

Effective: February 6, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Adoption

Rule Project Number 2013-023-111-CE
Add Wildfire Hazard Mitigation to the State's Prescribed Burn Rule

Chapter 111
Control of Air Pollution from Visible Emissions and Particulate Matter
Subchapter B

- 1). Purpose. This change transmittal provides the page(s) that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
- 2). Explanation of Change. On January 15, 2014, the commission adopted an amendment to §111.211 *without change* to the proposed text as published in the August 16, 2013, issue of the *Texas Register* (38 TexReg 5223), and was not republished.

The adopted amendment to §111.211 will be submitted to the United States Environmental Protection Agency as a revision to the state implementation plan.

- 3). Effect of Change. The rulemaking adds prescribed burning for wildfire hazard mitigation as an exception to the state's prohibition on outdoor burning in 30 TAC §111.211, Exception for Prescribed Burn. Currently, a prescribed burn is allowed only for forest, range and wildland/wildlife management purposes, or coastal salt-marsh management burning. A prescribed burn is defined in §111.203(5) as the controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures. The rulemaking would allow prescribed burning in other areas, such as where rural areas interface with urban areas, for the purpose of wildfire hazard mitigation in order to reduce the incidence, intensity, and spread of wildfires. While the petitioner did not specifically request that the hazard mitigation provision be specific to wildfires, the rulemaking to §111.211(1) is specific to wildfire hazard mitigation in order to provide clarity and specificity consistent with the commission's understanding of the Texas Prescribed Burning Board's intent.