

HARKER HEIGHTS FIRE DEPARTMENT

OFFICE OF THE FIRE MARSHAL
401 INDIAN TRAIL
HARKER HEIGHTS, TEXAS 76548-7209
PHONE (254) 699-2688 FAX (254) 699-7693

Land Developer

POLICY FOR BURNING WITHIN THE HARKER HEIGHTS CITY LIMITS

THIS DEPARTMENT MAY ALLOW CONTROLLED BURNING ON RARE EXTENUATING CIRCUMSTANCES AND WHERE ALL PRACTICAL ALTERNATIVES HAVE BEEN EXHAUSTED AND NO BURN BAN IS IN EFFECT.

AUTHORITY: Texas Administrative Code, Title 30, Part 1, Chapter 106, subchapter V and Chapter 111, Subchapter B. International Fire Code 2009 Addition, section 307, as adopted by City Ordinance.

DEFINITIONS: *Adequate water supply* - A supply of water sufficient to extinguish the fire in its entirety, available to the department on-site.

Air Curtain Incinerator (ACI/Trench Burner) – An incinerator, approved by TCEQ, that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floors.

Building - Any structure erected for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Department - The Harker Heights Fire Department.

Extinguished - The absence of any visible flame, glowing coals or smoke.

Land Clearing Operation - The uprooting, cutting or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial or industrial development, or the clearing of vegetation to enhance property value, access or production. It does not include the maintenance burning of on site property wastes such as fallen limbs, branches, or leaves.

1. The person requesting the controlled burn must make application on the form furnished by the Department. The applicant must attach proof, by written bid, that all alternatives (chipping, composting and removal to landfill) have been explored and that those alternatives are not practical.

2. The City of Harker Heights and The Harker Heights Fire Department **requires** the use of Air Curtain Incinerators unless one of the alternative methods above is utilized.

3. The Fire Official or representative shall inspect the proposed burn site, and either grant or disallow the permit based on the conditions as they exist. Burning will only be allowed for the purpose of land clearing. The State of Texas has set the following guidelines that must be followed. These standards are minimum qualifications only. Each request for a burn permit will be handled separately and the Fire Official's decision shall be based on life and property safety, public health and public nuisance considerations. The Fire Official's decision will be final.

4. General Requirements for Allowable Outdoors Burning:

(A). Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.

(B). Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.

(C). 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).

(D). 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.

(E). Burning must be conducted downwind of and at least 300 feet (90 meters) from any property not under the ownership of the person making the request and at least 300 feet (90 meters) from any structures regardless of ownership.

(F). Burning shall be conducted in compliance with the following meteorological and timing considerations:

(1). 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 reasonable party at all times during the burn phase when fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished. In no case shall the extent of the burn area be allowed to increase after this time.

(2). Burning shall not be commenced when surface winds 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.

(3). Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(4). There must be a responsible adult on site with the availability of telephonic communications at all times when the material ignited is still burning, to include smoldering ashes.

(G). Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphalt materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

5. Air Curtain Incinerator Requirements.

- (A) The Texas Commission on Environmental Quality issues permits for the operation of an Air Curtain Incinerator under the Texas Administrative Code Rule **§106.496**.
- (B) The ACI must be equipped with a run time meter and it must be clearly and permanently marked with the regulated entity (preferred) or account identification number on the fan manifold or aboveground unit.
- (C) TCEQ must be notified in writing using the Regional Standard Permit/Permit by Rule Relocation Form, include a return receipt, and be received by the regional director and any local air pollution control agency having jurisdiction over the site at least 14 calendar days prior to locating at the site.
- (D) The length of the trench must not exceed the length of the air blower manifold.
- (E) The walls of the trench must be maintained such that they remain sufficiently vertical to maintain the air curtain.

- (F) Materials must not be added to the ACI in such a manner as to be stacked above the air curtain.
- (G) An operator shall remain with the ACI at all times when it is operating.
- (H) The adding of materials to the pit must cease early enough and the blower must remain on at the end of the daily burning to ensure enough material is consumed so that any remaining material in the trench does not flame or cause smoke that would be of concern to surrounding areas when the blower is turned off.
- (I) Material being worked and/or stockpiled to be burned later must be kept at least 50 feet from the trench or fire box.
- (J) Should adverse weather conditions result in excessive smoke build-up or impact adjacent occupied properties, the operator shall immediately suspend operations for the duration of the conditions.
- (K) Should mechanical failure interrupt the air curtain in any way, the charging of the pit shall be immediately suspended until the air curtain is operational.
- (L) Upon removal of the ACI from the burn site, ash may be left in the trench and the trench must be completely filled with incombustible material and covered with soil.

6. Responsibility for Consequences of Outdoors Burning.

The authority to conduct outdoor burning under this regulation 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 regulation.

LAND DEVELOPER APPLICATION FOR CONTROLLED BURNING

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DATE OF APPLICATION: ___/___/___

DATE PERMIT EXPIRES: ___/___/___

PERSON OR FIRM MAKING APPLICATION

ADDRESS OF PROPOSED BURN SITE

SPECIAL

CONSIDERATIONS: _____

DIRECTION TO BURN SITE IF OFF ACCESSIBLE ROADWAY

MAILING ADDRESS OF PERSON OR FIRM MAKING APPLICATION:

WORK PHONE #: (____) _____ - _____ HOME PHONE #: (____) _____ - _____

NOTICE: PLEASE READ THE FOLLOWING LIABILITY STATEMENT

THE APPLICANT HEREBY AGREES TO ACCEPT FULL RESPONSIBILITY FOR ANY AND ALL DAMAGES OR LOSS THAT MAY RESULT FROM THIS CONTROLLED BURNING. IT IS FURTHER AGREED THAT THE CONDITIONS LISTED ON THIS APPLICATION WILL BE MET AND ADHERED TO BY THE APPLICANT. THE APPLICANT FULLY AGREES THAT IN THE EVENT THE CONTROLLED BURNING GETS OUT OF HAND, AND THE FIRE DEPARTMENT OF THIS CITY MUST RESPOND AND EXTINGUISH THE FIRE, THE APPLICANT MAY BE REQUIRED TO REIMBURSE THE CITY OF HARKER HEIGHTS FOR ANY AND ALL EXPENSES INCURRED, AS LISTED IN THE FEE SCHEDULE FOR THE CITY OF HARKER HEIGHTS.

THE BURN SITE SHALL BE CLEANED OF ALL DEBRIS AND ASHES WITHIN THREE DAYS OF THE COMPLETION OF THE BURN.

**DEPARTMENT PERSONEL COUNCILING THE APPLICANT AS TO THE
REQUIREMENTS OF THIS PERMIT.**

PRINTED NAME

SIGNATURE

**I HAVE BEEN COUNCILED AND AM AWARE OF THE REQUIREMENTS OF
THIS PERMIT TO BURN IN THE CITY OF HARKER HEIGHTS.**

PRINTED NAME

SIGNATURE

___/___/___
DATE

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FOR OFFICE USE ONLY

DATE OF INSPECTION: __/__/__ INSPECTED BY: _____

APPROVED: ____ FROM: __/__/__ TO: __/__/__

NOT APPROVED: ____ REASON FOR DISAPPROVAL:

TIME AND DATE APPLICANT WAS CONTACTED IN REFERENCE TO
DISAPPROVAL: _____ - __/__/__

PERSON CONTACTED: _____

Detach and give this page to applicant after approval.

HARKER HEIGHTS FIRE DEPARTMENT BURN PERMIT

REMINDER: THERE MUST BE A RESPONSIBLE ADULT ON SITE WITH A TELEPHONE DURING THE ENTIRE BURN AND UNTIL ALL FIRES ARE OUT.

ADDRESS:

Address of burn site

DATE FROM ___/___/___

DATE TO: ___/___/___

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BURNING WILL BE PERMITTED AS LONG AS THE BURN STAYS CONTROLLED AND THE CONDITIONS AND RESTRICTIONS LISTED ON THE COVER PAGES ARE MET AND MAINTAINED DURING THE TIME OF THE BURN. SHOULD THE FIRES REQUIRE EXTINGUISHMENT, THE PERMIT HOLDER IS RESPONSIBLE FOR THAT EXTINGUISHMENT. SHOULD THE DEPARTMENT EXTINGUISH THE FIRE(S) THE PERMIT HOLDER MAY BE CHARGED ACCORDING TO THE FEE SCHEDULE OF THE CITY.

A COPY OF THIS PERMIT MUST BE ON-SITE DURING THE TIMES OF THE BURN. THE PERMIT MUST BE PRESENTED TO ANY AUTHORITY ASKING FOR SAME

THE FOLLOWING DEPARTMENTS MUST BE NOTIFIED PRIOR TO THE START OF THE BURN. IT WILL BE THE RESPONSIBILITY OF THE PERMIT HOLDER TO MAKE THESE CONTACTS. FAILURE TO COMPLY MAY RESULT IN THE REVOCATION OF THIS PERMIT.

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| A. FIRE MARSHAL'S OFFICE | 699-2688 |
| B. POLICE DEPARTMENT | 699-7600 |
| C. BELL COUNTY BURN LINE | 953-5555 |

Brad Alley FIRE MARSHAL