

#45514

Mr. Steve Casey
Fire Marshal - Bell County, Texas
708 West Ave O.
Belton, Texas
76513

Representative Hugh D. Shine
Texas State Representative of House District 55
4 South 1st St.
Temple, Texas
76501

June 4th, 2018

Stephanie Perdue, Interim Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas
78711-3087

Dear Stephanie Perdue:

As the Fire Marshal for Bell County, fire prevention is my main priority. Due to the Texas wildfire conditions that are prevalent year round wind speeds are the main factor in fires getting out of control. These fires that are usually started by carelessness and control burns can spread to the point that firefighter's lives, livestock, wild life, property, and homes can be threatened and destroyed.

Under the current rules, I cannot restrict burning until the wind speeds are 23 MPH. This is a problem due to wind gusting. I believe that by changing the rule from 23 MPH to 20 MPH will be able to make a difference. By allowing me to restrict burning earlier this may prevent someone from burning in high wind conditions.

Under current TCEQ guidelines, TAC Title 30 Part 1, Chapter 111, Sub-Chapter B Rule 219.6 states:

(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.

My proposed rule change would change TCEQ guidelines to:

(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)~~ 20 mph (17.4 knots) during the burn period.

Thank you for taking my proposal into consideration. If you have any questions or concerns please do not hesitate to reach out to my office at (254) 933-5589 or s.casey@co.bell.tx.us.

RULE PETITION

TO : EXECUTIVE DIRECTOR

TEXAS COMMISSION ON ENVIROMENTAL QUALITY

P.O. BOX 13087

AUSTIN, TEXAS 78711-3087

FROM: STEVE CASEY -BELL COUNTY FIRE MARSHAL

708 WEST AVE O

BELTON , TEXAS 76513

CURRENTLY THE TCEQ RULE – TITLE 30 PART 1 CHAPTER 111 – SUB CHAPTER RULE 219

OUTDOOR BURNING- ITEM (6) – (B)- BURNING SHALL NOT BE COMMENCED WHEN SURFACE SPEED IS PREDICTED TO BE LESS THAN (6) MPH (5 KNOTS) OR GREATER THAN (23) MPH (20 KNOTS) DURING THE BURN PERIOD.

I WOULD LIKE THE RULE TO BE CHANGED TO :

(B) BURNING SHALL NOT BE COMMENCED WHEN SURFACE WIND SPEED IS PREDICTED TO BE LESS THAN (6) MPH (5 KNOTS) OR GREATER THAN (20) MPH (18) KNOTS) DURING THE BURN PERIOD.

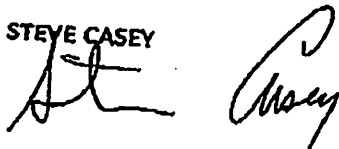
DUE TO THE TEXAS WILDFIRE CONDITIONS THAT ARE PREVALENT YEAR AROUND. THE WIND SPEEDS ARE THE MAIN FACTOR IN THE THESE FIRES GETTING OUT OF CONTROL AND SPREADING TO THE POINT THAT FIREFIGHTER LIVES, LIVESTOCK , WILD LIFE, PROPERTY, AND HOMES CAN BE THREATENED AND DSITROYED . THESE FIRES ARE USUALLY STARTED BY CARELESSNESS AND CONTROL BURNS.

UNDER THE CURRENT RULE AS A FIRE MARSHAL I CAN NOT RESTRICT BURNING UNTIL THE WIND SPEEDS ARE (23) MPH. THIS IS A PROBLEM DUE TO THE WIND GUSTS . I THINK BY CHANGING THE RULE TO (20) MPH THIS WILL ALLOW ME TO RESTICT BURNING EARLIER THUS MAY PREVENT SOMEONE FROM BURNING IN HIGH WIND CONDITIONS.

AS A RETIRED FIREFIGHTER AND A FIRE MARSHAL FIRE PREVENTION IS MY MAIN OBJECTIVE AND MISSION . THE LOWERING OF THE WIND SPEEDS CAN PREVENT WILDFIRES.

SINCERELY

STEVE CASEY



From: [Amancio Gutierrez](#)
To: [Booker Harrison](#); [Patricia Duron](#)
Subject: Fw: wind speeds
Date: Friday, June 29, 2018 1:41:46 PM
Attachments: [image001.png](#)

The response I recieved is below.

From: Steven M. Casey <S.Casey@bellcounty.texas.gov>
Sent: Friday, June 29, 2018 8:27:29 AM
To: Amancio Gutierrez
Subject: RE: wind speeds

Amancio: yes , the authority I am offering is the THSC 382.017.Thanks Casey

From: Amancio Gutierrez [<mailto:Amancio.Gutierrez@tceq.texas.gov>]
Sent: Friday, June 29, 2018 8:17 AM
To: Steven M. Casey <S.Casey@bellcounty.texas.gov>
Subject: RE: wind speeds

Good Morning Mr. Casey,

I apologize for missing your call yesterday. I was in meetings most of the day and today is looking to be the same. Thank you for your email and your participation in the rulemaking process. I just wanted to confirm that THSC §382.017 is the authority you are offering to support your June 4th rule petition. Once I get your confirmation I will discuss with the agency office that handles rule petitions and ask them what steps are next. I look forward to your response.

Thank you,

Amancio Gutierrez

Work Leader – Program Support Section
Texas Commission on Environmental Quality
Office of Compliance and Enforcement
512-239-3770



How is our customer service? Fill out our customer satisfaction survey at www.tceq.texas.gov/customersurvey.

From: Steven M. Casey [<mailto:S.Casey@bellcounty.texas.gov>]
Sent: Thursday, June 28, 2018 11:40 AM
To: Amancio Gutierrez <Amancio.Gutierrez@tceq.texas.gov>

Subject: wind speeds

Mr. Gutierrez, I am Steve Casey, and the petitioner of the wind speed rule. I have read the health and safety code 382.017 . This change does effect the whole state of Texas. By adopting this new guideline the air contaminants and the duration can be lesioned or lowered due to the lower wind speed .The method used to abate the air pollution and contamination would be by law enforcement and fire officials controlling outdoor burning by implementing no burning rules due to wind speeds higher than 20 mph. I hope this complies with the statement of authority title 30-section 20.15 b-3-c. THANKS, STEVE CASEY -254-933-5589