

MATAGORDA COUNTY ENVIRONMENTAL HEALTH

First Floor 2200 7th Street
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979-244-2717
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Lisa Krobot, Director

- Food Service & Sanitation
- Animal Control
- Floodplain Management
- Solid Waste Management

Outdoor Burning

- Ozone Attainment
- Population less than 50,000

Must comply with TAC 111.209 (1), (2), (3), (4)(B), (5), (6), (7)

TAC 111.209 (1)

Domestic Wastes

- Domestic wastes include waste that normally results from the function of life within a residence and include:
 - Kitchen garbage
 - Untreated lumber
 - Cardboard boxes
 - Packaging (including plastics, rubber)
 - Clothing
 - Grass, leaves, branch trimmings
- Burning of domestic waste is allowed, when collection is not provided/authorized by local government entity having jurisdiction.
- Waste can only be generated from that property.
- Waste not considered domestic waste and cannot be burned:
 - Tires
 - Non-wood construction debris
 - Furniture
 - Carpet
 - Electrical wire
 - Appliances

TAC 111.209 (2) Diseased animal carcasses when burning is the most effective means of controlling the spread of disease.

TAC 111.209 (3) Veterinarians in accordance with Texas Occupations Code 801.361, Disposal of Animal Remains.

111.209 (4)(B) In an ozone attainment county, on-site burning of trees, brush, grass, leaves, branch trimmings, and other plant growth, by the property owner or authorized agent is allowed if:

- Material is only generated from that property.
- Generated as a result of right-of-way maintenance.
- Land clearing operations.
- Maintenance along water canals.
 - Practical alternatives are not required, therefore commercial operations may also burn.
 - Can burn inside city limits, except where local city ordinances prohibit it.

TAC 111.209 (5)

This type of burning allowed in counties with less than 50,000 population:

- Burn site designated for consolidated burning of plant growth waste generated from specific residential properties.
- Designated site must be located outside municipality
- The owner or authorized agent of designated burn site must comply with TAC 111.209 (5) (A)-(F).

TAC 111.209 (6)

- Burning of crop residue for agricultural management purposes allowed when no practical alternative exists.
- Burning is subject to TAC 111.219 General requirements for allowable outdoor burning.
- Structures containing sensitive receptors, humans and livestock such as residences, barns, greenhouses or stables must not be negatively impacted by the burn.
- When possible, notification should be made to TCEQ Region 12, but TCEQ notification/approval not required.

TAC 111.209 (7)

- Brush, trees, and other plant growth causing a detrimental public health and safety condition, can be burned by a county or municipal government at a site it owns upon receiving site and burn approval from the TCEQ Executive Director.
- Such burns can only be authorized when there is no practical alternative.
- Burns may be done no more frequently than once every two months.
- Burns cannot be conducted at municipal solid waste landfills unless authorized under TAC 111.215.
- Burns are subject to TAC 111.219.

If a situation does not fit any of the exceptions for disposal fires, a burn authorization request can be submitted to the TCEQ Region 12 Air Section for a case-by-case review.

Even if you meet an exception, you are still subject to nuisance conditions under 30 TAC 104.4 and Texas Health and Safety Code 341, 343 and 382. Punishments are created under the Texas Water Code, Chapter 7.177.

Texas Health and Safety Code 382.018 provides TCEQ with the authority to authorize outdoor burning of waste.

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Dear Matagorda County Resident:

This agency is proud to be able to furnish information to you about outdoor burning. Outdoor burning is a regulated activity in the State of Texas and Matagorda County.

Outdoor Burning Rule (Title 30, Texas Administrative Code) prohibits outdoor burning anywhere within the State of Texas but allows exceptions for specific situations in which burning is necessary or does not pose a threat to the environment.

An exception to outdoor burning allows for the burning of domestic waste, household trash and similar rubbish. Waste that is burned must come from a property that is both designed to be a private residence and used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced or generated. Commercial or business entities are not allowed to burn any waste.

Domestic waste is that waste that normally results from the function of life within a residence—for example: kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and tree trimmings. Such things as tires, non-wood construction debris, furniture, carpet, electrical wire, appliances, and other similar materials cannot be burned.

Whenever outdoor burning is necessary, the following conditions must be followed:

1. Burning is allowed only in unincorporated areas under the jurisdiction of Matagorda County. Burning is not allowed inside of a corporate city limit.
2. Burning is allowed only when the wind direction and other weather conditions are such that they will not present a hazard to any public road, airstrip, or navigable water or have an adverse effect on any neighboring structure such as a residence, business, etc.
3. Smoke from a fire cannot become a nuisance to neighboring property or persons. Burn locations should be positioned so that smoke will not enter your neighbor's house. Burned material should be contained in a barrel or enclosure that retards wind borne or air borne movement of burning embers.
4. Begin burning no earlier than one hour after sunrise, end it the same day, and insure that the fire is out no later than one hour before sunset. Always make sure that a responsible party is present while the burn is active and never leave a fire unattended. Burning should be done only when the wind is blowing at least 6 miles per hour and never burn when the wind is blowing faster than 23 m.p.h.
5. Do not burn electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, oil, asphaltic materials, explosives, chemical waste, or natural or synthetic rubber.
6. Materials that are not allowed to be burned must be disposed of at an approved site such as a landfill, transfer station or citizens collection station.

If you have further questions, comments, or concerns about this information, please contact this agency at (979)244-2717 for additional information. Copies of the Outdoor Burning Rule are available upon request