

1 15A NCAC 02D .1904 is amended as follows:

2
3 **15A NCAC 02D .1904 AIR CURTAIN BURNERS**

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

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

- 13 (1) The wind direction at the time that the burning is initiated and the wind direction as forecasted by the
14 National Weather Service during the time of the burning shall be away from any area, including public
15 roads within 250 feet of the burning as measured from the edge of the pavement or other roadway
16 surface, which may be affected by smoke, ash, or other air pollutants from the burning;
- 17 (2) Only collected land clearing and yard waste materials may be burned. Heavy oils, asphaltic materials,
18 items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products,
19 plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not
20 be burned. Leaves still on trees or brush may be burned;
- 21 (3) No fires shall be started or material added to existing fires when the ~~Division of Forest~~
22 ResourcesNorth Carolina Forest Service has banned burning for that area;
- 23 (4) Burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.;
- 24 (5) The air curtain burner shall not be operated more than the maximum source operating hours-per-day
25 and days-per-week. The maximum source operating hours-per-day and days-per-week shall be set to
26 protect the ambient air quality standard and prevention of significant deterioration (PSD) increment for
27 particulate. The maximum source operating hours-per-day and days-per-week shall be determined
28 using the modeling procedures in Rule .1106(b), (c), and (f) of this Subchapter. This Subparagraph
29 shall not apply to temporary air curtain burners;
- 30 (6) An air curtain burner with an air quality permit shall have onsite at all times during operation of the
31 burner a visible emissions reader certified according to 40 CFR Part 60, Method 9 to read visible
32 emissions, and the facility shall test for visible emissions within five days after initial operation and
33 within 90 days before permit expiration;
- 34 (7) Air curtain burners shall meet manufacturer's specifications for operation and upkeep to ensure
35 complete burning of material charged into the pit. Manufacturer's specifications shall be kept on site
36 and be available for inspection by Division staff;

- 1 (8) Except during start-up, visible emissions shall not exceed ten percent opacity when averaged over a
2 six-minute period except that one six-minute period with an average opacity of more than ten percent
3 but no more than 35 percent shall be allowed for any one-hour period. During start-up, the visible
4 emissions shall not exceed 35 percent opacity when averaged over a six-minute period. Start-up shall
5 not last for more than 45 minutes, and there shall be no more than one start-up per day. Instead of
6 complying with the opacity standards in this Subparagraph, air curtain burners subject to:
- 7 (A) 40 CFR 60.2245 through 60.2265 shall comply with the opacity standards in 40 CFR
8 60.2250;
 - 9 (B) 40 CFR 60.2810 through 60.2870 shall comply with the opacity standards in 40 CFR
10 60.2860;
 - 11 (C) 40 CFR 60.2970 through 60.2975 shall comply with the opacity standards in 40 CFR
12 60.2971; or
 - 13 (D) 40 CFR 60.3062 through 60.3069 shall comply with the opacity standards in 40 CFR
14 60.3066;
- 15 (9) The owner or operator of an air curtain burner shall not allow ash to build up in the pit to a depth
16 higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion,
17 whichever occurs first. The owner or operator of an air curtain burner shall allow the ashes to cool and
18 water the ash prior to its removal to prevent the ash from becoming airborne;
- 19 (10) The owner or operator of an air curtain burner shall not load material into the air curtain burner such
20 that it will protrude above the air curtain;
- 21 (11) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the
22 fire; and
- 23 (12) The location of the burning shall be at least ~~500~~300 feet from any dwelling, group of dwellings, or
24 commercial or institutional establishment, or other occupied structure not located on the property on
25 which the burning is conducted. The regional office supervisor may grant exceptions to the setback
26 requirements if a signed, written statement waiving objections to the air curtain burning is obtained
27 from a resident or an owner of each dwelling, commercial or institutional establishment, or other
28 occupied structure within ~~500~~300 feet of the burning site. In case of a lease or rental agreement, the
29 lessee or renter, and the property owner shall sign the statement waiving objections to the burning.
30 The statement shall be submitted to and approved by the regional office supervisor before initiation of
31 the burn. Factors that the regional supervisor shall consider in deciding to grant the exception include:
32 all the persons who need to sign the statement waiving the objection have signed it; the location of the
33 burn; and the type, amount, and nature of the combustible substances.

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

36 (c) Recordkeeping Requirements. The owner or operator of an air curtain burner at a permanent site shall keep a daily
37 log of specific materials burned and amounts of material burned in pounds per hour and tons per year. The logs at a

1 permanent air curtain burner site shall be maintained on site for a minimum of two years and shall be available at all
2 times for inspection by the Division of Air Quality. The owner or operator of an air curtain burner at a temporary site
3 shall keep a log of total number of tons burned per temporary site. Additionally, the owner or operator of air curtain
4 burner subject to:

- 5 (1) 40 CFR 60.2245 through 60.2265 shall comply with the monitoring, recordkeeping, and reporting
6 requirements in 40 CFR 60.2245 through 60.2265;
- 7 (2) 40 CFR 60.2810 through 60.2870 shall comply with the monitoring, recordkeeping, and reporting
8 requirements in 40 CFR 60.2810 through 60.2870;
- 9 (3) 40 CFR 60.2970 through 60.2975 shall comply with the monitoring, recordkeeping, and reporting
10 requirements in 40 CFR 60.2970 through 60.2975; or
- 11 (4) 40 CFR 60.3062 through 60.3069 shall comply with comply with the monitoring, recordkeeping, and
12 reporting requirements in 40 CFR 60.3062 through 60.3069.

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

15 (e) Prevention of Significant Deterioration Consideration. Burners that burn 16,200 tons per year or more may be subject
16 to 15A NCAC 02D .0530, Prevention of Significant Deterioration.

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

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

- 23 (1) 40 CFR Part 60, Subpart CCCC that commenced construction after November 30, 1999, or that
24 commenced reconstruction or modification on or after June 1, 2001, shall also comply with 40 CFR
25 60.2245 through 60.2265, or
- 26 (2) 40 CFR Part 60, Subpart EEEE that commenced construction after December 9, 2004, or that
27 commenced reconstruction or modification on or after June 16, 2006, shall also comply with 40 CFR
28 60.2970 through 60.2975.

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30 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10); 143-215.66; 143-215.108; 40 CFR 60.2865;*
31 *S.L. 2011-394 Section 2;*
32 *Eff. July 1, 1996;*
33 *Amended Eff. Pending legislative review; July 1, 2007; December 1, 2005; August 1, 2004.*
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