

1 **15A NCAC 02D .1904 AIR CURTAIN BURNERS**

2 (a) Air quality permits shall be required for air curtain burners subject to 40 CFR 60.2245 through  
3 ~~60.2265~~, 60.2265, 60.2810 through 60.2870, 60.2970 through 60.2975, or 60.3062 through  
4 60.3069 or located at permanent sites or where materials are transported in from another site. Air  
5 quality permits shall not be required for air curtain burners located at temporary land clearing or  
6 right-of-way maintenance sites for less than nine months unless they are subject to 40 CFR  
7 60.2245 through ~~60.2265~~, 60.2265, 60.2810 through 60.2870, 60.2970 through 60.2975, or  
8 60.3062 through 60.3069. The operation of air curtain burners in particulate and ozone  
9 nonattainment areas shall cease in any area that has been forecasted by the Department, or the  
10 Forsyth County Environmental Affairs Department for the Triad air quality forecast area, to be in  
11 an Air Quality Action Day Code "Orange" or above during the time period covered by that  
12 forecast.

13 (b) Air curtain burners shall comply with the following conditions and stipulations:

- 14 (1) The wind direction at the time that the burning is initiated and the wind direction  
15 as forecasted by the National Weather Service during the time of the burning  
16 shall be away from any area, including public roads within 250 feet of the burning  
17 as measured from the edge of the pavement or other roadway surface, which  
18 may be affected by smoke, ash, or other air pollutants from the burning;
- 19 (2) Only collected land clearing and yard waste materials may be burned. Heavy  
20 oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass  
21 clippings, collected leaves, paper products, plastics, general trash, garbage, or  
22 any materials containing painted or treated wood materials shall not be burned.  
23 Leaves still on trees or brush may be burned;
- 24 (3) No fires shall be started or material added to existing fires when the Division of  
25 Forest Resources has banned burning for that area;
- 26 (4) Burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.;
- 27 (5) The air curtain burner shall not be operated more than the maximum source  
28 operating hours-per-day and days-per-week. The maximum source operating  
29 hours-per-day and days-per-week shall be set to protect the ambient air quality  
30 standard and prevention of significant deterioration (PSD) increment for  
31 particulate. The maximum source operating hours-per-day and days-per-week  
32 shall be determined using the modeling procedures in Rule .1106(b), (c), and (f)  
33 of this Subchapter. This Subparagraph shall not apply to temporary air curtain  
34 burners;
- 35 (6) An air curtain burner with an air quality permit shall have onsite at all times during  
36 operation of the burner a visible emissions reader certified according to 40 CFR  
37 Part 60, Method 9 to read visible emissions, and the facility shall test for visible

- 1 emissions within five days after initial operation and within 90 days before permit  
2 expiration;
- 3 (7) Air curtain burners shall meet manufacturer's specifications for operation and  
4 upkeep to ensure complete burning of material charged into the pit.  
5 Manufacturer's specifications shall be kept on site and be available for inspection  
6 by Division staff;
- 7 (8) Except during start-up, visible emissions shall not exceed ten percent opacity  
8 when averaged over a six-minute period except that one six-minute period with  
9 an average opacity of more than ten percent but no more than 35 percent shall  
10 be allowed for any one-hour period. During start-up, the visible emissions shall  
11 not exceed 35 percent opacity when averaged over a six-minute period. Start-up  
12 shall not last for more than 45 minutes, and there shall be no more than one  
13 start-up per day. Instead of complying with the opacity standards in this  
14 Subparagraph, air Air curtain burners subject to to:
- 15 (A) 40 CFR 60.2245 through 60.2265 shall comply with the opacity  
16 standards in 40 CFR 60.2250; 60.2250 instead of the opacity standards  
17 in this Subparagraph;
- 18 (B) 40 CFR 60.2810 through 60.2870 shall comply with the opacity  
19 standards in 40 CFR 60.2860;
- 20 (C) 40 CFR 60.2970 through 60.2975 shall comply with the opacity  
21 standards in 40 CFR 60.2971; or
- 22 (D) 40 CFR 60.3062 through 60.3069 shall comply with the opacity  
23 standards in 40 CFR 60.3066;
- 24 (9) The owner or operator of an air curtain burner shall not allow ash to build up in  
25 the pit to a depth higher than one-third of the depth of the pit or to the point  
26 where the ash begins to impede combustion, whichever occurs first. The owner  
27 or operator of an air curtain burner shall allow the ashes to cool and water the  
28 ash prior to its removal to prevent the ash from becoming airborne;
- 29 (10) The owner or operator of an air curtain burner shall not load material into the air  
30 curtain burner such that it will protrude above the air curtain;
- 31 (11) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas  
32 may be used to start the fire; and
- 33 (12) The location of the burning shall be at least 500 feet from any dwelling, group of  
34 dwellings, or commercial or institutional establishment, or other occupied  
35 structure not located on the property on which the burning is conducted. The  
36 regional office supervisor may grant exceptions to the setback requirements if a  
37 signed, written statement waiving objections to the air curtain burning is obtained

1 from a resident or an owner of each dwelling, commercial or institutional  
2 establishment, or other occupied structure within 500 feet of the burning site. In  
3 case of a lease or rental agreement, the lessee or renter, and the property owner  
4 shall sign the statement waiving objections to the burning. The statement shall be  
5 submitted to and approved by the regional office supervisor before initiation of  
6 the burn. Factors that the regional supervisor shall consider in deciding to grant  
7 the exception include: all the persons who need to sign the statement waiving the  
8 objection have signed it; the location of the burn; and the type, amount, and  
9 nature of the combustible substances.

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

12 (c) Recordkeeping Requirements. The owner or operator of an air curtain burner at a permanent  
13 site shall keep a daily log of specific materials burned and amounts of material burned in pounds  
14 per hour and tons per year. The logs at a permanent air curtain burner site shall be maintained on  
15 site for a minimum of two years and shall be available at all times for inspection by the Division of  
16 Air Quality. The owner or operator of an air curtain burner at a temporary site shall keep a log of  
17 total number of tons burned per temporary site. ~~Additionally, the~~ The owner or operator of air  
18 curtain burner subject to: ~~to~~

19 (1) 40 CFR 60.2245 through 60.2265 shall comply with the monitoring,  
20 recordkeeping, and reporting requirements in 40 CFR 60.2245 through 60.2265;  
21 ~~60.2265.~~

22 (2) 40 CFR 60.2810 through 60.2870 shall comply with the monitoring,  
23 recordkeeping, and reporting requirements in 40 CFR 60.2810 through 60.2870;

24 (3) 40 CFR 60.2970 through 60.2975 shall comply with the monitoring,  
25 recordkeeping, and reporting requirements in 40 CFR 60.2970 through 60.2975;  
26 or

27 (4) 40 CFR 60.3062 through 60.3069 shall comply with comply with the monitoring,  
28 recordkeeping, and reporting requirements in 40 CFR 60.3062 through 60.3069.

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

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

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

1 as effective as an air curtain burner. This burner shall comply with all the requirements of this  
2 Rule.

3 (g) In addition to complying with the requirements of this ~~rule~~, Rule, an air curtain burner subject  
4 to:

5 (1) 40 CFR Part 60, Subpart CCCC that commenced construction after November  
6 30, 1999, or that commenced reconstruction or modification on or after June 1,  
7 2001, shall also comply with 40 CFR 60.2245 through ~~60.2265~~, or ~~60.2265~~ in  
8 addition to the requirements of this Rule.

9 (2) 40 CFR Part 60, Subpart EEEE that commenced construction after December 9,  
10 2004, or that commenced reconstruction or modification on or after June 16,  
11 2006, shall also comply with 40 CFR 60.2970 through 60.2975.

12  
13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10); 143-215.66; 143-*  
14 *215.108; 40 CFR 60.2865;*  
15 *Eff. July 1, 1996;*  
16 *Amended Eff. \_\_\_\_\_ December 1, 2005; August 1, 2004.*  
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