



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE
WASHINGTON, D.C. 20460

April 22, 2026

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: Request for No Action Assurance 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) March 10, 2026, letter requesting a "No Action Assurance" (NAA) to allow for continued use of large air curtain incinerators for disaster debris management in North Carolina without first obtaining a Title V permit. Due to the extraordinary amount of disaster debris caused by Hurricane Helene that still remains and the significant potential for wildfires, the EPA is extending the March 12, 2025 NAA to September 30, 2026.

At North Carolina's request, US EPA issued an NAA on November 21, 2024, which allowed the use of 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. § 60.2242. EPA determined that the NAA was in the public interest because using larger capacity ACIs to dispose of the debris is cleaner and safer than other options, which include open burning without any controls. The NAA 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, subject to certain conditions, through March 1, 2025, and extended through September 1, 2025, due to the substantial amount of disaster debris caused by Hurricane Helene.

On August 26, 2025, EPA published an interim final rule (IFR) for "Commercial and Industrial Solid Waste Incineration (CISWI) Units: Temporary-Use Incinerators and Air Curtain Incinerators Used in

Disaster Recovery,” that was effective immediately. The IFR established temporary-use disaster recovery and emergency provisions for CISWI units to allow certain ACIs to operate for disaster and emergency recovery on a temporary basis without the need to comply with the requirements and standards set for CISWI under Clean Air Act section 129 and 40 CFR Part 60, Subparts CCCC and DDDD. Under the IFR, ACIs operating for disaster and emergency recovery on a temporary basis were no longer required to obtain a Title V permit. EPA, however, has rescinded the IFR after determining that, “the immediate near-term context that motivated expedited issuance has changed, and the EPA has determined that it is appropriate to revisit the temporary-use provisions through notice-and-comment rulemaking.” 91 Fed. Reg. 13225, 13226 (March 19, 2026). The rescission of the IFR eliminated the regulatory framework allowing for the operation of ACIs without a Title V permit.

Given this change in regulation and that disaster recovery is still underway, your letter requests an NAA to allow the State to continue its management of the 6.8 million tons of vegetative fuels, including 822,000 acres of damaged timber, across western North Carolina. The remaining levels of debris have maintained the elevated risk of wildfires in the region: The North Carolina Fire Service reports an increase of over 2,000 wildfires in 2025 compared to the state average and double the acreage of wildfires compared to 2024.¹ The 2026 spring wildfire season running from March through May has already begun. As a result, the continued use of large ACIs to clear vegetative debris remains critical for reducing the extreme wildfire fuel loads in an efficient and safe manner to mitigate wildfire risks and further recovery efforts in the State.

In light of this ongoing emergency situation, the EPA has determined that an extension of the NAA is necessary to serve the public interest because incinerating debris with the larger capacity ACI is cleaner and safer than other options 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. EPA will not enforce the CISWI requirement to obtain a Title V permit for large ACIs through September 30, 2026, for those 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 an ACI subject to 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.

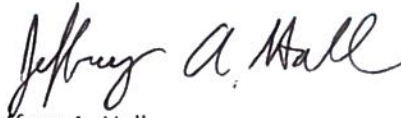
Notifications (prior to initiation of the use of an ACI subject to Title V permitting) should be sent via email to Jason Dressler at dressler.jason@epa.gov or by phone at (404) 562-9208 (a message left on voicemail is sufficient).

EPA’s grant of this extension of the NAA demonstrates its commitment to address the unique circumstances caused by Hurricane Helene. The EPA reserves the right to revoke, modify, or extend the

¹ N.C. Forest Service - Wildfire Statistics, N.C. Dep’t of Agric. & Consumer Services, <https://www.ncagr.gov/divisions/nc-forest-service/fire-control-and-prevention/wildfire-stats> (last visited Apr. 1, 2026).

NAA prior to termination if the EPA believes that such action is necessary to protect public health and the environment. If you have any questions please contact Sparsh Khandeshi, Acting Director, Air Enforcement Division at (202) 564-9913 or khandeshi.sparsh@epa.gov.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey A. Hall". The signature is written in a cursive style with a large, stylized "J" and "H".

Jeffrey A. Hall

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

