

Attachment A

October 14, 2004 Submission:

15A NCAC 02D .1904

Air Curtain Burners

15A NCAC 2D .1904 is proposed for amendment as follows:

15A NCAC 2D .1904 AIR CURTAIN BURNERS

(a) Air quality permits shall be required for air curtain burners subject to 40 CFR 60.2245 through 60.2265 or located at permanent sites or where materials are transported in from another site. Air quality permits shall not be required for air curtain burners located at temporary land clearing or right-of-way maintenance sites for less than nine months if they are not subject to 40 CFR 60.2245 through 60.2265. months. However, air quality permits shall be required for air curtain burners located at permanent sites or where materials are transported in from another site. The operation of air curtain burners in particulate and ozone nonattainment areas shall cease in any area that has been forecasted by the Department, or the Forsyth County Environmental Affairs Department for the Triad ozone forecast area, to be in an Ozone Action Day Code "Orange" status or above during the time period covered by that forecast.

(b) Air curtain burners described in Paragraph (a) of this Rule shall comply with the following conditions and stipulations: The wind direction at the time of that the burning is initiated and the wind direction as forecasted by the National Weather Service during the time of the burning:

- (1) Prevailing winds The wind direction at the time of 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 road within 250 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning;
- (2) Only collected land clearing and yard waste materials may be burned. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products, plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not be burned. Leaves still on trees or brush may be burned;
- (3) No fires shall be started or material added to existing fires when the Division of Forest Resources 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.;
- (5) The air curtain burner 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. ~~If the air curtain burner will:~~
 - (A) ~~burn 35 tons of material per day or more in an area where the particulate baseline date for the PSD has been triggered, or~~
 - (B) ~~burn 210 tons of material per day or more in an area where the particulate baseline date for PSD has not been triggered,~~

- ~~the~~ The maximum source operating hours-per-day and days-per-week shall be determined using the modeling procedures in Rule .1106(b), (c), and (f) of this ~~Subchapter. Chapter.~~ This Subparagraph shall not apply to temporary air curtain burners;
- (6) ~~Operators of the~~ An air curtain burner with an air quality permit shall have a be certified visible emissions reader onsite at all times during operation of the burner to read visible emissions ~~emissions~~, and the facility shall ~~test be tested~~ for visible emissions within ~~90~~ five days after initial operation and within 90 days before permit expiration;
 - (7) Air curtain burners shall meet manufacturer's ~~manufacturers~~ specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturer's ~~Manufacturers~~ specifications shall be kept on site and be available for inspection by Division staff;
 - (8) Except during start-up, visible emissions shall not exceed ~~five~~ ten percent opacity when averaged over a six-minute period except that one six-minute period with an average opacity of more than ~~five~~ ten percent but no more than 35 percent shall be allowed for any one-hour period. During start-up, the visible emissions shall not exceed 35 percent opacity when averaged over a six-minute period. Start-up shall not last for more than ~~30~~ 45 minutes, and there shall be no more than one start-up per day; air curtain burners subject to 40 CFR 60.2245 through 60.2265 shall comply with the opacity standards in 40 CFR 60.2250 instead of the opacity standards in this Subparagraph;
 - (9) The owner or operator of an air curtain burner shall not allow ash to build up in the pit to a depth higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first. The owner or operator of an air curtain burner shall allow the ashes to cool and water the ash prior to its removal to prevent the ash from becoming airborne;
 - (10) The owner or operator of an air curtain burner shall not load material into the air curtain burner such that it will protrude above the air curtain;
 - (11) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire; and
 - (12) The location of the burning ~~at a temporary site~~ shall be 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. 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 500 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.

Compliance with this Rule does not relieve any owner or operator of an air curtain burner from the necessity of complying with other rules in this Section or any other air quality rules.

(c) Recordkeeping Requirements. The owner or operator of an air curtain burner at a permanent site shall keep a daily log of specific materials burned and amounts of material burned in pounds per hour and tons per year. The logs at a permanent air curtain burner site shall be maintained on site for a minimum of two years and shall be available at all times for inspection by the Division of Air Quality. The owner or operator of an air curtain burner at a temporary site shall keep a log of total number of tons burned per temporary site. The owner or operator of air curtain burner subject to 40 CFR 60.2245 through 60.2265 shall comply with the monitoring, recordkeeping, and reporting requirements in 40 CFR 60.2245 through 60.2265.

(d) Title V Considerations. Burners that have the potential to burn ~~15,000~~ 8,100 tons of material or more per year may be subject to Section 15A NCAC 2Q .0500, Title V Procedures.

(e) Prevention of Significant Deterioration Consideration. Burners that burn ~~38,000~~ 16,200 tons per year or more may be subject to 15A NCAC 2D .0530, Prevention of Significant Deterioration.

(f) A person may use a burner using a different technology or method of operation than an air curtain burner as defined under Rule .1902 of this Section if he demonstrates to the Director that the burner is at least as effective as an air curtain burner in reducing emissions and if the Director approves the use of the burner. The Director shall approve the burner if he finds that it is at least as effective as an air curtain burner. This burner shall comply with all the requirements of this Rule.

(g) In addition to complying with the requirements of this rule, an air curtain burner that commenced construction after November 30, 1999, or that commenced reconstruction or modification on or after June 1, 2001, shall also comply with 40 CFR 60.2245 through 60.2265 in addition to the requirements of this Rule.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10); 143-215.66; 143-215.108;
Eff. July 1, 1996, 1996;
Amended Eff. May 1, 2004.*