



City of Eagle Pass
Fire Marshal's Office
2558 El Indio Hwy.
Eagle Pass, TX 78852
(830) 773-1915

ecuevas@eaglepasstx.us

Make checks payable to: City of Eagle Pass

OUTDOOR BURN PERMIT

Outdoor Burning General Requirements

IFC 307 Outdoor burning. The following provisions are applicable to open burning within the City of Eagle Pass and the Extra Territorial Jurisdiction.

(a) Adoption of Texas Administrative Code Regarding Outdoor Burning. The city hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, and as may be amended. If a conflict occurs between the Texas Administrative Code and this Section, the most stringent provision shall prevail.

(b) Outdoor burning prohibited. Outdoor burning of any kind is prohibited, except where such burning is authorized pursuant to an exception as specified below or, by a permit issued by the city. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

(c) Outdoor disposal or deposits of ignitable material prohibited. The outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.

(d) Exceptions. Outdoor burning may be authorized under the following exceptions and where applicable, pursuant to a permit issued by the city:

(i) Fire training. Outdoor burning shall be authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent to the fire marshal and the Texas Commission on Environmental Quality ("TCEQ"), and shall provide each with telephone or electronic facsimile notice at least 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.

(ii) Outdoor fires for noncommercial food preparation. Outdoor fires are allowed for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimney, made of brick, stone, metal or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for noncommercial food preparation do not require a burn permit. This exception



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does not permit or authorize the burning of waste or other matters not being prepared for consumption.

(iii) Fires used for recreation and ceremony. Outdoor burning may be authorized for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a city permit.

(iv) Disposal fires. The city may authorize outdoor burning for the following purposes and pursuant to a city-issued permit:

A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.

B. On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water canals when a practical alternative to burning does not exist and when the materials are generated only from that property. Sensitive receptors (neighboring properties, persons, animals) must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of the rule for a continual burning situation.

C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.

D. Brush trees and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire marshal. Such a burn shall only be authorized where there is no practical alternative, and it may be done no more frequently than once every two months.

(v) Prescribed burn. The city may authorize outdoor burning for prescribed burning for forest, range, and wild land/wildlife management purposes pursuant to the issuance of a city permit. Such burning is prohibited where the fire marshal determines that the burning will have an adverse effect on any building or structure. In addition, the fire marshal may revoke the authority to burn 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.

(vi) Hydrocarbon burning. The city may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to TCEQ and after the fire marshal has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.



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(vii) Other necessary burning. If not otherwise authorized by this Section, outdoor burning may be authorized by city permit if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or secondary ambient air standard. The fire marshal may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. The fire marshal may revoke the authority to burn 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.

(e) Revocation of permit or authority to burn. The fire marshal is authorized to revoke any person's or entity's right to conduct an outdoor burn, and to pursue any legal recourse against the person or entity, if the fire marshal determines that federal or state law, this Section, or a permit was violated.

(f) Responsibility for consequences of outdoor burning. The authority to conduct outdoor burning under this Section does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning, and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Section. Further, each permitted assumes all liability and responsibility for all damages to all persons or property caused by burning hereunder.

General Requirements:

1. A practical alternative must be pursued before an application for outdoor burning is made to the Eagle Pass Fire Marshal and the Texas Commission on Environmental Quality.
2. Submit a written request to the Texas Commission on Environmental Quality regional office for the prescribed burn and obtain an approved permit from the Texas Commission on Environmental Quality.
3. Submit a permit application to the Eagle Pass Fire Marshal's Office by the owner, operator, or other person in control of the property upon which the burning is to occur. The application shall be on a form provided by the Fire Marshal's Office.
4. Submit a copy of an approved permit from the Texas Commission on Environmental Quality.
5. The permit shall be effective for the specific time period indicated on the permit.
6. The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.
7. Applicant shall obtain final approval to burn from the Fire Marshal's Office immediately prior to the start of burning, and at the beginning of each day upon which burning is to take place, to ensure that weather conditions are, and will remain, conducive to the type of burning authorized by the permit.



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8. The Fire Marshal may void a permit in any instance where the Fire Marshal determines, in his sole discretion, that conditions have changed to the extent that the burn is no longer safe and poses a risk to the public health, safety and welfare.
9. When the city is under a burn ban in conjunction with a county burn ban, a burning operation will not be allowed.
10. Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have negative effect on any building, structure, or sensitive receptor.
11. If at any time the burning causes, or may tend to cause, smoke to blow onto or across a street, road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
12. Fire shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the Fire Marshal prior to the burn.
13. Burn piles will need to have a clear distance of 100 feet from any living grass, brush and trees that are not intended to be burned.
14. Multiple piles will need to have a clear distance of 300 feet from each of the piles to be burned.
15. Notify the Eagle Pass Fire Marshal prior to burning for approval to commence burning operations.
16. The burning shall commence no earlier than 9am. Burning shall be completed on the same day no later than one hour before sunset, and shall be monitored 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 object continue to emit smoke after this, 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. In order to allow time for the extinguishments of fire, no new material shall be added to the burning pile after 3pm.
17. Any residual fires and or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.
18. In cases where the outdoor burning will occur over more that 1 day pursuant to a permit, the permitted or designee shall contact the Fire Marshal each day of continued burning prior to the fire being lit, to determine whether, and under what conditions, burning will be allowed on that day.
19. Burning shall not be commenced when surface wind speed is predicted to be less than 6 miles per hour or greater than 12 miles per hour during the burn period.
20. Burning shall be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.



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21. The permitted or designee shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply or have other appropriate fire extinguishing equipment (bulldozer, water tankers, ect.) readily available for use.

22. Only brush/vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush from any other properties for the purpose of burning.

23. 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.

Plan Submittals:

24. Each submittal shall have a completed Eagle Pass Fire Marshal's Office burn permit application.

25. A copy of an approved permit from the Texas Commission on Environmental Quality.

26. A site plan/drawing of the proposed burn site area will include vehicle parking, buildings, obstructions, and roadways.

27. Designate the burn site and/or sites for multiple burnings.

28. List of materials to be burned.

29. List of equipment for containment and/or extinguishment of the materials to be burned.

30. A site evaluation will be conducted prior to approval of the application.

31. Plans approved by the City of Eagle Pass Fire Marshal's Office that gives authorization for operation. Final approvals are subject to field verification. Any approval issued by the Fire Marshal does not release the operators from the responsibility of full compliance with all applicable cods and ordinances relating to the bonfire or recreational fire.

32. All installations and/or operations must concur with the approved plans and permits. Any deviation from the approved plans requires a re-submittal of the plans to the Fire Marshal's Office.

33. All Fire Marshal inspection forms and permits shall be kept in a permit packet on site until completion of outdoor burning operations.