

Air Quality Regulations

Excerpted from TCEQ publication "Outdoor Burning in Texas"

Outdoor burning impacts air quality.

Regulations to minimize possible adverse impacts of outdoor burning are now administered by the Texas Commission on Environmental Quality (TCEQ).

The current version of the Outdoor Burning Rule is to protect the environment, promote public health and safety, and avoid nuisance conditions through the sensible regulation of outdoor burning.

Those portions of the regulations that most pertain to homeowners and rural residents are included in the following information.

General Prohibition

The Outdoor Burning Rule first prohibits outdoor burning anywhere within the state of Texas, and then allows for exceptions for specific situations in which burning is necessary or does not pose a threat to the environment. The rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed.

Outdoor disposal or deposition of any material capable of igniting spontaneously shall not be allowed without written permission of the TCEQ executive director or authorized staff representatives.

Compliance with TCEQ regulations does not mean that other, stricter laws, regulations or ordinances cannot be enforced by city, county or other governmental entities. There may be local ordinances or county burn bans that regulate burning; if so, you must comply with all such regulations (e.g. county burn bans) as well as the TCEQ rules.



Exceptions to Prohibition of Outdoor Burning

Firefighter Training

Entities that conduct firefighter training may obtain authorization to conduct outdoor burning for training, including training in the operation of fire extinguishers. The entity responsible for training must send a written request to the local air pollution control agency or the TCEQ regional office. The burning must not cause a nuisance or traffic hazard.

Fires for Recreation, Ceremony, Cooking or Warmth



Outdoor burning is allowed when 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, bonfires and cooking fires are allowed.

Fires for Disposal or Land Clearing

Domestic waste - Household trash or rubbish may be burned when the local governmental entity that has jurisdiction over such matters does not provide on-premises trash collection service or authorize a business or other entity to provide on-premises trash collection service. To qualify for this exception, the waste must come from a residence designed 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.

Maintenance or land clearing - Trees, brush and other plant growth may be burned to maintain rights-of-way, 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 may not produce adverse effects for structures containing sensitive receptors, e.g. occupied buildings, barns or greenhouses.

Crop residues - Where there is no practical alternative, crop residues may be burned for agricultural management.

Brush, trees, etc. off-site - A county or municipal government may request site and burn approval from the TCEQ regional office to burn accumulations of brush, trees and other plant growth that cause a condition detrimental to public health and safety. The burning may not occur at a municipal solid waste landfill without obtaining permission from the TCEQ beforehand.

Prescribed burns - This exception covers the use of fire to manage forests, rangeland, wildland and wildlife, and, in 14 counties, coastal salt marsh. Salt-marsh burning entails more specific notification requirements.