

WHITEWATER SPRINGS

OUTDOOR BURNING / CONTROLLED BURNS

July 2007

This information sheet has been approved for distribution by the Volunteer Fire Department of Bertram, Texas. Fire fighters are often called to scenes of “controlled burns”—fires that have been started in order to dispose of trash or unwanted brush. (No fire is actually "controlled" until it is extinguished.) More often than not these fires are in violation of State Laws, and commonly burn out of control. Grass and brush fires that start as “controlled burns” destroy hundreds of thousands of acres in Texas each year, and cause loss of life and millions of dollars in property damage. Personnel that are called to such a fire are exposed to the serious risks incurred when responding to, and fighting the fire.

Outdoor burning in Texas is regulated by the **Texas Commission on Environmental Quality (TCEQ)** and various **Texas Health and Safety Codes**. The information given on this sheet is based on TCEQ Regulations 30 TAC 111.201, 203, 209, 219, 221 and Texas Health and Safety Codes 382.083 – 382.087. **If you must burn outdoors please comply with the following rules and regulations. Failure to do so can result in very expensive fines.**

1). The phone number of the TCEQ Austin Regional Office is 512-339-2929. They can answer questions that you may have, or mail out an information sheet or copies of the laws. All burning must be outside any incorporated city limits unless ordinances meeting the Texas Clean Air Act have been enacted permitting burning.

2). **You must notify the Burnet County Sheriff's Office in advance of your burn by calling 512-756-8080.** Give your name, address, phone number and the location and time that you will be burning. You must call **EACH** day that you burn. **This number is not for emergencies; to report a fire or other emergency dial 911.**

3). Burning hours in Burnet County are from **1 hour AFTER sunrise until 5:00 PM**. No material may be added to the fire after 5:00 PM. Burning outside these hours is **against the law**.

4). **You may** burn brush, leaves, and untreated lumber – **any natural product** generated on the land. **You MAY NOT** burn electrical insulation, treated or painted lumber, plastics, rubber products, shingles, insulation, paints, oils, etc., or **any material brought on to the site**.

5). You may not burn on windy days or during dry periods. **Burn only when the wind speed is between 6 to 23 mph**. During dry periods, the Burnet County Commissioners' Court often declares “no burn” periods during which no outdoor burning is allowed. **For information on burn bans contact the Burnet County Court, 512-756-5420.**

Also, burning is not recommended during periods of actual or predicted “low level atmospheric temperature inversions” or if thunderstorm is likely. A lot of people think if rain is predicted, that's a good time to burn, but it's not if a sudden strong wind develops.

6). Your fire must be three-hundred feet from the nearest property that has structure(s) containing sensitive receptors, (a home or building containing people, animals or vegetation) unless you have permission of the owner. If your fire or smoke is in any way responsible for a health problem for another person, you are responsible, by law, for any cost required for treatment of the problem.

The immediate area around and above the burn site should be free of debris, brush, overhanging limbs and other combustibles. **You should have a shovel and rake nearby and hose attached to a reliable water source. The fire must be tended at all times and extinguished 1 hour before sunset (no visible flames, glowing coals or smoke).**

7). A good way to keep the size of your fire under control is to add material to the fire as it burns **rather than stacking up a huge pile of material and setting ablaze.**

8). Smoke from your fire must not obstruct a road, or adversely affect any public road, or landing site, vegetation, or property. Smoke particles from wood ash, when combined with moisture, may form lye (caustic soda) which can destroy painted surfaces and kill plants. Cinders that land on a damp surface (e.g., house siding, cars, landscape plants) can cause expensive damage.

9). **Texas Law holds the outdoor burner totally responsible for ANY damage that results from his fire, whether or not in compliance with these regulations.** Property owners who employ workers to clear lots, are responsible for any damage caused by a fire started by the workers.

10). TCEQ Regulations give local fire departments the discretion to determine whether a fire is in compliance with State Law and to determine if a fire poses any threat to health and safety. Violators may be fined up to **\$25,000** per day per violation. TCEQ is aggressive in enforcement of these laws and all fire departments in Burnet County report uncooperative violators. A fire department may be entitled to one-half of any civil penalties assessed against a violator (V.A.C.S. Article 4477-5, Sections 4.01; 4.02a (part); and 4.04f).

11). Once called to a scene, the fire department **will not share** in the liability of an outdoor burner. It is the department's policy to extinguish nearly all fires for which it has received a complaint, even if TCEQ regulations are being met. If the department does not extinguish a fire, that **shall not** be construed as an endorsement of the outdoor burner's activity.

12). There are alternatives to outdoor burning. Marble Falls and Austin have trash-hauling services that can remove up to forty cubic yards of material per trip. Various sizes of mulchers and chippers can be rented that convert brush into valuable mulch for the garden or erosion-prone areas.

13). **Fire departments can charge** for being called to an address of an outdoor burn in noncompliance. At the department's discretion, the responsible party may be billed for the actual cost. Costs for brush fires can easily reach thousands of dollars, **so burn with care.**

IF YOU MUST BURN, FOLLOW THESE RULES AND HAVE A SAFE CONTROLLED BURN!

FOR ADDITIONAL INFORMATION YOU MAY CONTACT:

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(512) 339-2929
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