

Disposing of Animal Carcasses from a declared Wildfire Disaster

The recent wildfires have resulted in devastating losses to people, their property, livestock, and the environment. Here we give tips for dealing with one of the more difficult issues—the safe and proper disposal of carcasses of large animals.

As you return to your property after a wildfire, one of your most important tasks will be to properly dispose of the carcasses of animals that died. Even with all the other burdens from this disaster, it is important to dispose of the carcasses quickly, but in a way that protects public health and safety.

Who must ensure the carcasses are properly disposed of?

If you own the land or operate a farm or other facility on it, you are responsible for properly disposing of the carcasses of animals killed in wildfires.

When you do, you must also:

- Protect public health and safety
- Avoid creating a nuisance
- Prevent the spread of disease and
- Prevent adverse effects on water quality

Remember: **Health and Safety First!**

What are my options?

Unfortunately, three common options for disposing of carcasses—burning, rendering, and composting—generally aren't available in this case.

- Because of the same conditions that led to wildfire disaster, your county may be under a burn ban.
- Burned carcasses are generally unsuitable for rendering or composting. The rendering plant or composting facility is unlikely to accept a carcass they can't process.

So, in the aftermath of this wildfire disaster, your options for disposing of carcasses are limited:

- Take them to a landfill that can accept them
- Bury them on your property

Landfilling carcasses from this wildfire disaster

One of the preferred ways to dispose of animal carcasses is as special waste in a landfill designed appropriately—in legal terms, a Type I or Type I AE landfill that also meets the provisions of 30 TAC 330.171(c)(2).

For your convenience, we have provided a list of landfills. To find this list online, go to <https://www.tceq.texas.gov/assets/public/permitting/waste/msw/msw-landfills-active.pdf>.

Burying carcasses on your property

You may bury the carcasses from these wildfires on your property if you follow these requirements:

1. Ten or more carcasses? Call us!

If you plan to bury 10 or more carcasses, **call the TCEQ regional office** that serves your county and ask for guidance. To find phone numbers and other contact information for our regional office that serves your county, go online to tceq.texas.gov/goto/region.

2. Before you dig, get the utilities marked.

Before you even look for a good burial site, call the Texas811 hotline at:

8-1-1 –or– 1-800-344-8377

You may also visit the Texas811 website at <http://www.texas811.org/>

They will send a worker to your property to mark the gas and other buried utility lines.

3. Find the safest burial site.

It should be:

- Unlikely to be disturbed in the near future
- At least 300 feet from the nearest creek, stream, pond, lake or river and far enough from standing water, flowing water, or groundwater to prevent its contamination
- At least 300 feet from the nearest drinking water well
- At least 200 feet from adjacent property lines and
- Sloped enough for good drainage

4. Don't dig yet! Look again carefully!

Find a different location if the site you have chosen:

- Has a high water table
- Has permeable soil or
- Is in a floodplain

These locations do not provide sufficient protection to groundwater and streams.

5. Now you can dig.

Make your pit or trench 3 to 5 feet deep—but not so deep as to risk the walls caving in.

6. Cover the carcasses the same day.

Put the dead animals in the pit or trench and **cover them the same day** with at least 2 feet of soil.

7. Note the location for later.

To comply with environmental rules, you will need to be able to document the location of the burial. Either of these methods is sufficient:

- **The GPS coordinates of the burial site.** Many mobile phones and other devices can quickly give you this information.
- **A metes and bounds description.** This is a specific description of the burial site based on the legal description of your lot—for example, *500 feet north and 2000 feet west of SE corner of Section 55.*

Why is it important to document the burial site?

Being able to document the burial site can help you document your losses and, as we mentioned earlier, comply with environmental rules.

Documentation supports a claim of loss

Assuming that the buried carcasses were livestock, consider the ways you can offset the losses associated with their death:

- You might be able to file a claim with your insurance company.
- FEMA offers assistance to offset losses from declared disasters.
- You could declare the loss for an income tax deduction.

Each of these methods requires supporting documentation. To help you produce this documentation, we have developed a document called the Form Affidavit. FEMA will accept a completed Form Affidavit as documentation of a loss of livestock to wildfire.

To find the Form Affidavit online, go to tceq.texas.gov/goto/affidavit.

Environmental rules require deed recordation

Whenever animal carcasses are buried, state environmental rules require that the event be recorded in the property deed. This process, called *deed recordation*, is done at the county courthouse.

Here are a few points about deed recordation in this declared wildfire disaster.

Deed recordation is *not* required before you bury the animals

Bury the animals and take care of the other pressing concerns with your family and your property. You may take care of deed recordation after the emergency conditions are over.

Having your completed Form Affidavit helps

The Form Affidavit includes the information about the burial site that is required when the deed recordation is carried out.

Deed recordation is not always required

You do not have to complete deed recordation in these instances:

- If the property where the carcasses were buried has a certified water quality management plan (WQMP)
- In this particular declared disaster, if fewer than 10 carcasses were buried on one property

Need help or advice? Call us!

At the TCEQ regional office that serves your county, we can answer your questions or help you find the help you need. We can give you information that is specific to this disaster, help ensure that the disposal protects public health and safety, and help you with the requirements for any needed deed recording. You can find a list of the TCEQ regional offices at tceq.texas.gov/goto/region.

Remember: If you are burying 10 or more carcasses on your property, you must call our regional office that serves your county first.

Final notes

This is a guide, not the rules

This document is intended as guidance to identify the requirements for the disposal of animal carcasses; it does not supersede or replace any state or federal law, regulation, or rule. It is the responsibility of the owner to be knowledgeable and to remain abreast of guideline or regulation developments.

Find more information online

You can find this and other helpful documents on our website at tceq.texas.gov/goto/wildfires.