

Outdoor Burning in Brazoria County

The Outdoor Burning Rule:

Outdoor Burning, in general, is illegal in Texas. There are exceptions in which burning is allowed. In those cases, the Outdoor Burning Rule has been designed to protect the environment and promote public health and safety. The Texas Administrative Code (TAC), Title 30, Part 1, Chapter 111.209 (1), (2), (3), (4)(A),(6), (7) provide the laws pertaining to outdoor burning exceptions used in Brazoria County.

The Texas Commission on Environmental Quality (TCEQ) does not issue burning permits. If your situation fits all requirements for one of the exceptions described in the rule, you may conduct outdoor burning, as long as you comply with all the conditions. Depending on the circumstances, you may also need approval from the appropriate regional office before you burn.

Brazoria County uses the TAC code to enforce burning regulation at the county level.

The authority to conduct outdoor burning does not exempt or excuse any person of the responsible from the consequences, damages, or injuries resulting from outdoor burning. It also does not exempt or excuse anyone from complying with all other applicable laws, ordinances, or regulations in Brazoria County.

Request to conduct outdoor burning will be made to the TCEQ Region 12 office at 713-767-3714.

The Brazoria County governmental offices do not give permission to conduct outdoor burning; only the TCEQ can determine if the request meets an outdoor burning exception.

Domestic Wastes

- If the local city ordinance does not make it mandatory that trash be picked up, and there is no governmentally 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 rule or ordinance and does not create a nuisance or a traffic hazard. No permission is required on small amounts of domestic waste. Larger amounts must comply with the following items.
- You are required to call the Brazoria County Office of Emergency Management / Fire Marshal to verify burn conditions in the county.
- You are required to notify the appropriate local fire department of your outdoor burning.

- Domestic wastes include waste that normally results from the function of life within a residence and include: Kitchen garbage, untreated lumber, cardboard boxes, packing (including plastics, rubber), clothing, grass, leaves, and branch trimmings.
- Waste can only be generated from that property, you cannot move waste from your home in a city to your property in the county.
- Waste not considered domestic waste cannot be burned. Examples are: Tires, non-wood construction debris, furniture, carpet, electrical wire, appliances

Disposal of Large Amounts of Plant Growth

- Burning is allowed if: There is no practical alternative. Plant growth removal or clearing would fall under this item. You must also meet the general requirements for allowable outdoor burning listed in 111.219 below.
- Request to conduct outdoor burning will be made to the TCEQ Region 12 office. TCEQ will notify Brazoria County OEM / Fire Marshal of burn request and verify conditions within the county.
- You are required to notify the appropriate local fire department of your outdoor burning.
- Commercial land clearing operations are required to use a practical alternative. If they have any questions, they should contact the TCEQ.

Crop Residue for Agricultural Management

- Burning of crop residue for agricultural management purposes is allowed when no practical alternative exists.
- Request to conduct outdoor burning will be made to the TCEQ Region 12 office. TCEQ will notify Brazoria County OEM / Fire Marshal of burn request and verify conditions within the county.
- You are required to notify the appropriate local fire department of your outdoor burning.
- You must also meet the general requirements for allowable outdoor burning listed in 111.219 on the next page.

Coastal Salt-Marsh Grass Management and Burning

- All Salt-Marsh Grass land is required to be registered with TCEQ Region 12 office.
- Request to conduct outdoor burning will be made to the TCEQ Region 12 office. TCEQ will notify Brazoria County OEM / Fire Marshal of burn request and verify conditions within the county.
- You are required to notify the appropriate local fire department of your outdoor burning.
- You must also meet the general requirements for allowable outdoor burning listed in 111.219 below.

111.219 – 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, consistent with the Texas Clean Air Act, Subchapter E, which permits burning.
- Burn only when 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 (lake, river, stream, bay) or have an adverse effect on any off-site structure containing “sensitive receptors” (residence, business, farm building, greenhouse). Regulation requires that winds be greater than 6 mph and less than 23 mph to burn.
- Keep fires downwind of, 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 at any time the burning causes smoke to blow onto a road or highway.
- Begin burning no earlier than one hour after sunrise; end it the same day and no later than one hour before sunset.
- Electrical insulation, treated lumber, plastics, non-wood construction / demolition materials heavy oils, asphalt materials, potentially explosive materials, chemical wastes and items containing natural or synthetic rubber must not be burned.
- 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 Environment Quality (TCEQ) Region 12 office at 713-767-3714

For a copy of the TCEQ Outdoor Burning Rule and Pamphlet go to:

www.tceq.state.tx.us/files/rg-049.pdf_4127821.pdf