

# OUTDOOR BURN RULES FOR HAYS COUNTY

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## GENERAL REQUIREMENTS FOR ALLOWABLE OUTDOOR BURNING

Adopted by Texas Commission on Environmental Quality  
Title 30 Texas Administrative Code #111.219

*[CITE as a violation of Section 7.177, Water Code]* A person commits an offense if the person intentionally or knowingly, with respect to the person's conduct, violates the General Requirements for Allowable Outdoor burning or any other rule promulgated by the Texas Commission on Environmental Quality regarding outdoor burning. An offense is punishable for an individual by a fine or not less than \$1,000 or more than \$50,000, confinement in the county jail for a period not to exceed 180 days, or both. An offense is punishable for a person other than an individual by fine of not less than \$1,000 or more than \$100,000.

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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 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.
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## **Title 30 TAC #111.203 Definitions.**

**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 which 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.

### **ENFORCEMENT**

*[ THE RULES ABOVE WERE ADOPTED BY TCEQ UNDER THE TEXAS CLEAN AIR ACT, CHAPTER 382 OF THE HEALTH AND SAFETY CODE. A VIOLATION OF THESE RULES IS STATED TO BE AN OFFENSE UNDER SEC. 7.177 OF THE WATER CODE, WITH THE RANGE OF PUNISHMENT SET OUT IN SECTION 7.187 OF THE WATER CODE.]*

*[CITE as a violation of **Section 7.177, Water Code**]*

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A person may be responsible for the criminal conduct of another under the provisions of Section 7.02, Texas Penal code, as for example where he/she solicits, encourages, directs, aids or attempts to aid the other person to commit the offense.