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Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 18, 2025

The Honorable Hoppy Haden,
Caldwell County Judge
Caldwell County Courthouse,
110 S. Main Street Room 103
Lockhart, TX 78644

Dear Judge Haden:

The recent July 4th flooding disaster in Caldwell County has resulted in extensive amounts of storm debris that is in need of disposal. The Texas Commission on Environmental Quality (TCEQ) is providing this letter in an effort to expedite the approval of outdoor burning, as provided by 30 Texas Administrative Code (TAC) Chapter 111, where necessary to alleviate large volumes of storm debris. **In addition to the approval provided by this letter, citizens must comply with local restrictions including burn bans, local fire codes, and guidance from local authorities prior to burning.** Authorization to burn may be revoked by the Executive Director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

Under authority of 30 TAC §111.209(4)(B), outdoor burning is authorized for on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property provided the conditions of 30 TAC §111.219 (3), (4), (6), and (7) as follows:

- (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.
- (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 the 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

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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.

Further TCEQ notification or approval is not required. Burning authorized by this letter shall not be utilized to circumvent the intent of the controls in the rule, or as a means to conduct illegal solid waste disposal, such as the burning of debris that was collected from other sites. The citizen(s) conducting the burn must not create a nuisance condition or traffic hazard as prohibited by 30 TAC §101.4 and 101.5 respectively.

TCEQ has recommended that local governments collect debris not recommended to be burned and that these wastes be disposed of in appropriate permitted landfills or be recycled. Please contact Mr. Elijah Gandee, Air Program Manager, Region 11 at (512) 239-7035 if you have questions regarding the burning of flood debris.

Sincerely,

A handwritten signature in cursive script that reads "Lori Wilson".

Lori Wilson, Regional Director
Austin Region Office
Texas Commission on Environmental Quality

LW/EG/mh
