email notification will be necessary 24 hours in advance of each event, in addition to an annual written notification. See [Appendix B](#) for notification guidelines.

Burning conducted to train firefighters does not have to conform to the general requirements for other forms of allowable outdoor burning, but it must not cause a nuisance or traffic hazard. TCEQ may revoke an authorization for burning if it is used to avoid complying with other portions of the Outdoor Burning Rule.

## **COMMON CONSIDERATIONS**

### **Burning abandoned houses as volunteer fire department (VFD) training**

The training of firefighters may be authorized as an exception to the prohibition on outdoor burning. To receive an authorization for burning, submit a written request on behalf of the VFD to the local air pollution-control agency, or, if there is no local agency, the relevant TCEQ regional office. TCEQ may authorize such training orally or in writing. If TCEQ denies the request, your VFD will receive a notice of denial within 10 working days after the postmark date or the date of personal delivery of the request to the regional office. To ensure that the fire will not form or disperse toxic substances, the local air pollution-control agency or the reviewing TCEQ regional office may require that the building be stripped of many common construction materials (including electrical wiring, lead flashing, carpet, asbestos, and many others) before the fire is ignited. Note that the burning of abandoned buildings by a fire department is not automatically considered

<sup>19</sup> [tceq.texas.gov/airquality/sip](https://tceq.texas.gov/airquality/sip)

<sup>20</sup> [tceq.texas.gov/permitting/air/local\\_programs.html](https://tceq.texas.gov/permitting/air/local_programs.html)





fire training. There must be a specific benefit to the fire department. Simply preventing the spread of fire from an abandoned building to neighboring property is not considered training. Such burns constitute an attempt to circumvent the Outdoor Burning Rule and are prohibited. The property owner is still responsible for disposing of residual materials properly.

## **Fires for Recreation, Ceremonies, Cooking, or Warmth (111.207)**

Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires under this exception may not contain electrical insulation, treated lumber (including paint, stain, varnish, clear coat, or any other kind of treatment), plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements for allowable outdoor burning do not apply to fires covered by this exception, but the burning must not cause a nuisance or traffic hazard.

### **COMMON CONSIDERATIONS**

#### **Cooking in a backyard**

Fires used in the noncommercial preparation of food for human consumption are allowed under the permit by rule in 30 TAC 106.244, which includes ovens, mixers, blenders, barbecue pits, and cookers. Additionally, smokehouses, whose maximum horizontal inside cross-sectional area does not exceed 100 square feet, are also allowed under the permit by rule in 30 TAC 106.243.

To qualify for either of these permits by rule, the general conditions listed under 30 TAC 106.4 must be met. For additional information see TCEQ's [Air Permits by Rule webpage](#)<sup>21</sup>.

#### **Building fires in fireplaces**

Yes, the Outdoor Burning Rule does not regulate indoor fires. Domestic-use fireplaces are authorized under TCEQ's de minimis rules in 30 TAC 116.119.

#### **Campfires inside city limits**

Fires used solely for recreation or ceremony are allowed by state law; however, local ordinance may prohibit this kind of burning. Check with your local city or county office prior to burning within their jurisdiction. Make sure no oils, asphalt, synthetic rubber, or other materials that produce heavy smoke are placed in the fire as they could release toxic gases and cause a nuisance or traffic hazard.

## **Prescribed Burns (111.211)**

The exception for prescribed burns encompasses the use of fire to manage forests, rangeland, wildland, and wildlife statewide, plus coastal salt marshes in 14 counties. This exception also includes wildfire-hazard mitigation. All these forms of burning are subject to the general requirements for allowable outdoor burning.

Coastal salt marsh burning also entails more specific notification requirements (see [Appendix B](#)), which are stated in 30 TAC 111.211(2)(A) and (B). Owners of private property and state-owned land planning to conduct coastal salt marsh management under 30 TAC 111.211(2) must each seek and obtain written approval from TCEQ for coastal salt marsh burning.

### **COMMON CONSIDERATIONS**

#### **Technical information on prescribed burning**

A good source of technical information on prescribed burning is the Texas Department of Agriculture's [Prescribed Burn Program](#)<sup>22</sup>, which sets standards for prescribed burning; develops a comprehensive training curriculum for prescribed-burn managers and sets standards for their certification, recertification and training; establishes minimum education and professional requirements for instructors for the approved curriculum; and sets minimum insurance

<sup>21</sup> [tceq.texas.gov/permitting/air/permitbyrule/air-pbr](https://tceq.texas.gov/permitting/air/permitbyrule/air-pbr)

<sup>22</sup> [texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program](https://texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program)

requirements for prescribed-burn managers. For safety reasons, a prescribed-burn plan may call for burning at night. Such plans require special authorization and must consider the effects of a temperature inversion on smoke dispersal to protect public health.

### Burning on federal lands

Authorization from TCEQ is needed in order to conduct a burn on federal lands. Federal lands are not exempt from TCEQ Outdoor Burning rules in the SIP.

## Certified and Insured Prescribed Burn Managers (111.217)

A Certified and Insured Prescribed Burn Manager (CIPBM) is licensed by the Texas Department of Agriculture (TDA) and approved by the Prescribed Burning Board. A CIPBM has the ultimate authority and responsibility when conducting a prescribed burn. A CIPBM must meet the minimum standards of training and experience and maintain the required insurance. A CIPBM must provide reasonable assurance that a prescribed burn will be confined to a predetermined area, that the effects of smoke emissions will be minimized, and that a prescribed burn will be conducted in a manner that will accomplish land management objectives.

There are four types of certified and insured prescribed burn managers:

1. **Private** – conducts prescribed burns on property owned by, leased by, or occupied by the private certified and insured prescribed burn manager or that person's employer.
2. **Commercial** – may conduct prescribed burns for hire on any property allowed by his or her certification, including that of his or her employer.
3. **Government** – conducts prescribed burns as an authorized employee of a governmental unit.
4. **Not-for-Profit** – conducts prescribed burns on property owned or leased by a prescribed burning organization or on property owned or leased by a person who is a member of a prescribed burning organization.

**Note:** TCEQ's rules do not use the term "Burn Boss"; however, TDA rules include the term "Burn Boss" in regard to CIPBMs. The TCEQ Outdoor Burning Rule, though not specifically using the term "Burn Boss" (30 Texas Administrative Code Chapter 111, Subchapter B), has requirements concerning prescribed burns that will be conducted by a "Certified and Insured Prescribed Burn Manager."

For more information regarding CIPBMs, please reference TDA rules in 4 TAC 225-231.

## Pipeline Breaks and Oil Spills (111.213)

An oil (or other hydrocarbon) spill or pipeline break may trigger a requirement to notify the appropriate TCEQ regional office, in accordance with the notification requirements for major upsets in 30 TAC 101.6 (see [Appendix C](#)). Once notified of the spill, the regional office staff will decide whether burning is necessary to protect the public welfare. If TCEQ gives the company or person responsible for the spill permission to burn, TCEQ may also require that the company or person take samples and monitor the site to determine and evaluate environmental impacts.

**Note:** The exception for hydrocarbon burning is subject to 30 TAC 101.6 of this title (relating to Notification Requirements for Major Upset). 30 TAC 101.6 was repealed as a result of a rule change which went into effect September 12, 2002. The rule was moved to new Subchapter F under 101.201 of this chapter (relating to Emissions Event Reporting and Recordkeeping Requirements). The Outdoor Burn Rule will be updated at a later date to reflect this change.

## Other Situations That Do Not Meet an Exception (111.215)

If a situation may require outdoor burning but is not covered by the previously described exceptions, you may request permission to burn from a TCEQ regional office (see [Appendix C](#)). TCEQ staff, acting on behalf of the executive director, will consider whether:

1. There is a practical alternative (refer to the definition listed in 30 TAC 111.203(4) and to the additional information in [Appendix D](#)).
2. The burning will cause or contribute to a nuisance or traffic hazard.
3. The practice will violate any federal or state primary or secondary standard for ambient air quality.

Such authorizations may require you to follow certain procedures to control or abate emissions. These authorizations may be revoked at any time if TCEQ determines that the outdoor burning is creating a nuisance, violating any provision of an applicable permit, causing a violation of any air quality standard, or not conforming to the conditions specified in the authorization.

## COMMON CONSIDERATIONS

### Burning storm debris

Burning storm debris, regardless of whether the brush is to be burned on-site or at a landfill, is not specifically authorized in the exceptions to the prohibition on outdoor burning. However, TCEQ may authorize



the disposal of storm debris if there are no practical alternatives. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office (see [Appendix C](#)).

### **Burning land-clearing materials at housing subdivisions**

Housing subdivisions are allowed to dig pits and burn their land-clearing materials within city limits because

they are using a process called air-curtain incineration (trench burning), which is authorized under a permit by rule (or standard permit). Companies that specialize in this kind of business must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures before conducting a burn. Contact TCEQ Air Permits Division at 512-239-1250, or [airperm@tceq.texas.gov](mailto:airperm@tceq.texas.gov) for more information.



## Related TCEQ Publications

TCEQ has a variety of publications available on issues related to outdoor burning. Several of them explain specific alternatives to outdoor burning. They include:

- **RG-325** – Used Oil Recycling Handbook: Guidance for Used Oil Handlers
- **GI-415/415-esp** – Answers to Some Burning Questions/Repuestas a algunas preguntas ardientes
- **RG-419** – Disposal of Domestic or Exotic Livestock Carcasses

These publications can be downloaded from TCEQ's [publication search webpage](#)<sup>23</sup>, and copies of certain TCEQ publications can be ordered from TCEQ's [publication ordering form webpage](#)<sup>24</sup>.

<sup>23</sup> [tceq.texas.gov/publications/search-pubs](http://tceq.texas.gov/publications/search-pubs)

<sup>24</sup> [tceq.texas.gov/publications/pub-orders](http://tceq.texas.gov/publications/pub-orders)





# Appendixes

# APPENDIX A:

# Outdoor Burning Rule

The [Outdoor Burning Rules](#)<sup>25</sup> is reproduced below from the Secretary of State website. The most current version of these regulations is online. You can order a current copy of this guidance document online from TCEQ's [publications ordering webpage](#)<sup>26</sup>.

***Note:** The exception for hydrocarbon burning is subject to 30 TAC 101.6 of this title (relating to Notification Requirements for Major Upset). 30 TAC 101.6 was repealed as a result of a rule change adopted August 21, 2002, and became effective September 12, 2002. The rule was moved to new Subchapter F under 101.201 of this chapter (relating to Emissions Event Reporting and Recordkeeping Requirements). The Outdoor Burn Rule will be updated at a later date to reflect this change.*

## §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.

## §111.203. Definitions

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Commission on Environmental Quality (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 that are defined by the TCAA, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Certified and Insured Prescribed Burn**

**Manager**—A person with ultimate authority and responsibility for a prescribed burn, who has been certified by the Prescribed Burning Board of the Texas Department of Agriculture. The certification issued by the Prescribed Burning Board must be considered effective, and to have met the certification requirements found in 4 TAC Chapter 226 (relating to Requirements for Certification by the Board), at the time the prescribed burn is conducted.

- (2) **Extinguished**—The absence of any visible flames, glowing coals, or smoke.
- (3) **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.
- (4) **Neighborhood**—A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.
- (5) **Practical alternative**—An economically, technologically, ecologically, and logistically viable option.
- (6) **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.
- (7) **Refuse**—Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.
- (8) **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 that 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.

- (9) **Sunrise/Sunset**—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.
- (10) **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.

### §111.205. Exception for Fire Training

- (a) Outdoor burning shall be authorized for training firefighting 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 firefighting 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 firefighting 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.

### §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).

### §111.209. Exception for Disposal Fires

Except as provided in Local Government Code, §352.082, outdoor burning is authorized for the following:

- (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 that 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, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property:
  - (A) in a county that is part of a designated nonattainment area or that contains any part of a municipality that extends into a designated nonattainment area; if the plant growth was generated as a result of right-of-way maintenance, landclearing operations,

and maintenance along water canals when no practical alternative to burning exists. Such burning is subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). Commission notification or approval is not required; or

- (B) in a county that is not part of a designated nonattainment area and that does not contain any part of a municipality that extends into a designated nonattainment area; this provision includes, but is not limited to, the burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals. Such burning is subject to local ordinances that prohibit burning inside the corporate limits of a city or town and that are consistent with the Texas Clean Air Act, Chapter 382, Subchapter E, Authority of Local Governments, and the requirements of §111.219(3), (4), (6), and (7) of this title. Commission notification or approval is not required.
- (5) at a site designated for consolidated burning of waste generated from specific residential properties. A designated site must be located outside of a municipality and within a county with a population of less than 50,000. The owner of the designated site or the owner's authorized agent shall:
  - (A) post at all entrances to the site a placard measuring a minimum of 48 inches in width and 24 inches in height and containing, at a minimum, the words "DESIGNATED BURN SITE - No burning of any material is allowed except for trees, brush, grass, leaves, branch trimmings, or other plant growth generated from specific residential properties for which this site is designated. All burning must be supervised by a fire department employee. For more information call {PHONE NUMBER OF OWNER OR AUTHORIZED AGENT}." The placard(s) must be clearly visible and legible at all times;
  - (B) designate specific residential properties for consolidated burning at the designated site;
  - (C) maintain a record of the designated residential properties. The record must contain the description of a platted subdivision and/or a list of each property address. The description must be made available to commission or local air pollution control agency staff within 48 hours, if requested;
  - (D) ensure that all waste burned at the designated site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth;
  - (E) ensure that all such waste was generated at specific residential properties for which the site is designated; and
  - (F) ensure that all burning at the designated site is directly supervised by an employee of a fire department who is part of the fire protection personnel, as defined by Texas Government Code, §419.021, and is acting in the scope of the person's employment. The fire department employee shall notify the appropriate commission regional office with a telephone or electronic facsimile notice 24 hours in advance of any scheduled supervised burn. The commission shall provide the employee with information on practical alternatives to burning. Commission approval is not required;
- (6) 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 the 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; and
- (7) brush, trees, and other plant growth causing a detrimental public health and safety condition 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 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.

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

Outdoor burning shall be authorized for:

- (1) Prescribed burning for forest, range and wildland/ wildlife management, and wildfire hazard mitigation 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.

### **§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.

### **§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 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.

### **§111.217. Requirements for Certified and Insured Prescribed Burn Managers**

Prescribed burning shall be authorized when conducted under the direction of a Certified and Insured Prescribed Burn Manager, as defined in §111.203 of this title (relating to Definitions), for forest, range and wildland/ wildlife management and wildfire hazard mitigation purposes, with the exception of coastal salt-marsh management burning. 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. Such burning shall be subject to the following requirements, and not the requirements in §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning).

- (1) 4 TAC Chapter 227 (relating to Requirements for Certified and Insured Prescribed Burn Managers) and Chapter 228 (relating to Procedures for Certified and Insured Prescribed Burn Managers).
- (2) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (3) 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.
- (4) 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).

- (5) Burning shall be conducted in compliance with the following meteorological and timing considerations:
  - (A) The initiation of burning shall commence no earlier than 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 five miles per hour (mph) (four knots) or greater than 23 mph (20 knots) during the burn period.
  - (C) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
- (6) 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.

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

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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 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.

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

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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.

## APPENDIX B:

# When Should You Notify TCEQ?

Purpose of the Burning	When Should You Notify TCEQ?	Who Else Needs Notification?	Rule Section
<b>Fire Training</b>			
On demand requests	In writing, 10 working days prior	A	111.205(a)
Dedicated facility, used at least once per week	Every year	A	111.205(b)
Dedicated facility, used less frequently than once a week	In writing every year, and by phone or fax 24 hours before event	A	111.205(c)
<b>Disposal</b>			
Domestic waste	Not required	B	111.209(1)
Diseased animal carcasses	Not required	B	111.209(2)
Animal remains and associated medical waste	Not required	B	111.209(3)
Plant growth on-site	Not required	B, D	111.209(4)
Plant growth at designated burn site	Verbally or in writing, 24 hours before event	B, D	111.209(5)
Crop residue	Verbally or in writing when possible	B, D	111.209(6)
Brush, off-site, by county or city	In writing, also notify verbally when possible	B, D	111.209(7)
<b>Prescribed Burns</b>			
Other than coastal salt marsh	Verbally or in writing when possible	B, C, D	111.211(1)
Coastal salt marsh	Land must be registered 15 working days prior	D	111.211(2)(A)
<b>Other</b>			
Pipeline breaks and oil spills	Spill notification and executive director approval required for major upset	B	111.213
Ceremonial fires	Not required	B	111.207

- A. If there is a local air pollution–control agency, notify that agency.
- B. 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).
- C. Notify the Texas Forest Service before conducting prescribed burns for forest management.
- D. 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.

## APPENDIX C:

# TCEQ Areas and Regional Offices

## TCEQ Area Offices

### BORDER AND PERMIAN BASIN

Region 6, El Paso • Region 7, Midland  
Region 15, Harlingen • Region 16, Laredo  
Area Director: David A. Ramirez  
1804 W. Jefferson Ave. • Harlingen, TX 78550-5247  
956-425-6010 • FAX: 956-412-5059

### CENTRAL TEXAS

Region 9, Waco • Region 11, Austin • Region 13, San Antonio  
Area Director: Joel Anderson, MC 172  
P.O. Box 13087 • Austin, TX 78711-3087  
12100 Park 35 Circle • Austin, TX 78753  
210-403-4010 • FAX: 512-239-4390

### COASTAL AND EAST TEXAS

Region 5, Tyler • Region 10, Beaumont • Region 12, Houston • Region 14, Corpus Christi  
Area Director: Susan Clewis, MC 172  
P.O. Box 13087 • Austin, TX 78711-3087  
12100 Park 35 Circle • Austin, TX 78753  
512-239-0468 • FAX: 512-239-4390

### NORTH CENTRAL AND WEST TEXAS

Region 1, Amarillo • Region 2, Lubbock • Region 3, Abilene  
Region 4, Dallas/Fort Worth • Region 8, San Angelo  
Area Director: Randy J. Ammons  
5012 50th St., Ste. 100 • Lubbock, TX 79414-3426  
806-796-7092 • FAX: 806-796-7107

## TCEQ Regional and Watermaster Offices

### 1 – AMARILLO

Regional Director: Guy Wilkins  
5809 S. Western St, STE 260,  
Amarillo, TX 79110-3631  
806-353-9251 • FAX: 806-468-0530

### 2 – LUBBOCK

Regional Director: Christopher Mayben, P.G.  
5012 50th St., Ste. 100  
Lubbock, TX 79414-3426  
806-796-7092 • FAX: 806-796-7107

### 3 – ABILENE

Regional Director: Michael Taylor, P.G.  
1977 Industrial Blvd.  
Abilene, TX 79602-7833  
325-698-9674 • FAX: 325-692-5869

### 4 – DALLAS/FORT WORTH

Regional Director: Elizabeth Smith  
2309 Gravel Dr.  
Fort Worth, TX 76118-6951  
817-588-5800 • FAX: 817-588-5700

### Stephenville Office

(Concentrated Animal Feeding Operations)  
580 W. Lingleville Rd., Ste. D  
Stephenville, TX 76401-2209  
254-552-1900 or 800-687-7078

### 5 – TYLER

Regional Director: Leroy Biggers  
2916 Teague Dr.  
Tyler, TX 75701-3734  
903-535-5100 • FAX: 903-595-1562

### 6 – EL PASO

Regional Director: Reagyn (Ryan) Slocum  
401 E. Franklin Ave., Ste. 560  
El Paso, TX 79901-1212  
915-834-4949 • FAX: 915-834-4940

### 7 – MIDLAND

Regional Director: Reagyn (Ryan) Slocum  
10 Desta Dr., Ste 350E  
Midland, TX 79705  
432-570-1359 • FAX: 432-620-6110

### 8 – SAN ANGELO

Regional Director: Michael Taylor, P.G.  
622 S. Oakes, Ste. K  
San Angelo, TX 76903-7035  
325-655-9479 • FAX: 325-658-5431

### 9 – WACO

Regional Director: David Mann  
6801 Sanger Ave., Ste. 2500  
Waco, TX 76710-7826  
254-751-0335 • FAX: 254-761-3067

### 10 – BEAUMONT

Regional Director: Kathryn Saucedo  
3870 Eastex Fwy.  
Beaumont, TX 77703-1830  
409-898-3838 • FAX: 409-892-2119

### 11 – AUSTIN

Regional Director: Lori Wilson  
P.O. Box 13087 • Austin, TX 78711-3087  
12100 Park 35 Circle • Austin, TX 78753  
512-339-2929 • FAX: 512-339-3795

### 12 – HOUSTON

Regional Director: Nicole Bealle  
5425 Polk St., Ste. H  
Houston, TX 77023-1452  
713-767-3500 • FAX: 713-767-3520

### 13 – SAN ANTONIO

Regional Director: George Ortiz  
14250 Judson Rd.  
San Antonio, TX 78233-4480  
210-490-3096 • FAX: 210-545-4329

### 14 – CORPUS CHRISTI

Regional Director: Melanie Edwards  
500 N. Shoreline Blvd., Ste. 500  
Corpus Christi, TX 78401-0318  
361-881-6900 • FAX: 361-881-6901

### 15 – HARLINGEN

Regional Director: Jaime A. Garza  
1804 W. Jefferson Ave.  
Harlingen, TX 78550-5247  
956-425-6010 • FAX: 956-412-5059

### 16 – LAREDO

Regional Director: Jaime A. Garza  
707 E. Calton Rd., Ste. 304  
Laredo, TX 78041-3887  
956-791-6611 • FAX: 956-791-6716

### TEXAS WATERMASTERS

**Brazos Watermaster:** Molly Mohler  
6801 Sanger Ave., Ste. 2500  
Waco, TX 76710-7826  
254-761-3027 or 254-313-8554  
FAX: 254-761-3067

**Concho Watermaster:** Angela Sander  
622 S. Oakes, Ste. K  
San Angelo, TX 76903-7035  
San Antonio: 210-403-4041 or 866-314-4894  
San Angelo: 325-262-0834  
FAX: 325-658-5431

**Rio Grande Watermaster:** Georgina Bermea  
Harlingen Office  
1804 W. Jefferson Ave.  
Harlingen, TX 78550-5247  
956-430-6056, 956-430-6039, or 800-609-1219  
FAX: 956-430-6052

**Eagle Pass Office**  
P.O. Box 1185 • Eagle Pass, TX 78853-1185  
1593 S. Veterans Blvd.  
Eagle Pass, Texas 78852-6474  
830-773-5059 or 800-609-1219  
FAX: 830-773-4103

**South Texas Watermaster:** Angela Sander  
14250 Judson Rd.  
San Antonio, TX 78233-4480  
210-403-4041 or 800-733-2733  
FAX: 210-545-4329

See more regional information:  
[www.tceq.texas.gov/goto/regions](http://www.tceq.texas.gov/goto/regions).

TCEQ Central Office: P.O. Box 13087,  
Austin, Texas 78711-3087, 512-239-1000

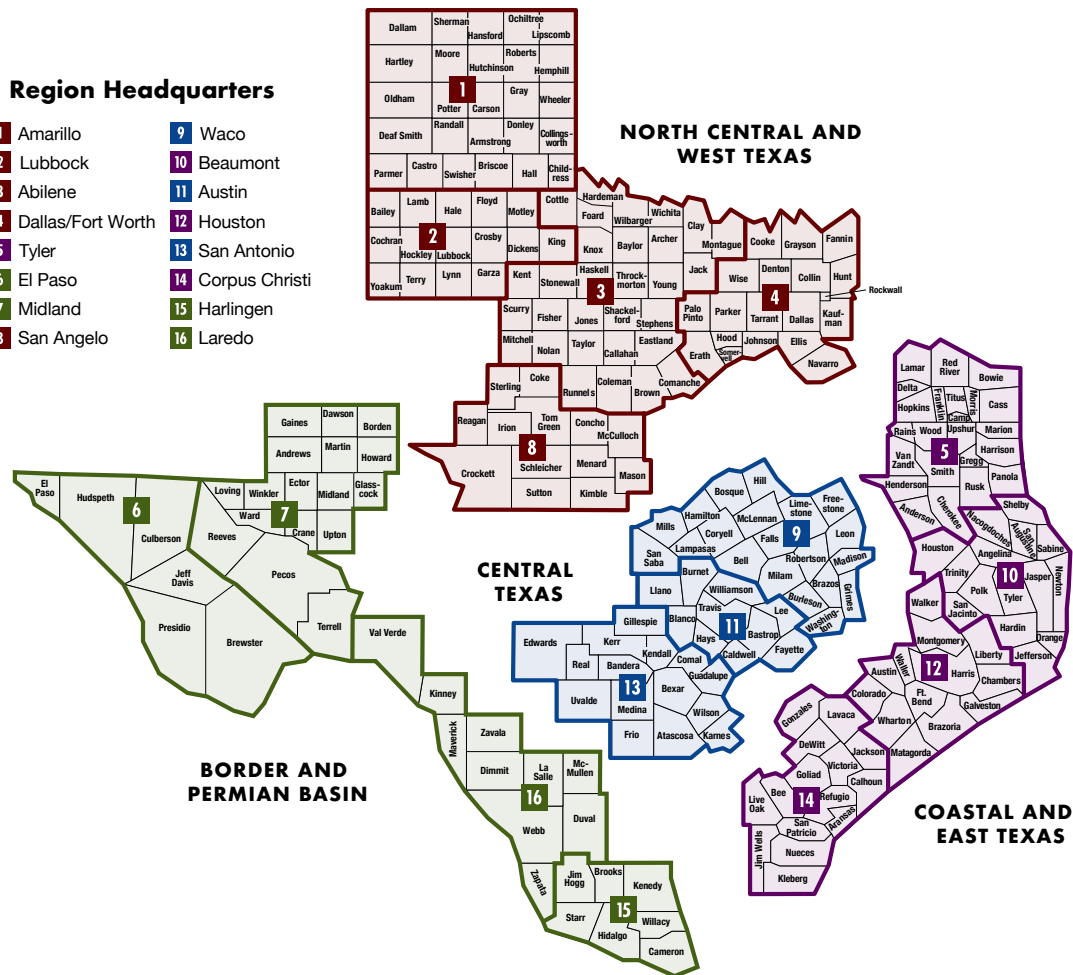
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## TCEQ Areas and Regions

### Region Headquarters

- |                     |                   |
|---------------------|-------------------|
| 1 Amarillo          | 9 Waco            |
| 2 Lubbock           | 10 Beaumont       |
| 3 Abilene           | 11 Austin         |
| 4 Dallas/Fort Worth | 12 Houston        |
| 5 Tyler             | 13 San Antonio    |
| 6 El Paso           | 14 Corpus Christi |
| 7 Midland           | 15 Harlingen      |
| 8 San Angelo        | 16 Laredo         |



## Small Business and Local Government Compliance Assistance Team Members in TCEQ Regions

**REGION 1 – AMARILLO**  
Brittany Crawford, 806-468-0515

**REGION 2 – LUBBOCK**  
Mariana Chacon, 806-796-7092  
Courtney Lanier, 806-796-7617  
Ellyn Anthony, 806-796-7608

**REGION 3 – ABILENE**  
Jeremiah Johnson, 325-698-9674  
Adam Liuzza, 325-698-6104

**REGION 4 – DFW**  
Racheal Ajayi, 817-588-5708  
Katie Cunningham, 817-588-5907  
Kristen Fenati, 817-588-5827  
Cary Yandell, 817-588-5707

**REGION 5 – TYLER**  
Theresa Carr, 903-535-5165  
Mackenzie Maserang, 903-535-5158  
Taylor Bowman, 903-535-5176

**REGION 6 – EL PASO**  
Vanessa Duenas, 915-834-4974  
Cody Castaneda, 512-239-4943

**REGION 7 – MIDLAND**  
Haley Stinchcomb, 432-620-6134  
Elissa Torrez, 432-620-6137

**REGION 8 – SAN ANGELO**  
Diana Steele (team leader), 325-481-8061  
Rachel McMath, 325-481-8054  
Zachary Johnson, 325-481-8062

**REGION 9 – WACO**  
Charles Mortensen, 254-761-3020  
Meera Hodges, 254-761-3021

**REGION 10 – BEAUMONT**  
Lori Palmer, 409-899-8789  
Yvonne Rodriguez, 409-899-8731

**REGION 11 – AUSTIN**  
McKenna Wheeler, 512-239-0414  
Will Wyman, 512-239-0448

**REGION 12 – HOUSTON**  
Rebecca Costigan de la Cerda, 512-239-7003  
Theodora Jacobs, 512-239-4180  
Stephen Scalise, 512-239-7018  
Shaquilla Rolle, 512-239-4468

**REGION 13 – SAN ANTONIO**  
Agnieszka Hobson, 210-657-8424  
Priscilla Hudson, 210-403-4017  
Madeline McDonald, 210-403-4036

**REGION 14 – CORPUS CHRISTI**  
Veronica Medrano, 361-881-6986  
Gabrielle Price, 361-881-6983

**REGION 15 – HARLINGEN**  
Imelda Pena Sanchez, 956-389-7427  
Gabriel Soto, 512-239-4465  
Yadira Trevino, 956-389-7425

**REGION 16 – LAREDO**  
Carmen (Ramirez) Garcia, 956-721-8457  
Erica Solis, 956-721-8452  
Elsa Hull, 956-753-4063  
Guillermina Sanchez, 956-721-8458

For an up-to-date directory of TCEQ's regional offices and their staff,  
see [tceq.texas.gov/goto/regionsmap](https://tceq.texas.gov/goto/regionsmap).

## APPENDIX D:

# Additional Resources

### EPA Green Book

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The EPA Green Book ([www.epa.gov/green-book](http://www.epa.gov/green-book)) provides detailed information about area NAAQS designations, classifications, and nonattainment status.

### Prescribed Burn Handbook

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Texas A&M AgriLife Extension's Prescribed Burn Handbook ([agrilife.org/rxburn](http://agrilife.org/rxburn)) collects information and resources for conducting prescribed burns in Texas.

### Reporting Arson

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Report suspicious fire activity to your local law enforcement office or call one of the following toll-free phone numbers. You may be eligible for a reward up to \$2,000 if your information leads to the arrest and grand jury indictment of the person or persons responsible for arson.

- **Texas Toll-Free Arson Hotline** – 1-877-4FIRE45 (1-877-434-7345)
- **Texas A&M Forest Service Wildland Arson Hotline** – 1-800-364-3470

### Texas A&M Forest Service

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Texas A&M Forest Service's website ([tfswweb.tamu.edu](http://tfswweb.tamu.edu)) collects information on wildfires and forest management, including a list of outdoor burn bans in Texas ([tfswweb.tamu.edu/wildfire-and-other-disasters/burn-bans-and-information/](http://tfswweb.tamu.edu/wildfire-and-other-disasters/burn-bans-and-information/)).

### Texas Commission on Environmental Quality

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- **Main website** – [tceq.texas.gov](http://tceq.texas.gov)
- **Air Curtain Incinerator General Operating Permit** – [tceq.texas.gov/permitting/air/titlev/generalpermits/gop\\_no\\_518.html](http://tceq.texas.gov/permitting/air/titlev/generalpermits/gop_no_518.html)
- **Air Curtain Incinerator Permit by Rule** – [tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air\\_curtain.html](http://tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html)
- **Air Permits Division** – 512-239-1250
- **Find the TCEQ region for your county** – [tceq.texas.gov/agency/directory/region/county.html](http://tceq.texas.gov/agency/directory/region/county.html)
- **TCEQ Publications webpage** – [tceq.texas.gov/publications](http://tceq.texas.gov/publications)
- **Texas State Implementation Plan (Nonattainment county information)** – [tceq.texas.gov/airquality/sip](http://tceq.texas.gov/airquality/sip)

## Texas Constitution and Statutes ([statutes.capitol.texas.gov](http://statutes.capitol.texas.gov))

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Other than the Outdoor Burning Rule, the following statutes also cover burning in Texas:

- **Local Government Code** – Section 352. County Fire Protection, Subchapter D. Outdoor Burning
- **Government Code** – Section 419. Texas Commission on Fire Protection – 021. Definitions
- **Texas Health and Safety Code** – Title 5C, Chapter 382. Clean Air Act, Subchapter E. Authority of Local Governments

## Texas Department of Agriculture

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The Texas Department of Agriculture ([texasagriculture.gov](http://texasagriculture.gov)) oversees the Prescribed Burn Board which certifies prescribed burn managers. They also oversee the Prescribed Burn Program ([texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program](http://texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program)) and publish a list of all certified and insured prescribed burn managers ([texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program/Find-a-Burn-Manager](http://texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program/Find-a-Burn-Manager)).

## United States Census Bureau - for Population of Texas Counties

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The United States Census Bureau ([www.census.gov](http://www.census.gov)) collects population and demographic data from across the country, including the individual populations of Texas counties.





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