



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

March 12, 2025

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 Extension for the Use of Air Curtain Incinerators to Manage Debris Caused By Hurricane Helene in North Carolina

Dear Mr. Abraczinskas:

The U.S. Environmental Protection Agency is in receipt of North Carolina Department of Environmental Quality's (NC DEQ) February 28, 2025 letter requesting an extension of the November 21, 2024 No Action Assurance (NAA) issued by the EPA to address disaster debris caused by Hurricane Helene. Due to the extraordinary amount of disaster debris caused by Hurricane Helene and the potential for wildfires, the EPA will extend the November 21, 2024 NAA an additional six months to September 1, 2025.

The November 21, 2024 NAA allowed the use of new Air Curtain Incinerators (ACIs) with capacities greater than 35 tons per day in North Carolina without the owner/operator first obtaining a Title V permit pursuant to 40 C.F.R. § 2242.¹ The NAA was in the public interest because reduction of debris with larger capacity ACIs is cleaner and safer than other options, which include open burning without any controls. It also allowed the State to manage debris disposal more quickly than would be possible with the smaller capacity ACIs, thereby advancing recovery efforts across the State. The NAA was granted through March 1, 2025.

On December 13, 2024, North Carolina's then-Governor Cooper and the Office of State Budget and Management released a Revised Damage and Needs Assessment related to Hurricane Helene Recovery. The Assessment explains that debris removal is progressing. A staggering 10,445,000 cubic yards of debris have been cleared with 108 active Temporary Debris Storage and Reduction Sites across 20 counties. However, the Assessment also notes the storm added an estimated 6.8 million tons

¹ New ACIs with capacities larger than 35 tons per day may be subject to Subpart CCCC Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (CISWI). 40 C.F.R. § 60.2015(a). New ACI owners/operators subject to CISWI are required, among other things, to obtain a Title V permit. 40 C.F.R. § 60.2242.

of vegetative fuels into the environment, and NC DEQ recently confirmed that millions of cubic yards of debris remain to be removed. These debris increase the risk of wildfires. The EPA is aware of approximately 200 wildfires that have erupted since March 1, 2025, burning over 3,000 acres in North Carolina.

In light of this ongoing emergency situation, the EPA will provide an extension of its decision not to enforce the applicable CISWI requirement to obtain a Title V permit through September 1, 2025, at 11:59 EDT 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 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 extension 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. During this extension, the State should seek any necessary Clean Air Act permits should the State expect a continuing need to operate the larger ACIs given the volume of debris remaining. 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 greene.mary.e@epa.gov.

Sincerely,

Jeffrey A. Hall
Acting Assistant Administrator

Enclosure: *No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused by Hurricane Helen in North Carolina, November 21, 2024*

cc: Kevin J. McOmber, Regional Administrator, EPA Region 4