



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

Via E-Mail

Mr. Michael Abraczinskas
Director
Division of Air Quality
North Carolina Department of Environmental Quality
217 West Jones Street
Raleigh, North Carolina, 27699-1641
Michael.Abraczinskas@dep.nc.gov

RE: No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused By Hurricane Helene in North Carolina

Dear Mr. Abraczinskas:

To assist with the response to Hurricane Helene, I am issuing a No Action Assurance (NAA) for the use of new air curtain incinerators (ACIs) with a capacity greater than 35 tons per day in North Carolina without first obtaining a Title V permit pursuant to 40 C.F.R. § 2242. I am granting this NAA, subject to the conditions below, because the use of new large ACIs will expedite the remediation of what the State estimates is 10 million cubic yards or more of debris created by Hurricane Helene and it is a safer and more environmentally sound than other options for remediation.

Hurricane Helene started making impacts in North Carolina on September 26, 2024. North Carolina reports that the storm produced devastating impacts in western North Carolina due to unprecedented flooding and wind. For example, the French Broad River and the Swannanoa Rivers reached levels exceeding the prior records set by the Flood of 1916. Additionally, landslides and other impacts in western North Carolina washed away major highways and smaller roads alike. In response, the North Carolina Department of Transportation issued a statement on September 28, 2024 that all roads in western North Carolina should be considered closed. This level of widespread, catastrophic impact in North Carolina was unexpected and the state's initial response efforts focused on state-wide rescue and recovery of people impacted by the effects of the hurricane.

On September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for North Carolina under the Stafford Act due to damage sustained by Hurricane Helene. On November 15, my office received a letter signed by the North Carolina Department of Environmental Quality (NC DEQ), Director, Michael A. Abraczinskas, on behalf of NC DEQ and North Carolina, with a request for an NAA to deploy new large (> 35 tons per day capacity) ACIs to burn significant volumes of wood wastes, yard wastes, and clean lumber resulting from substantial damage caused by Hurricane Helene. Although State law allows the use of open burning to

manage wood wastes, yard wastes, and clean lumber, the State prefers the use of ACIs, as they are better for air quality and use of the ACIs avoids the increased risk of wildfires associated with open burning.

New ACIs with capacities larger than 35 tons per day may be subject to the Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (CISWI). 40 C.F.R. § 60.2015(a). New ACIs subject to CISWI are required, among other things, to obtain a Title V permit. 40 C.F.R. § 60.2242.

In light of the Major Disaster Declaration, the EPA will not enforce an applicable CISWI requirement to obtain a Title V permit through March 1, 2025 at 11:59 EST¹ for new ACIs brought online to help remediate debris from Hurricane Helene, if such ACIs are operated in accordance with the following conditions:

1. The owner/operator notifies the EPA Region 4 (see below for notification contact) prior to initiation of the use of a new ACI subject to the Title V permitting under CISWI.
2. Owners/operators comply with all other applicable CISWI requirements, including opacity limits, monitoring, testing, and recordkeeping and reporting.
3. Owners/operators comply with all conditions imposed by State or local authorities on these emergency operations.

The EPA's grant of this NAA demonstrates its commitment to address the unique circumstances caused by Hurricane Helene. Issuing an NAA is in the public interest because incinerating debris with the larger capacity ACI is cleaner and safer than other options, which include open burning without any controls, and will allow the state to manage debris disposal from the Hurricane more quickly than would be possible with the small capacity ACIs, thereby advancing recovery efforts across the state. The EPA reserves the right to revoke, modify, or extend the NAA prior to termination if the EPA believes that such action is necessary to protect public health and the environment.

The notifications identified above should be sent via email to Jason Dressler at dressler.jason@epa.gov or by phone at (404) 562-9208 (a message left on voicemail is sufficient). If you have any questions please contact Mary E. Greene, Director, Air Enforcement Division at (202) 564-0254 or greenemary.e@epa.gov.

Sincerely,

David M. Uhlmann

cc: Jeaneanne M. Gettle, Acting Regional Administrator, EPA Region 4

¹ North Carolina has declared a state of emergency until March 1, 2025. The NAA is being issued to cover operations until the end of the state of emergency.