



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

September 24, 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: No Action Assurance Extension 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) September 23, 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 will extend the NAA for six months to March 31, 2027.

At North Carolina's request, 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. § 60.2242.¹ 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 and mulching that has led to incidents of mulch pile combustion. 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. EPA issued an NAA, subject to certain conditions, through March 1, 2025, and EPA extended the NAA through September 30, 2026, due to the substantial amount of disaster debris caused by Hurricane Helene.

¹ New ACIs with capacities larger than 35 tons per day may be subject to Subpart CCCC Standards of Performance for Commercial and Industrial Solid Waste Incineration (CISWI) Units. 40 C.F.R. § 60.2015(a). New ACI owners/operators subject to CISWI are required, among other things, to obtain a Title V permit. 40 C.F.R. § 60.2242.

In its September 23, 2026 letter, NC DEQ communicated the hardship that the State continues to face in managing the remaining disaster debris, including a statewide burn ban due to the intensity of the State's wildfire season that led to over 1000 acres of wildfires across three counties alone. According to the North Carolina Fire Service (NFCFS), the State has sustained approximately 6,000 wildfires to date in 2026.² The NCFS previously reported an increase of over 2,000 wildfires in 2025 compared to the state average and double the acreage of wildfires compared to 2024.³ This continuously significant wildfire emergency has spurred other federal agencies to provide aid to the State, including over \$200 million collectively from the Federal Emergency Management Agency and U.S. Department of Agriculture, as well as assistance from the National Park Service to remove vegetative debris in approximately 3,000 acres of park land prior to the spring wildfire season.

Given that disaster recovery is still ongoing, the NC DEQ letter requests another extension of the existing 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, that Hurricane Helene created across western North Carolina. Considering the State's upcoming dry season and that alternative debris clearing methods have proven to be more dangerous or less effective than large capacity ACIs, the continued use of large capacity 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, EPA has determined that an 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 Hurricane Helene 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 March 31, 2027, at 11:59 EDT 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. During this extension, the State should work with

² 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 Sept. 24, 2026).

³ *Id.*

applicable disaster debris management entities and seek any necessary Clean Air Act permits should the State expect a continuing need to operate the larger ACIs given the volume of debris remaining. The EPA reserves the right to revoke, modify, or extend the 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 Meetu Kaul, Acting Director, Air Enforcement Division at (202) 564-5472 or kaul.meetu@epa.gov.

Sincerely,

Jeffrey A. Hall

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