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AN ACT

relating to outdoor burning under the Texas Clean Air Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.018, Health and Safety Code, is amended to read as follows:

Sec. 382.018. OUTDOOR BURNING OF WASTE AND COMBUSTIBLE MATERIAL. (a) Except as provided by Subsections (b) and (d), the ~~[The]~~ commission by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.

(b) The commission by rule shall authorize outdoor burning of waste if the waste:

(1) consists of trees, brush, grass, leaves, branch trimmings, or other plant growth; and

(2) is burned:

(A) in an area that meets the national ambient air quality standards and that does not contain any part of a city that does not meet national ambient air quality standards; and

(B) on the property on which it was generated and by the owner of the property or any other person authorized by the owner.

(c) Rules adopted under Subsection (b) may not:

1 (1) require prior commission approval of the burning;

2 or

3 (2) authorize the burning only when no practical
4 alternative to burning exists.

5 (d) The commission may not control or prohibit outdoor
6 burning of waste consisting of trees, brush, grass, leaves, branch
7 trimmings, or other plant growth if:

8 (1) the person burning the waste is doing so at a site:

9 (A) designated for consolidated burning of waste
10 generated from specific residential properties;

11 (B) located in a county with a population of less
12 than 50,000;

13 (C) located outside of a municipality; and

14 (D) supervised at the time of the burning by an
15 employee of a fire department who is part of the fire protection
16 personnel, as defined by Section 419.021, Government Code, of the
17 department and is acting in the scope of the person's employment;
18 and

19 (2) the waste was generated from a property for which
20 the site is designated.

21 (e) A fire department employee who will supervise a burning
22 under Subsection (d)(1)(D) shall notify the commission of each
23 burning supervised by the employee, and the commission shall
24 provide the employee with information on practical alternatives to
25 burning.

26 SECTION 2. This Act takes effect September 1, 2005.

David Swihart
President of the Senate

Jim Cindrich
Speaker of the House

I hereby certify that S.B. No. 1710 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 28, 2005, by the following vote: Yeas 31, Nays 0.

Patricia Sewell
Secretary of the Senate

I hereby certify that S.B. No. 1710 passed the House, with amendments, on May 25, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:28 AM O'CLOCK

JUN 17 2005
Roger Williams
Secretary of State