

SECTION .1900 – OPEN BURNING

15A NCAC 02D .1901 OPEN BURNING: PURPOSE: SCOPE

(a) Open Burning Prohibited. A person shall not cause, allow, or permit open burning of combustible material except as allowed by 15A NCAC 02D .1903 and .1904.

(b) Purpose. The purpose of this Section is to control air pollution resulting from the open burning of combustible materials and to protect the air quality in the immediate area of the open burning.

(c) Scope. This Section applies to all operations involving open burning. This Section does not authorize any open burning that is a crime pursuant to G.S. 14-136, G.S. 14-137, G.S. 14-138.1 and G.S. 14-140.1, or affect the authority of the North Carolina Forest Service to issue or deny permits for open burning in or adjacent to woodlands as provided in G.S. 106-940 through G.S. 106-950. This Section does not affect the authority of any local government to regulate open burning through its fire codes or other ordinances. The issuance of any open burning permit by the North Carolina Forest Service or any local government does not relieve any person from the necessity of complying with this Section or any other air quality rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. July 1, 1996;
Amended Eff. January 1, 2015; July 1, 2007; June 1, 2004;
Readopted Eff. September 1, 2019.

15A NCAC 02D .1902 DEFINITIONS

For the purpose of this Section, the following definitions apply:

- (1) "Air Curtain Incinerator" means a stationary or portable combustion device that operates by directing a plane of high velocity forced draft air through a manifold head onto an open chamber, pit, or container with vertical walls to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. These incinerators can be built above or below ground and be constructed with or without refractory walls and floors. These shall not include conventional combustion devices with enclosed fireboxes or controlled air technology such as mass burn, modular, or fluidized bed combustors.
- (2) "Air Quality Action Day Code 'Orange' or above" means an air quality index of 101 or greater as defined in 40 CFR Part 58, Appendix G. This includes Codes Orange, Red, Purple, and Maroon.
- (3) "Dangerous materials" means explosives or containers used in the holding or transporting of explosives.
- (4) "Initiated" means to start or ignite a fire or reignite or rekindle a fire.
- (5) "Land clearing" means the uprooting or clearing of vegetation in connection with construction for buildings; agricultural, residential, commercial, institutional, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value. This term does not include regularly scheduled maintenance or property clean-up activities.
- (6) "Log" means any limb or trunk whose diameter exceeds six inches.
- (7) "Nonattainment area" means an area designated in 40 CFR 81.334 as nonattainment.
- (8) "Nuisance" means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.
- (9) "Occupied structure" means a building where people can be reasonably expected to be present or a building used for housing farm or domestic animals.
- (10) "Off-site" means any area not on the premises of the land-clearing activities.
- (11) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.
- (12) "Person" as used in 15A NCAC 02D .1901 means:
 - (a) the person in operational control over the open burning; or
 - (b) the landowner or person in possession or control of the land when he or she has directly or indirectly allowed the open burning or the Division determined, based upon an investigation into the open burn, that the land owner has benefited from it.
- (13) "Pile" means a quantity of combustible material assembled together in one place.
- (14) "Public pick-up" means the removal of refuse, yard trimmings, limbs, or other plant material from a residence by a governmental agency, private company contracted by a governmental agency, or municipal service.
- (15) "Public road" means any road that is part of the State highway system or any road, street, or right-of-way dedicated or maintained for public use.
- (16) "Refuse" means any garbage, rubbish, or trade waste.
- (17) "Regional Office Supervisor" means the supervisor of personnel of the Division of Air Quality in a regional office of the Department of Environmental Quality.
- (18) "Right-of-way maintenance" means vegetation management, including grass cutting, weed abatement, tree trimming, and tree and brush removal of existing streets, highways, and public places.
- (19) "Salvageable items" means any product or material that was first discarded or damaged and then all or part was recovered for future use. Examples of these items include insulated wire, electric motors, and electric transformers.
- (20) "Smoke management plan" means the plan developed following the North Carolina Forest Service's smoke management program and approved by the North Carolina Forest Service. The purpose of the smoke management plan is to manage smoke from prescribed burns of public and private forests to minimize the impact of smoke on air quality and visibility.
- (21) "Synthetic material" means man-made material, including tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.

History Note: *Authority G.S. 143-215.3(a)(1);*
 Eff. July 1, 1996;
 Amended Eff. January 1, 2015; July 1, 2007; December 1, 2005; June 1, 2004; July 1, 1998;
 Readopted Eff. September 1, 2019.

15A NCAC 02D .1903 OPEN BURNING WITHOUT AN AIR QUALITY PERMIT

(a) All open burning is prohibited except open burning allowed pursuant to Paragraph (b) of this Rule or 15A NCAC 02D .1904. Except as allowed pursuant to Subparagraphs (b)(3) through (b)(9) of this Rule, open burning shall not be initiated in a county that the Department or the Forsyth County Office of Environmental Assistance and Protection, has forecasted to be in an Air Quality Action Day Code "Orange" or above during the 24-hour time period covered by that Air Quality Action Day.

(b) The following types of open burning are permissible without an air quality permit.

- (1) The open burning of leaves, logs, stumps, tree branches, or yard trimmings, if the following conditions are met:
 - (A) the material burned originates on the premises of private residences and is burned on those premises and does not include material collected from multiple private residences and combined for burning;
 - (B) there are no public pickup services available;
 - (C) non-vegetative materials, such as household garbage, treated or coated wood, or any other synthetic materials are not burned;
 - (D) the burning is initiated no earlier than 8:00 a.m. and no additional combustible material is added to the fire between 6:00 p.m. on one day and 8:00 a.m. on the following day;
 - (E) the burning does not create a nuisance; and
 - (F) material is not burned when the North Carolina Forest Service or other government agencies have banned burning for that area.

The burning of logs or stumps of any size shall not be considered to create a nuisance for purposes of the application of the open burning air quality permitting exception described in this Subparagraph;

- (2) The open burning for land clearing or right-of-way maintenance if the following conditions are met:
 - (A) The wind direction at the time that the burning is initiated and the wind direction as forecasted by the National Weather Service at the time that the burning is initiated are away from any area, including public roads within 250 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be affected by smoke, ash, or other air pollutants from the burning;
 - (B) The location of the burning is at least 500 feet from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property where the burning is conducted. The regional office supervisor may grant exceptions to the setback requirements if:
 - (i) a signed, written statement waiving objections to the open burning associated with the land clearing operation is obtained and submitted to, and the exception granted by, the regional office supervisor before the burning begins from a resident or an owner of each dwelling, commercial or institutional establishment, or other occupied structure within 500 feet of the open burning site. In the case of a lease or rental agreement, the lessee or renter shall be the person from whom permission shall be gained prior to any burning; or
 - (ii) an air curtain incinerator that complies with 15A NCAC 02D .1904 is utilized at the open burning site.

Factors that the regional supervisor shall consider in deciding to grant the exception include: all the persons who need to sign the statement waiving the objection have signed it; the location of the burn; and the type, amount, and nature of the combustible substances. The regional supervisor shall not grant a waiver if a college, school, licensed day care, hospital, licensed rest home, or other similar institution is less than 500 feet from the proposed burn site when such institution is occupied;

- (C) Only land-cleared plant growth is burned. Heavy oils, items containing natural or synthetic rubber, synthetic materials, or any materials other than plant growth shall not be burned; however, kerosene, distillate oil, or diesel fuel may be used to start the fire;
- (D) Initial burning begins only between the hours of 8:00 a.m. and 6:00 p.m., and no combustible material is added to the fire between 6:00 p.m. on one day and 8:00 a.m. on the following day;

- (E) No fires are initiated or vegetation added to existing fires when the North Carolina Forest Service or other government agencies have banned burning for that area; and
- (F) Materials are not carried off-site or transported over public roads for open burning unless the materials are carried or transported to:
 - (i) Facilities permitted in accordance with 15A NCAC 02D .1904 for the operation of an air curtain incinerator at a permanent site; or
 - (ii) A location, where the material is burned not more than four times per calendar year, which meets all of the following criteria:
 - (I) at least 500 feet from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted;
 - (II) there are no more than two piles, each no more than 20 feet in diameter, being burned at one time; and
 - (III) the location is not a permitted solid waste management facility;
- (3) camp fires and fires used solely for outdoor cooking and other recreational purposes, ceremonial occasions, or for human warmth and comfort and that do not create a nuisance and do not use synthetic materials, refuse, or salvageable materials for fuel;
- (4) fires purposely set to public or private forest land for forest management practices for which burning is currently acceptable to the North Carolina Forest Service;
- (5) fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or apicultural practices for which burning is currently acceptable to the North Carolina Department of Agriculture and Consumer Services;
- (6) fires purposely set for wildlife management practices for which burning is currently acceptable to the Wildlife Resource Commission;
- (7) fires for the disposal of dangerous materials when the Division has determined that it is the safest and most practical method of disposal;
- (8) fires purposely set by manufacturers of fire-extinguishing materials or equipment, testing laboratories, or other persons, for the purpose of testing or developing these materials or equipment in accordance with a standard qualification program;
- (9) fires purposely set for the instruction and training of fire-fighting personnel at permanent fire-fighting training facilities;
- (10) fires purposely set for the instruction and training of fire-fighting personnel when conducted under the supervision of or with the cooperation of one or more of the following agencies:
 - (A) the North Carolina Forest Service;
 - (B) the North Carolina Department of Insurance; or
 - (C) North Carolina Community Colleges;
- (11) fires not described in Subparagraphs (9) or (10) of this Paragraph, purposely set for the instruction and training of fire-fighting personnel, provided that:
 - (A) the regional office supervisor has been notified according to the procedures and deadlines contained in the notification form and the regional office supervisor has granted permission for the burning. The information required to be submitted in the form includes:
 - (i) the address of the fire department that is requesting the training exercise;
 - (ii) the location of the training exercise;
 - (iii) a description of the type of structure or object and amount of materials to be burned at the location of the training exercise;
 - (iv) the dates that the training exercise will be performed; and
 - (v) an inspection from a North Carolina Asbestos Inspector that the structure being burned is free of asbestos.

The form shall be submitted 10 days prior to commencement of the burn. This form may be obtained in electronic format at <https://deq.nc.gov/about/divisions/air-quality/air-quality-enforcement/open-burning/firefighter-information> or by writing the appropriate regional office at the address in 15A NCAC 02D .1905 and requesting it.
 - (B) Factors that the regional office supervisor shall consider in granting permission for the burning include:

- (i) type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning of salvageable items or if the primary purpose of the fire is to dispose of synthetic materials or refuse;
- (ii) the burning of previously demolished structures. The regional office supervisor shall not consider these structures as having training value;
- (iii) the burning of motor vehicles. The regional office supervisor may allow an exercise involving the burning of motor vehicles burned over a period of time by a training unit or by several related training units if he or she determines that they have training value; and
- (iv) the distance from the location of the fire training to residential, commercial, or institutional buildings or properties.

Any deviations from the dates and times of exercises, including additions, postponements, and deletions, submitted in the schedule in the approved plan shall be communicated verbally to the regional office supervisor at least one hour before the burn is scheduled.

- (12) fires for the disposal of vegetative material generated as a result of a natural disaster, such as tornado, hurricane, or flood, if the regional office supervisor grants permission for the burning. The person desiring to do the burning shall document and provide written notification to the regional office supervisor that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, location of the burning, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials or refuse or recovery of salvageable materials. Fires authorized under this Subparagraph shall comply with the conditions of Parts (b)(2)(A) through (E) of this Rule.

(c) The authority to conduct open burning pursuant to this Section does not exempt or excuse any person from the consequences, damages, or injuries that may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the open burning is conducted in compliance with this Section.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); S.L. 2011-394, s.2; Eff. July 1, 1996;
Amended Eff. June 13, 2016; March 19, 2015; July 3, 2012; July 1, 2007; December 1, 2005; June 1, 2004; July 1, 1998;
Readopted Eff. September 1, 2019.*

15A NCAC 02D .1904 AIR CURTAIN INCINERATORS

(a) Applicability. This Rule applies to the following air curtain incinerators:

- (1) new and existing air curtain incinerators subject to 40 CFR 60.2245 through 60.2260 or 60.2970 through 60.2974 that combust the following materials:
 - (A) 100 percent wood waste;
 - (B) 100 percent clean lumber;
 - (C) 100 percent yard waste; or
 - (D) 100 percent mixture of only wood waste, clean lumber, and yard waste.
- (2) new and existing temporary air curtain incinerators used at industrial, commercial, institutional, or municipal sites where a temporary air curtain incinerator is defined in Subparagraph (b)(6) of this Rule.

(b) Definitions. For the purpose of this Rule, the following definitions apply:

- (1) "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood or wood products that have been painted, pigment-stained, or pressure treated, or manufactured wood products that contain adhesives or resins.
- (2) "Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition within the control of the emission source are not considered a malfunction.
- (3) "New air curtain incinerator" means an air curtain incinerator that began operating on or after the effective date of this Rule.
- (4) "Operator" means the person in operational control over the open burning.
- (5) "Permanent air curtain incinerator" means an air curtain incinerator whose owner or operator operates the air curtain incinerator at one facility or site during the term of the permit.
- (6) "Temporary air curtain incinerator" means an air curtain incinerator whose owner or operator moves the air curtain incinerator to another site and operates it for land clearing or right-of-way maintenance at that site at least once during the term of its permit.
- (7) "Temporary-use air curtain incinerator used in disaster recovery" means an air curtain incinerator that meets all of the following requirements:
 - (A) combusts less than 35 tons per day of debris consisting of the materials listed in Parts (a)(1)(A) through (C) of this Rule;
 - (B) combusts debris within the boundaries of an area officially declared a disaster or emergency by federal, state or local government; and
 - (C) combusts debris for less than 16 weeks unless the owner or operator submits a request for additional time at least 1 week prior to the end of the 16-week period and provides the reasons that the additional time is needed. The Director will provide written approval for the additional time if he or she finds that the additional time is warranted based on the information provided in the request.
Examples of disasters or emergencies include tornadoes, hurricanes, floods, ice storms, high winds, or acts of bioterrorism.
- (8) "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:
 - (A) grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial, institutional, or industrial sources as part of maintaining yards or other private or public lands;
 - (B) construction, renovation, or demolition wastes;
 - (C) clean lumber; and
 - (D) treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated, or manufactured wood products that contain adhesives or resins.
- (9) "Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. Yard waste comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include:
 - (A) construction, renovation, or demolition wastes;

- (B) clean lumber; and
- (C) wood waste.

(c) Air curtain incinerators shall comply with the following conditions and requirements:

- (1) the operation of air curtain incinerators in particulate and ozone nonattainment areas shall cease in a county that the Department or the Forsyth County Office of Environmental Assistance and Protection has forecasted to be an Air Quality Action Day Code "Orange" or above during the 24-hour time period covered by that Air Quality Action Day;
- (2) the wind direction at the time that the burning is initiated and the wind direction as forecasted by the National Weather Service during the time of the burning shall be away from any area, including public roads within 250 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be affected by smoke, ash, or other air pollutants from the burning;
- (3) no fires shall be started or material added to existing fires when the North Carolina Forest Service, Fire Marshall, or other governmental agency has banned burning for that area;
- (4) burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m. No combustible materials shall be added to the air curtain incinerator prior to or after this time period;
- (5) The air curtain incinerator shall not be operated more than the maximum source operating hours-per-day and days-per-week. The maximum source operating hours-per-day and days-per-week shall be set to protect the ambient air quality standard and prevention of significant deterioration (PSD) increment for particulate. The maximum source operating hours-per-day and days-per-week shall be determined using the modeling procedures in 15A NCAC 02D .1106(b), (c), and (f). This Subparagraph shall not apply to temporary air curtain incinerators;
- (6) air curtain incinerators shall meet manufacturer's specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturer's specifications shall be kept on site and be available for inspection by Division staff;
- (7) the owner or operator of an air curtain incinerator shall allow the ashes to cool and water the ash prior to its removal to prevent the ash from becoming airborne;
- (8) only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire; and
- (9) the location of the burning shall be at least 300 feet from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted. The regional office supervisor may grant exceptions to the setback requirements if a signed, written statement waiving objections to the air curtain burning is obtained from a resident or an owner of each dwelling, commercial or institutional establishment, or other occupied structure within 300 feet of the burning site. In case of a lease or rental agreement, the lessee or renter, and the property owner shall sign the statement waiving objections to the burning. The statement shall be submitted to and approved by the regional office supervisor before initiation of the burn. Factors that the regional supervisor shall consider in deciding to grant the exception include: all the persons who need to sign the statement waiving the objection have signed it; the location of the burn; and the type, amount, and nature of the combustible substances.

(d) Exemptions. Temporary-use air curtain incinerators used in disaster recovery are excluded from the requirements of this Rule if the following conditions are met:

- (1) the air curtain incinerator meets the definition of a temporary-use air curtain incinerators used in disaster recovery as specified in Subparagraph (b)(7) of this Rule;
- (2) the air curtain incinerator meets all the requirements pursuant to 40 CFR 60.2969 or 60.3061, as applicable; and
- (3) the air curtain incinerator is operated in a manner consistent with the operations manual for the air curtain incinerator and the charge rate during all periods of operation is less than or equal to the lesser of 35 tons per day or the maximum charge rate specified by the manufacturer of the air curtain incinerator.

(e) Permitting. Air curtain incinerators shall be subject to 15A NCAC 02Q .0500.

- (1) The owner or operator of a new or existing permanent air curtain incinerator shall obtain a General Title V Operating Permit pursuant to 15A NCAC 02Q .0509.
- (2) The owner or operator of a new or existing temporary air curtain incinerator shall obtain a General Title V Operating Permit pursuant to 15A NCAC 02Q .0510.

- (3) The owner or operator of an existing permanent or temporary air curtain incinerator shall complete and submit a permit application no later than 12 months after the effective date of this Rule.
- (4) The owner or operator of a new permanent or temporary air curtain incinerator shall complete and submit a permit application 60 days prior to the date the unit commences operation.
- (5) The owner or operator of an existing permanent or temporary air curtain incinerator that is planning to close rather than obtaining a permit pursuant to 15A NCAC 02Q .0509 or 15A NCAC 02Q .0510 shall submit a closure notification to the Director no later than 12 months after the effective date of this Rule.

(f) Opacity limits.

- (1) The owner or operator of an existing air curtain incinerators shall meet the following opacity limits:
 - (A) Maintain opacity to less than or equal to 35 percent opacity (as determined by the average of 3 1-hour blocks consisting of 10 6-minute average opacity values) during startup of the air curtain incinerator, where startup is defined as the first 30 minutes of operation.
 - (B) Maintain opacity to less than or equal to 10 percent opacity (as determined by the average of 3 1-hour blocks consisting of 10 6-minute average opacity values) at all times, other than during startup or during malfunctions.
- (2) The owner or operator of a new air curtain incinerator shall meet the opacity limits specified in Subparagraph (f)(1) of this Rule within 60 days after air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

(g) Performance tests.

- (1) All initial and annual opacity tests shall be conducted using 40 CFR 60 Appendix A-4 Test Method 9 to determine compliance with the opacity limitations specified in Subparagraph (f)(1) of this Rule.
- (2) The owner or operator of an existing air curtain incinerator shall conduct an initial performance test for opacity as specified in 40 CFR 60.8 on or before 90 days after the effective date of this rule.
- (3) The owner or operator of a new air curtain incinerator shall conduct an initial performance test for opacity as specified in 40 CFR 60.8 within 60 days after achieving the maximum charge rate at which the affected air curtain incinerator will be operated, but not later than 180 days after initial startup of the air curtain incinerator.
- (4) After the initial test for opacity, the owner or operator of a new or existing air curtain incinerator subject to this Rule shall conduct annual opacity tests on the air curtain incinerator no more than 12 calendar months following the date of the previous test.
- (5) The owner or operator of an existing air curtain incinerator that has ceased operations and is restarting after more than 12 months since the previous test shall conduct an opacity test upon startup of the unit.

(h) Recordkeeping and Reporting Requirements.

- (1) Prior to commencing construction of an air curtain incinerator, the owner or operator of a new air curtain incinerator shall submit the following information to the Director:
 - (A) a notification of intent to construct an air curtain incinerator;
 - (B) the planned initial startup date of the air curtain incinerator; and
 - (C) the materials planned to be combusted in the air curtain incinerator.
- (2) The owner or operator of a new or existing air curtain incinerator shall do the following:
 - (A) keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format for five years;
 - (B) make all records available for submission to the Director or for an inspector's onsite review;
 - (C) report the results of the initial and annual opacity tests as the average of 3 1-hour blocks consisting of 10 6-minute average opacity values;
 - (D) submit initial opacity test results to the Division no later than 60 days following the initial test and submit annual opacity test results within 12 months following the previous report;
 - (E) submit initial and annual opacity test reports to the Division as electronic or paper copy on or before the applicable submittal date; and
 - (F) keep a copy of the initial and annual reports onsite for a period of five years.

- (i) In addition to complying with the requirements of this Rule, an air curtain incinerator subject to:
- (1) 40 CFR Part 60, Subpart CCCC, shall also comply with 40 CFR 60.2245 through 60.2260; or
 - (2) 40 CFR Part 60, Subpart EEEE, shall also comply with 40 CFR 60.2970 through 60.2974.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5); 143-215.107(a)(10); 143-215.108; 40 CFR 60.2865; S.L. 2011-394, s.2;
Eff. July 1, 1996;
Amended Eff. July 3, 2012; July 1, 2007; December 1, 2005; August 1, 2004;
Readopted Eff. September 1, 2019.

15A NCAC 02D .1905 REGIONAL OFFICE LOCATIONS

Inquiries, requests, and plans shall be handled by the appropriate Department of Environmental Quality regional office. They are:

- (1) Asheville Regional Office, 2090 U.S. 70 Highway, Swannanoa, North Carolina 28778;
- (2) Winston-Salem Regional Office, 450 West Hanes Mill Road, Suite 300, Winston-Salem, North Carolina 27105;
- (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115;
- (4) Raleigh Regional Office, 3800 Barrett Drive, Raleigh, North Carolina 27609;
- (5) Fayetteville Regional Office, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301;
- (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889; and
- (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

*History Note: Authority G.S. 143-215.3(a)(1);
Eff. July 1, 1996;
Amended Eff. December 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. September 1, 2019.*

(a) The governing body of any county or municipality or group of counties or municipalities may establish a partial air pollution control program to implement and enforce this Section provided that the program complies with G.S. 143-215.112.

(c) County and municipal governments shall not have the authority to issue permits for air curtain incinerators at a permanent site as defined in 15A NCAC 02D .1904.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.112;
Eff. July 1, 1996;
Amended Eff. December 1, 2005; June 1, 2004;
Readopted Eff. September 1, 2019.*

(a) Multiple violations arising from a single investigation of open burning may be assessed multiple penalties using the procedures set forth in G.S. 143-215.3(a)(9). In determining the number of violations of the open burning rules, the Director shall consider:

- (b) Each pile of land clearing or right-of-way maintenance debris that does not comply with the specifications of 15A NCAC 02D .1903(b)(2) shall constitute a separate violation.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. July 1, 2007;
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