

Texas Outdoor Burn Policy (i.e., conducting onsite burning)

TEXAS COMMISSION on ENVIRONMENTAL QUALITY (TCEQ)

This is **not** a Board of Directors document and the Board is not responsible for its content, accuracy, or any follow-on updates. Burn policy and procedures are the absolute responsibility and authority of the Texas Commission on Environmental Quality (TCEQ). It is the property owners' responsibility to insure they follow the TCEQ rules. The information herein is general in nature and does not constitute all the information you need to conduct on-site burning. The purpose of this document is to provide some basic information but, most importantly, direct you to the TCEQ website at www.tceq.state.tx.us. *Visit their website for the latest information and procedures **before** proceed with any outdoor burning activities. You are prohibited from burning unless you follow the prescribed requirements in exercising this privilege. This information is no substitute for what is contained at the TCEQ website.*

REFERENCES:

- REF A: Texas Clean Air Act (TCAA) & Texas Commission on Environmental Quality (TCEQ)
- REF B: Texas Outdoor Burning: Rule 30 TAC 111.201-221
- REF C: Brazos Trash Burn Enforcement (Bryan Fire Department – Dispatch)

General: The (TCEQ) regulates outdoor burning in Texas, and administers the “Texas Outdoor Burning Rule”. That Rule prohibits outdoor burning anywhere in Texas, but does allow for exceptions for situations in which burning does not pose a threat to the environment. Homeowner’s in a County environment have an exception provided they follow the Texas Rules. *What is allowed to be burned on-site is plant growth as defined by TCEQ and is restricted to trees, brush, grass, leaves, branch trimmings, or other plant growth that grew on the property* - nothing else. Additionally, only the property owner or a designated person authorized by the owner is authorized to burn the plant growth.

Owner Liability: The following are guidelines for outdoors burning, as reflected in the Texas Commission on Environmental Quality Guidebook to Outdoor Burning. Following the TCEQ rules does not relieve the homeowner of any liability should their on-site burnings spread and cause collateral damage to other properties. *Additionally, the information contained in this document is no substitute for owners reviewing and insuring compliance with the requirements outlined in the Texas Outdoor Burning Rule. The property owner is fully responsible for any liability resulting in collateral damage to other properties or legal injunctions brought against them.*

The following is summary information from the Texas Outdoor Burn Rule, and in no manner is a substitute for you to follow. You should read the TCEQ document to insure you comply with their latest guidance as, unlike this document, it is updated from time to time.

1. All controlled burns must be logged with the Brazos County, Texas dispatch. Notify Brazos County 911 Dispatch in advance of your burn by calling 979-361-3888. You must call each day that you burn. This number is not for reporting emergencies; to report a fire or other emergency, dial 911. Likewise, 911 is not to be used for reporting controlled burn information.
2. You may burn brush, leaves, untreated lumber, or any other natural product on the land from which it was cleared. You may not burn insulation (electrical or otherwise), treated or painted lumber, plastics, sheetrock, shingles, carpet, rubber products, paints, oils, or any material brought onto the site from elsewhere, *including brush cleared from another location*.
3. You may not burn on windy days or during dry periods. The wind speed must be greater than 6 miles per hour, but no more than 22 miles per hour. During dry periods, the County Commissioner's Court may enact a "burn ban" in which no outdoor burning is permitted, including burn barrels. Local radio and TV stations will broadcast information on burn bans. Burning hours are from one hour after sunrise to one hour before sunset. No additional material may be added to the fire that would cause burning to extend past this time.
5. Your fire must be downwind of or at least three hundred (300) feet from the nearest property with any type of structure. The immediate area of the fire should be clear of brush, overhanging limbs, and other combustibles. You should have a shovel, rake, and a hose connected to a reliable water source nearby to prevent the spread of the fire. The fire must be tended at all times until it is completely out.
6. If wind carries smoke across any public roadway, you must post someone on the road to flag traffic in accordance with Texas Department of Public Safety regulations.
7. If the smoke is causing a nuisance of any type to anyone, the fire must be put out even if all the above rules are followed.
8. Campfires, cooking fires, and bonfires are allowed to burn after dark, as long as the materials are those listed above as legal to burn. During periods of a burn ban, these types of fires may not be burned. Other than burn bans, and legal materials listed above, the general rules on allowable outdoors burning do not apply to fires covered by this exception.

3. TEXAS OUTDOOR BURNING RULE

General: The authority to grant permission, or not, to a property owner rests with the Texas Commission on Environmental Quality (TCEQ), not the Homeowner's Association. You must comply with their directives when considering a burn activity on your property. The TCEQ has established rules in their document titled, "Texas Outdoor Burning Rule". The Rule prohibits outdoor burning anywhere in Texas but, then, goes on to describe exceptions for specific situations in which burning does not pose a threat to the environment. Homeowner's in a County environment have an exception provided they follow the Texas Rules. *Plant growth, as defined by TCEQ, is trees, brush, grass, leaves, branch trimmings, or other plant growth that*

grew on the property -nothing else. Additionally, only the property owner or a designated person authorized by the owner is authorized to burn the plant growth.

Owner Liability: The following are guidelines for outdoors burning, as reflected in the Texas Commission on Environmental Quality Guidebook to Outdoor Burning. Following these Rules does not relieve the homeowner of any liability should their on-site burnings spread and cause collateral damage to other properties. Additionally, the information in this document is no substitute for owners reviewing and insuring compliance with the requirements outlined in the Texas Outdoor Burning Rule. The property owner is fully responsible for any liability resulting in collateral damage to other properties or legal injunctions brought against them. The Homeowner's Association (HOA) cannot and does not make any warranty or representation on behalf of any other owner of property located within North Country Estates. The HOA is and shall not be liable to owners for damages or costs owners may incur as a result of action(s) brought against an owner by any other owner in North Country Estates as a result of collateral damage from and owner conducting an outdoor burn.

Summary Information (REF: Texas Outdoor Burn Rule)

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4. Burning hours are from one hour after sunrise to one hour before sunset. No additional material may be added to the fire that would cause burning to extend past this time.
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NOTE: You should call Brazos County Fire Department Dispatch (361-3888) to request the wind speed and to find out if a burn ban is in effect, and log the burn time and estimated burn duration with the Dispatch representative.