

IMPORTANT INFORMATION ABOUT OUTDOOR BURNING

This information is provided for all persons in Travis County Emergency Services District No. 2, including the City of Pflugerville, Wells Branch MUD, Northtown MUD, and other areas that are within the District. In recent years outdoor burning has come under great scrutiny because of damage to the environment and harmful effects on humans that are sensitive to smoke and other pollutants from fire.

Persons wishing to conduct an outdoor burn should be aware of State and Local Regulations that apply to outdoor burning. State Requirements are addressed in a document entitled "Outdoor Burning in Texas", published by the Texas Commission on Environmental Quality, (formerly the Texas Natural Resources Conservation Commission). This information can be accessed online at www.tceq.state.tx.us and searching under available publications. Local requirements for the Emergency Services District are covered in the 2003 International Fire Code, Section 307. A copy of the International Fire Code is available for review purposes at the Pflugerville Library or at the Central Fire Station. Within the City of Pflugerville, Chapter 91.01A of the Code of Ordinances also applies. Any or all three of these regulations may apply to an outdoor burn in Travis County Emergency Services District No. 2.

Outdoor burning is allowed by state and local requirements when it is used solely for recreational or ceremonial purposes; in the noncommercial preparation of food, or exclusively as a means to provide warmth in cold weather. In other words, campfires and cooking fires are allowed. However, fires built under this exception cannot contain any electrical insulation, treated lumber, plastics, construction, or demolition materials not made of wood, heavy oils, asphalted materials, explosive materials, chemical wastes, or items containing natural or synthetic rubber

Other than as provided above, outdoor burning is generally prohibited in the State of Texas. This is governed by state law and local ordinances cannot supersede this requirement. The State does however, provide for a limited number of exceptions. Even if a situation fits all of the requirements for one of the state exceptions, there are a number of conditions which must be met.

The most common exception(s) to regulations against outdoor burning in our area come under the general topic of "Fires for Disposal or Land Clearing". Specifics for each type of fire will not be addressed here. Those specifics are referenced in the "Outdoor Burning in Texas" booklet published by the Texas Commission on Environmental Quality. Considerations for maintenance and land clearing as stipulated by the Texas Commission on Environmental Quality are as follows.

"Trees, brush, and other plant growth may be burned to maintain right of ways, clear land, or maintain the banks of water canals where there is no practical alternative and when the materials are generated only from the property on which the burning occurs. Burning carried out under this exception must conform with all of the general requirements for outdoor burning and may not produce adverse effects for structures containing sensitive receptors, for example, occupied buildings, barns or greenhouses."

The following are general requirements apply to outdoor burning that is allowed under the exception as stated above.

1. The Texas Forest Service must be notified before carrying out any prescribed burn or controlled burn that is intended as forest management.
2. Burning may only be started or continued 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; or have an adverse effect on any off-site structure containing sensitive receptors.
3. Someone must be posted to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.
4. Fires must be downwind of or at least 300 feet away from any neighboring structure that contains sensitive receptors. This requirement is waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.
5. Burning must not begin any earlier than one hour after sunrise, and must end the same day no later than one hour before sunset. Burns may not be started unless weather conditions are appropriate for smoke to dissipate, (that is winds must be at least 6 miles per hour; with no temperature inversions), and that the fire is controllable, (winds no faster than 23 miles per hour). A responsible person must be present while the burn is active and fire is in progress. At the end of the burn, residual fire or smoldering objects must be extinguished.
6. No electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphalted materials, explosive materials, chemical wastes, or items that contain natural or synthetic rubber may be burned under any condition.

Specific and or local requirements pertaining to outdoor burning within Travis County Emergency Services District No. 2 include the following.

1. None of the local requirements are intended nor can they be construed to alleviate or exempt any person from requirements of State Law or Regulation.
2. Any person wishing to conduct an outdoor or open burn within Travis County Emergency Services District No. 2 must obtain a permit for the burn from the Fire Chief, Fire Marshal, or his/her designate.
3. The following procedures will apply:

The responsible party must submit an application for a permit to conduct an outdoor burn. The application is available at the District's Administrative Office located at 203 E. Pecan Street, in Pflugerville. Once the application is complete, it must be returned to the District Office along with the appropriate fee.

A fire inspector will contact the responsible party to verify the request for outdoor burning. The inspector will conduct a site visit to determine if state and local requirements can and will be met. If it is

determined that an outdoor burn can be conducted that will satisfy all state and local requirements, a burn permit will be issued.

- A burn permit will remain valid for a period of two weeks from the date of issue. The permit can be extended for one additional week if the burn cannot reasonably be completed within the first two week period. If the responsible party does not conduct the burn within this period of time, the permit can be canceled and the permit fee, less a \$25.00 processing fee, is returned to the responsible party.
- The responsible party must agree to have the fire attended the entire time it is burning. A means to extinguish the fire, appropriate to the size of the fire, must be present during the fire.
- The responsible party must contact the fire department the day prior to lighting the fire. The party will be advised if conditions are projected to be favorable to outdoor burning or if the burn is not to be conducted.
- An inspector may visit the open burn site at any time during the fire or at the ending time of the fire. If the burn is not being conducted in accordance with state and local requirements, the fire can be ordered to be discontinued at that time. The permit for open burning becomes null and void. There is no refund of fees.
- The Fire Chief/Fire Marshal may order the fire to be discontinued at any time if it is determined that emissions are offensive or causing some other problem to others.
- If a complaint is received from some member of the public about emissions and it is determined the complaint is based on sensitivity to emissions, the fire will be discontinued and the permit will automatically become null and void.

It is important to remember that any person who conducts outdoor burning within requirements of state and local regulations is still responsible for any consequences, damages, or injuries resulting from the burning. No one is exempted complying with all applicable laws, ordinances, regulations, and orders of those governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with State Regulations. That means that the responsible party conducting the outdoor burn stands the chance of being held liable if something does go wrong.