JOSH STEIN
*Governor*
D. REID WILSON
*Secretary*
MICHAEL ABRACZINSKAS
*Director*

NORTH CAROLINA
*Environmental Quality*

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1200 Pennsylvania Ave. NW
Washington, DC 20460

Subject: Comments on Proposed Rulemaking for "Standards for Air Curtain Incinerators That Only Burn Wood Wastes, Yard Wastes and Clean Lumber; Provision for Commercial and Industrial Solid Waste Incineration Units: Temporary Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery"

To Whom It May Concern:

The North Carolina Department of Environmental Quality (NCDEQ)'s Division of Air Quality (DAQ) is providing comments on the U.S. Environmental Protection Agency's (EPA) Proposed Rulemaking for "*Standards for Air Curtain Incinerators That Only Burn Wood Wastes, Yard Wastes and Clean Lumber; Provision for Commercial and Industrial Solid Waste Incineration Units: Temporary Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery*," published in the Federal Register (FR) on March 20, 2026 (91 FR 13543).[1] To provide context for our comments, we provide an overview of the state's actions to facilitate the use of air curtain incinerators (ACIs) to assist with cleanup and disposal of disaster debris in western North Carolina in the wake of Hurricane Helene. We then provide comments specific to EPA's proposed rulemaking followed by our conclusions.

# I. Background

## A. Federal ACI Regulations

Currently, 40 CFR Part 60 contains eight different Subparts with regulations that apply to ACIs. The largest ACIs (processing at least 250 tons per day of municipal solid waste) are covered under the Large Municipal Waste Combustor (LMWC) Rules in Subparts Cb and Eb ("LMWC Rules"), while small ACIs (processing between 35 and 250 tons per day of municipal solid waste) are captured under the Small Municipal Waste Combustor (SMWC) Rules in Subparts AAAA and BBBB ("SMWC Rules"), and very small ACIs (processing less than 35 tons per day of waste) are subject to the Other Solid Waste Incineration (OSWI) Rules in Subparts EEEE and FFFF ("OSWI Rules"), along with ACIs processing *any* amount of institutional waste generated onsite. Further, ACIs processing greater than or equal to 35 tons per day of solid waste that are located at commercial or industrial facilities are covered by the Commercial and Industrial Solid

[1] EPA, Proposed Rule, "Standards for Air Curtain Incinerators That Only Burn Wood Wastes, Yard Wastes and Clean Lumber; Provision for Commercial and Industrial Solid Waste Incineration Units: Temporary Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery," *Federal Register* 91, no. 54 (March 20, 2026): 13543. https://www.federalregister.gov/d//2026-05491

Waste Incineration (CISWI) Unit Rules under Subparts CCCC and DDDD ("CISWI Rules"). Although each of these subparts applies to units processing solid waste, they each contain specific provisions for ACIs that burn only clean lumber, yard waste, and/or wood waste, despite this type of ACI being specifically excluded from the definition of a "solid waste incineration unit" in Section 129 of the Clean Air Act (CAA).[2]

On April 17, 2024, the EPA finalized changes to 40 CFR Part 60, Subparts EEEE and FFFF to remove the Title V permitting requirement for OSWI ACIs that only burn wood waste, clean lumber, yard waste, or a mixture of these materials.[3] The EPA did not make changes to 40 CFR Part 60 Subpart CCCC *Standards of Performance for Commercial and Industrial Solid Waste Incineration Units,* 40 CFR Part 60 Subpart DDDD *Emissions Guidelines and Compliance Times for CISWI Units*, or 40 CFR Part 62 Subpart IIIa *Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010, and Have Not Been Modified or Reconstructed Since August 7, 2013*, which regulate ACIs that process greater than or equal to 35 tons per day. Consequently, these larger units are still required to obtain Title V permits. Additionally, 40 CFR Subparts CCCC and DDDD and 40 CFR Part 62 Subpart IIIa do not have the temporary-use disaster provisions that are in 40 CFR Subparts EEEE and FFFF.

## B. Hurricane Helene and Disaster Debris Management

Hurricane Helene, a strong category 4 storm with maximum sustained winds of 140 miles per hour, began impacting the State of North Carolina on September 26, 2024, bringing unprecedented flooding, landslides, tornadoes, and wind damage. Highest local rainfall maximums across the state exceeded 30 inches for only the second time in recorded state history. The rain swelled streams and rivers, many of which were already in flood stage, to record highs, producing record breaking river crests and 1,000-year flood events and in several counties.[4] On September 28, 2024, the President of the United States issued a major disaster declaration for the State of North Carolina under the Stafford Act.[5] Hurricane Helene is one of the deadliest US storms of the 21st century, with over 200 lives lost, and there was widespread infrastructure and property damage that Western North Carolina will be recovering from for many years. In the aftermath of the storm, the state was left with an enormous amount of disaster debris, amounting to millions of cubic yards. Mulching or grinding of the disaster debris came with challenges. In many instances, mulch piles were not properly maintained, leading to numerous instances of large fires. Proper use of ACIs to reduce debris is cleaner and safer than open burning; however, inconsistencies and unnecessary complexities within the various federal regulations for ACIs, including provisions for permitting, notification, and throughput limitations, posed significant challenges to the State and operators utilizing this technology to aid Western North Carolina in its recovery.

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[2] 42 U.S.C. § 7429(g)(1), March 9, 2026. uscode.house.gov/download/annualhistoricalarchives/pdf/2024/2024usc42.pdf
[3] EPA, 89 FR 27392, April 17, 2024. https://www.federalregister.gov/documents/2024/04/17/2024-08270/other-solid-waste-incinerators-air-curtain-incinerators-title-v-permitting-provisions
[4] NC OSBM, Hurricane Helene Recovery, December 13, 2024. https://www.osbm.nc.gov/hurricane-helene-dna/open
[5] Federal Emergency Management Agency, 4827-DR-NC Initial Notice, September 28, 2024. https://www.fema.gov/disaster-federal-register-notice/4827-dr-nc-initial-notice

With recovery efforts underway, including major repairs to water and wastewater infrastructure, transportation, and other critical infrastructure, North Carolina began to look at all options for managing disaster debris, including the use of ACIs for burning vegetative debris, yard waste, and clean lumber, with public health and safety of our communities at the forefront. While assisting stakeholders, including federal, state, and local governments, with navigating the aforementioned federal regulations for ACIs, the DEQ encountered a number of permitting, notification, and throughput limitations that presented unnecessary complications in the disaster response. On October 24, 2024, the DAQ sent a letter to the EPA requesting relief in the State of North Carolina from specific provisions of federal ACI regulations in 40 CFR Part 60, Subparts CCCC, DDDD, EEEE, and FFFF (the CISWI and OSWI Rules).[6] In the letter, the DAQ emphasized its preference for the use of ACIs over open burning to manage the enormous amount of disaster debris generated from Hurricane Helene, as these units are safer (from a wildfire prevention perspective) and produce less particle pollution. Additionally, the DAQ expressed its belief that 40 CFR Part 60, Subparts CCCC, DDDD, EEEE, and FFFF are inconsistent with the CAA's definition of a "Solid Waste Incineration Unit." Title I, Part A, Section 129 *Solid Waste Combustion*, paragraph (g) *Definitions,* subparagraph (1) *Solid Waste Incineration Unit* (42 U.S.C. § 7429 provides the following definition:

> *"The term 'solid waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). [ ... ] The term "solid waste incineration unit" does not include [ ... ] (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule."*[2]

Despite this explicit distinction within the CAA, the federal rules establish requirements for ACIs of this type beyond opacity limitations. In our October 24, 2024 letter, the DAQ requested a waiver of the Title V permitting requirements in the CISWI Rules and permission to temporarily use CISWI units to aid in Hurricane Helene recovery. Additionally, the DAQ requested that the EPA allow State and local Air Quality agencies to adjust the time before the ACI operator must officially request an extension from 16 weeks to 52 weeks under the ACI temporary disaster debris provisions. On November 6, 2024, EPA responded with a letter that addressed some of the DAQ's concerns but did not make changes to the Title V permitting requirements or temporary-use disaster provisions for CISWI units.[7]

In addition to the request for relief, the DAQ sent a letter to the EPA on November 15, 2024, requesting a No Action Assurance (NAA) letter to help facilitate the efficient and safe processing of certain disaster debris using ACIs.[8] Per §§ 60.2242 and 60.2805 in Subparts CCCC and DDDD, respectively, CISWI units are required to obtain a Title V operating permit. The DAQ requested that EPA grant a NAA letter for the provisions in §§ 60.2242 and 60.2805 so that ACIs processing greater than or equal to 35 tons per day of only wood waste, clean lumber, and yard waste could be exempt from the obligation to obtain a Title V operating permit, provided that they were not otherwise required to obtain this permit. The DAQ stated that using one large ACI

[6] NCDEQ, Request for Relief Concerning Air Curtain Incinerator Use in the State of North Carolina, October 24, 2024. https://www.deq.nc.gov/media/46541/download?attachment
[7] EPA Region 4, November 6, 2024. https://www.deq.nc.gov/media/46685/download?attachment
[8] NCDEQ, Request for No Action Assurance Concerning Air Curtain Incinerator Use in the State of North Carolina, November 15, 2024. https://www.deq.nc.gov/media/46728/download?attachment

in lieu of multiple small ACIs or open burning would decrease particle pollution, reduce risks to public safety, and help prevent wildfires.

On November 21, 2024, the EPA issued a NAA through March 1, 2025, for the use of new CISWI ACIs with a capacity greater than 35 tons per day used to remove disaster debris in North Carolina without first obtaining a Title V permit pursuant to § 60.2242.[9] The EPA stated that the owner/operator of each ACI must notify EPA Region 4 prior to beginning use. Also, the owner/operator must comply with all other applicable CISWI requirements, including opacity limits, monitoring, testing, and recordkeeping and reporting, and with all conditions imposed by State or local authorities on these emergency operations. On February 28, 2025, the DAQ sent a letter to the EPA requesting an extension of the NAA.[10] The letter stated that Hurricane Helene added an estimated 6.8 million tons of vegetative fuels into the environment, and it was important to continue reducing this debris using larger capacity ACIs. The EPA extended the NAA an additional six months to September 1, 2025.[11]

On August 26, 2025, the EPA issued an interim final rule (IFR) adding temporary-use disaster provisions that essentially mirror those in the OSWI regulations to the CISWI Rules and Federal Plan (40 CFR Part 60, Subparts CCCC and DDDD and 40 CFR Part 62 Subpart IIIa).[12] The IFR stated that as long as the CISWI units meet certain conditions, they will not be bound by the CAA Section 129 emission standards that apply during ordinary circumstances. The practical impact of this action meant that the DAQ did not seek an extension of EPA's NAA for CISWI ACIs used for processing Hurricane Helene disaster debris, which expired on September 1, 2025. The EPA rescinded the IFR on March 19, 2026, stating that with the close of the 2025 hurricane and wildfire disaster seasons, the EPA is revisiting the subject matter through the notice-and-comment rulemaking that is the subject of this comment letter.[13] Consequently, the DAQ sent a letter on March 10, 2026, requesting another NAA.[14] The EPA responded on April 22, 2026, and extended the March 12, 2025, NAA to September 30, 2026.[15]

EPA's proposed rulemaking aligns with the DAQ's needs in the wake of Hurricane Helene. We agree with the addition of temporary-use disaster provisions for CISWI units as well as the EPA's proposal to remove the Title V permitting requirement for ACIs that only burn wood waste, yard waste, and clean lumber. Additionally, we believe that the consolidation of regulations for these types of ACIs in 40 CFR Part 60 Subpart Ca would make the requirements more understandable

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[9] EPA, No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused By Hurricane Helene in North Carolina, November 21, 2024. https://www.deq.nc.gov/media/46792/download?attachment
[10] NCDEQ, Request for Extension of the No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused by Hurricane Helene in North Carolina, February 28, 2025. https://www.deq.nc.gov/media/47826/download?attachment
[11] EPA, No Action Assurance Extension for the Use of Air Curtain Incinerators to Manage Debris Caused By Hurricane Helene in North Carolina, March 12, 2025. https://www.deq.nc.gov/media/47825/download?attachment
[12] EPA, 90 FR 41508, August 26, 2025. https://www.federalregister.gov/documents/2025/08/26/2025-16360/commercial-and-industrial-solid-waste-incineration-units-temporary-use-incinerators-and-air-curtain
[13] EPA, 91 FR 13225, March 19. 2026. https://www.federalregister.gov/documents/2026/03/19/2026-05395/commercial-and-industrial-solid-waste-incineration-units-temporary-use-incinerators-and-air-curtain
[14] NCDEQ, Request for No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused by Hurricane Helene in North Carolina, March 10, 2026. https://edocs.deq.nc.gov/AirQuality/DocView.aspx?id=636656&dbid=0&repo=AirQuality&cr=1
[15] EPA, Request for No Action Assurance for the Use of Air Curtain Incinerators to Manage Debris Caused by Hurricane Helene in North Carolina, April 22, 2026. https://edocs.deq.nc.gov/AirQuality/DocView.aspx?id=636659&dbid=0&repo=AirQuality.

and accessible by agencies and regulated entities. Though we do have some concerns and suggested revisions that are discussed further in our comments, the DAQ generally supports the EPA's proposal.

# II. Comments on EPA's Proposal

This section provides the DAQ's comments on the EPA's proposed actions, including comments related to specific topics on which the EPA has solicited comment (with the identifying comment number as listed in the preamble), and comments on additional aspects of the EPA's proposed rulemaking.

## A. Disaster Debris Cleanup and Management (Comments Emergency-1, Emergency-2, and Emergency-3)

As described in Section I.B of this letter, Hurricane Helene caused widespread destruction in Western North Carolina and resulted in an unprecedented magnitude of disaster debris, which increases the risk of wildfires and post-fire erosion that can degrade water quality. On December 13, 2024, North Carolina's former Governor Cooper and the Office of State Budget and Management (OSBM) released a Revised Damage and Needs Assessment on North Carolina's recovery from Hurricane Helene,[4] which estimated that the storm resulted in approximately 6.8 million tons of vegetative debris. On March 19, 2025, the National Oceanic and Atmospheric Administration's (NOAA) National Hurricane Center issued a report on Hurricane Helene, stating, "The North Carolina Forest Service estimated 822,000 acres of damaged timberland, which resulted in $214 million in damages to North Carolina forests.[16]" As the state and local governments of North Carolina were faced with the enormous task of managing this debris, the DAQ collaborated with state and federal partners to coordinate debris cleanup, including issuance of guidance on debris removal for contractors, local governments, and nonprofits. By December 13, 2024, the State had organized 108 active Temporary Debris Storage and Reduction Sites across 20 counties, and 10,445,000 cubic yards of debris had been cleared from 27 counties.

As also described in Section I.B of this letter, state and local governments made many efforts to minimize the health impacts of debris cleanup following Hurricane Helene, The NCDEQ issued extensive guidance on debris removal, collection, and burning, and offered technical assistance.[17] Landowners, contractors, and municipalities were encouraged to grind vegetative debris into wood chips when possible. The State also created the North Carolina State Mission Assigned Recovery Task (SMART) Program to assist counties in removing disaster debris after a federally declared disaster.[18] The SMART Program allows property owners in participating counties to request free debris removal services.

If burning was the only viable option, the DAQ advocated for using ACIs to remove vegetative debris and limiting the use of open burning. When operated properly, ACIs emit less smoke and harmful pollution than open burning, making these units an essential component of North

[16] NOAA, National Hurricane Center Tropical Cyclone Report, Hurricane Helene, March 19, 2025. https://www.nhc.noaa.gov/data/tcr/AL092024_Helene.pdf
[17] NCDEQ, Environmental Guidance for Helene-Impacted Areas, Accessed April 14, 2026. https://www.deq.nc.gov/news/key-issues/storm-season/hurricane-helene-response/environmental-guidance-helene-impacted-areas#DebrisRemovalCollectionBurning-17021
[18] North Carolina SMART Program, Disaster Debris Removal Assistance For Your Community, Accessed April 15, 2026. https://ncdebriscleanup.com/

Carolina's path towards recovery. The state saw an influx of numerous temporary ACIs relocating from out of state to deal with the estimated 6.8 million tons of vegetative debris. While these temporary ACIs with capacities to burn less than 35 tons per day are not currently required to obtain Title V permits, units larger than this size were still subject to this onerous requirement, presenting a hurdle in the way of efficiently processing this disaster debris. When open burning was necessary, the DAQ emphasized that it is always illegal to burn trash or any man-made materials.[17] Along with the Asheville-Buncombe Air Quality Agency, the DAQ deployed 15 temporary air quality monitors and sensors to observe air quality in the aftermath in the storm.

## B. Consolidation and Alignment of ACI Provisions

The DAQ generally supports the consolidation of regulations for ACIs that only burn wood waste, clean lumber, and yard waste in a new Subpart and the alignment of requirements for these ACIs. Combining requirements for ACIs of this type into a single set of rules regardless of the amount of vegetative debris burned would make the rules clearer for all stakeholders, including the regulated community, states, local governments, and the public. The regulated community will benefit from only having one set of regulations to reference for these ACIs' requirements and not needing to cite different requirements depending on the amount burned. Additionally, ACIs that only burn wood waste, clean lumber, and yard waste are not solid waste incineration units, as described in Section I.B of this letter and defined in the Clean Air Act, and thus should not be regulated under the other numerous federal rules for solid waste incinerators. Separating requirements for ACIs of this type from those of solid waste incinerators will correct this error and reduce confusion.

The DAQ agrees with most of the proposed requirements for ACIs that only burn wood waste, clean lumber, and yard waste but has some concerns about the specific text of the proposed rules, as shown in the EPA's Redline/Strikeout (RLSO) markup of the rule language included with the docket. [19] Our specific comments are outlined below:

***Definitions, Opacity Measurement, Performance Testing, Recordkeeping, and Reporting Requirements (Comments ACI-1, ACI-2, ACI-3, ACI-4, and ACI-6)***

The DAQ agrees with the EPA's proposal to align the definition of an ACI in the new proposed Subpart Ca with the existing definition of an ACI in the OSWI Rules (Comment ACI-1). The DAQ also agrees with the EPA's proposal to require 6-minute averages as the basis of opacity compliance across all of the rules, as this ensures consistency across ACIs (Comment ACI-2).

Additionally, the DAQ agrees with the approach EPA has taken in aligning and clarifying the annual performance testing frequencies (Comment ACI-3), including the allowance for delaying an annual performance test of a unit not operating until the next day that the ACI operates (Comment ACI-4).

Finally, the DAQ supports aligning the recordkeeping and reporting requirements among ACIs, to require records for 5 years, with the records stored onsite for two years, and an

[19] EPA, Redline/Strikeout for amendments to Subparts across 40 CFR 60 and 62 and the addition of a new part 60 subpart for Consolidated Air Curtain Incinerators that Only Burn Wood Wastes, Yard Wastes, and Clean Lumber, Docket Document ID No. EPA-HQ-2025-0068-0013, March 20, 2026. https://www.regulations.gov/document/EPA-HQ-OAR-2025-0068-0013

option for offsite storage for the remaining 3 years that the record is required (Comment ACI-6).

***Initial Notification Requirements (Comment ACI-5)***

While the DAQ agrees with the EPA's proposal to require ACI operators to provide notification of startup, we recommend EPA revise the provisions to provide a more reasonable timeframe of these initial notification requirements. In the RLSO document, § 60.37a in 40 CFR Part 60 Subpart Ca specifies that the ACI operator "*(a) Prior to the date of the initial startup or by [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], whichever is later, submit to the Administrator a Notification that includes the three items described in paragraphs (a)(1) through (3) of this section.*" Requiring this notification on the same date as the final rule is published in the Federal Register does not provide adequate notice to regulated entities of this deadline, as the future date of publication would likely be unknown by regulated entities until the date that it appears in the Federal Register. The DAQ recommends allowing at least 60 days from the publication for entities to provide this notification.

***CISWI Federal Plan Applicability***

The DAQ notes that (according to the RLSO of the proposed rule language) EPA did not propose to remove the requirements for ACIs that only burn wood waste, clean lumber, and yard waste from the CISWI Federal Plan in 40 CFR Part 62 Subpart IIIa. Attachment 24 in the RLSO document does not amend or repeal any of the citations in this Subpart related to ACIs of this type, including §§ 62.14510a, 62.14530a, and 62.14740a through 62.14765a.[19] To achieve the EPA's stated goals of consolidating requirements for ACIs that burn only wood waste, clean lumber, and yard waste in 40 CFR Part 60 Subpart Ca and removing all requirements for these ACIs from other federal rules, the DAQ believes that the CISWI Federal Plan in 40 CFR Part 62 Subpart IIIa should be amended in a manner consistent with the other rules in this proposed action.

## C. Proposed Temporary-Use and Disaster Recovery Provisions

In the wake of Hurricane Helene, North Carolina urgently needed ACIs to burn vegetative debris as quickly and cleanly as possible; however, only OSWI ACIs had temporary-use disaster provisions that allowed them to be used without delay. In the immediate aftermath of the storm and prior to the EPA's issuance of a NAA for North Carolina, CISWI ACIs were required to obtain a Title V permit and comply with 40 CFR Part 60 Subparts CCCC or DDDD. Consequently, fewer ACIs were able to be used to replace open burning. CISWI ACIs are larger and can burn more debris at once, making them safer and more effective for processing a large volume of debris. The DAQ recognized the potential benefits of using CISWI ACIs and asked the EPA for regulatory relief. After the EPA issued the NAA, these larger ACIs allowed more vegetative debris to be cleared and lessened the need for open burning.

The use of both OSWI and CISWI ACIs continues to play an important role in Western North Carolina's recovery from Hurricane Helene, as these units have allowed for quicker disposal of disaster debris while minimizing particle pollution and reducing the risk of wildfires. The DAQ generally supports adding temporary-use disaster provisions for CISWI units, which will relieve the need for future NAAs (upon the proposed rule becoming final). However, the DAQ

requests that §§ 60.2030 and 60.2542 in the CISWI Rules and § 62.14775a in the CISWI Federal Plan be amended to allow states to approve temporary use of a CISWI unit beyond 16 weeks.[19] The RLSO text specifically retains this authority with the EPA, but we believe that States are well equipped to handle these numerous requests when State personnel are already very involved in the many various efforts towards disaster recovery in their areas. Additionally, we request that the opacity limitations continue to apply for ACIs operating under the temporary-use disaster requirements. ACIs produce less pollution than open burning, but only if they are operated properly. Requiring ACIs used in disaster recovery to continue to meet the specified opacity limitations ensures that they are combusting waste efficiently and are not producing excessive pollution. The DAQ believes that the addition of temporary-use disaster provisions with opacity limitations for CISWI ACIs will allow states to respond more quickly and effectively to disasters while minimizing emissions. As a result, operators and state agencies will be able to focus on the most crucial and impactful pathways towards recovery.

## D. Removal of Categorical Title V Permitting Provisions (Comment ACI-0)

On October 10, 2024, the North Carolina General Assembly (NCGA) passed House Bill 149, also known as the Disaster Recovery Act of 2024, in response to Hurricane Helene.[20] Section 10.5.(c) of the Act stated that owners and operators of permanent and temporary ACIs subject to 40 CFR Part 60, Subparts EEEE and FFFF were not required to obtain a General Title V Operating Permit, consistent with the EPA's commensurate action to the federal OSWI Rules earlier that year. As a result, the Title V permitting requirement for OSWI ACIs in North Carolina was lifted sooner than it would have been through the state's administrative rulemaking process alone, providing permitting relief for OSWI ACIs while the DAQ worked on amending the state's ACI rule. This change further facilitated the use of ACIs during this critical time.

The DAQ supports the EPA's proposal to remove the categorical Title V permitting requirement for CISWI and SMWC ACIs that burn only wood wastes, yard wastes, and clean lumber (Comment ACI-0). This will align the requirements for these units with those for ACIs of other sizes (i.e., OSWI and LMWC ACIs). Further, as explained in Section I of this letter and in EPA's preamble, ACIs that burn only these materials are not solid waste incineration units under the CAA, and therefore, should not be regulated as such with respect to Title V permitting.

While the EPA's preamble indicates its intent to remove categorical Title V permitting for ACIs of this type, the RLSO text for Subpart IIIa appears to continue requiring ACIs of this type to obtain a Title V permit, as Attachment 24 does not include any amendments or repeals of §§ 62.14510a, 62.14530a, and 62.14740a through 62.14765a.[19] The DAQ recommends EPA review this language closely and revise the CISWI Federal Plan text to remove requirements for ACIs burning only wood wastes, yard wastes, and clean lumber, as well as any erroneous cross references.

## E. Pyrolysis Exclusion (Comment OSWI-1)

North Carolina is still recovering from the devastating impacts of Hurricane Helene. Though a significant amount of work has been done to process debris, there is still an enormous amount that needs to be removed. Removing the Title V permitting requirement for ACIs that only burn

[20] NCGA, The Disaster Recovery Act of 2024, October 10, 2024. https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H149v5.pdf

wood waste, clean lumber, and yard waste, streamlining requirements for these ACIs, and adding temporary-use disaster provisions for CISWI units will make the removal of vegetative debris easier and faster. It is imperative that North Carolina be able to take advantage of these benefits as soon as possible; however, they were proposed along with EPA's request for comment on removing the reference to "pyrolysis/combustion units" from the definition of "municipal waste combustion unit" in the OSWI Rules. While we generally agree that pyrolysis units are distinct and separate from OSWI units, the DAQ does not want the necessary changes to ACI requirements needed to aid in disaster recovery to be delayed due to comments EPA receives on this definition (Comment OSWI-1). The DAQ urges EPA to separate the changes to ACI requirements and CISWI Rules from the request for comment on the pyrolysis exclusion so North Carolina can implement these crucial and timely actions without impediment.

## F. Miscellaneous Comments

As outlined in this Subsection, the DAQ has identified several aspects of the text of the proposed rules, as included in the RLSO document posted to the docket,[19] that we believe require correction or clarification.

***CISWI Rules and Federal Plan (40 CFR Part 60, Subparts CCCC and DDDD, and 40 CFR Part 62, Subpart IIIa)***

The EPA states at 91 FR 13543, 13555 (Mar. 20, 2026) that CISWI units temporarily used in disaster recovery must continue operating control devices installed to comply with CISWI New Source Performance Standards, a CISWI Federal plan, or a State plan implementing CISWI Emission Guidelines, unless doing so is not technically feasible due to conditions in the disaster recovery area.[21] This provision is consistent with the (now rescinded) IFR, which included the same exception. However, unlike the IFR, the proposed text of 40 CFR Part 60 Subpart Ca, as listed in the RLSO document, requires control devices to remain in operation but does not include any reference to feasibility.[19] The DAQ supports the inclusion of the exception for feasibility and recommends that the rule text be amended to align with the IFR.

***OSWI Rules (40 CFR Part 60, Subparts EEEE and FFFF)***

In the RLSO of the proposed rules, the text appearing at § 60.3059(b) in 40 CFR Part 60 Subpart FFFF contains a cross reference to "§§ 60.3062 through 60.3068", but the EPA is proposing to remove these sections. Additionally, § 60.2966(b), the section in 40 CFR Part 60 Subpart FFFF that corresponds to § 60.3059(b), is proposed to be removed.[19] The DAQ believes that § 60.3059(b) is no longer necessary and should also be removed.

***Other Miscellaneous Rule Text***

In our inspection of the RLSO document,[19] the DAQ also identified some minor errors in the proposed rule text, as outlined below:

- The RLSO markup of the proposed rules appears to contain an erroneous Subpart citation and title, where the text "PART 60—STANDARDS OF PERFORMANCE FOR LARGE MUNICIPAL WASTE COMBUSTORS" appears instead of "PART

[21] EPA, 91 FR 13543 and 13555, March 20, 2026.

60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES" for Attachment 10.

- There is an extraneous heading under Attachment 11 for Subpart BBBB that seems to have been put there in error.

- In 40 CFR Part 62 Subpart FFF, §62.14102(m) contains a typographical error, where the term "feestocks" appears instead of "feedstocks."

The DAQ requests that EPA provide an updated RLSO markup version of the rule text upon finalization of this rulemaking, to assist states and regulated entities with identifying the final changes to the rules.

## III. Conclusions and Recommendations

As articulated in this comment letter, the DAQ is in favor of the EPA's proposal to remove the Title V permitting requirement for ACIs that only burn wood waste, yard waste, and clean lumber, in addition to the consolidation of regulations for ACIs of this type in 40 CFR Part 60 Subpart Ca. The DAQ also supports the addition of temporary-use disaster provisions for CISWI units, though we request that the EPA allow states to serve in the Administrator Role for approving requests for ACIs to operate under the disaster provisions longer than 16 weeks and that opacity limitations continue to apply to ACIs operating under these requirements. Additionally, the DAQ recommends that the EPA align their proposed regulatory text with stated intentions in the Federal Register, including the specified exception to the requirement to operate control devices in the temporary-use disaster provisions for CISWI units for when it is not technically feasible to continue operation and removal of provisions in the CISWI Federal Plan that apply to ACIs burning only wood wastes, yard wastes, and clean lumber. Finally, the DAQ urges the EPA to finalize the consolidation and alignment of these ACI rules as expeditiously as possible, to ensure states, local air agencies, and the regulated community can efficiently respond in the wake of future natural disasters to keep communities and residents safe.

Thank you for your attention to this matter. If you should have any questions or need additional information, please contact me at (919) 707-8497 or taylor.hartsfield@deq.nc.gov.

Sincerely,

Taylor Hartsfield

Taylor Hartsfield, Deputy Director
Division of Air Quality, NCDEQ

cc: Sushma Masemore, NCDEQ
Michael A. Abraczinskas, NCDAQ
Katherine Quinlan, NCDAQ