JOSH STEIN
Governor
D. REID WILSON
Secretary
MICHAEL ABRACZINSKAS
Director

NORTH CAROLINA
Environmental Quality

March 10, 2026

Jeffrey A. Hall, Assistant Administrator
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2201A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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. Hall:

The State of North Carolina and the North Carolina Department of Environmental Quality (DEQ) respectfully request a "No Action Assurance (NAA) for the Use of Air Curtain Incinerators (ACIs) to Manage Debris Caused by Hurricane Helene in North Carolina," from the U.S. Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA). The NAA request is intended to help facilitate efficient and safe processing of certain disaster debris using ACIs in western North Carolina following the widespread and tragic destruction caused by Hurricane Helene.

North Carolina experienced impacts from Hurricane Helene starting on September 26, 2024. The unprecedented magnitude of flooding, landslides, and wind damage from this storm produced devastating impacts in Western North Carolina (WNC), including tragic losses of lives and significant infrastructure and property damage. As a result, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina under the Stafford Act. Stafford Act declarations do not expire, nor do they have set durations established in statute or regulation. Recovery efforts continue, including major repairs to water and wastewater infrastructure, transportation, and other critical infrastructure. All options for managing disaster debris, including the use of ACIs for burning wood waste, clean lumber, and yard waste, have been considered with public health and safety in the forefront. DEQ has been assisting a wide range of stakeholders, including federal, state, and local governmental agencies, to navigate complex federal regulations that apply to ACIs for disaster debris management.

The significant challenge of managing the extraordinary amount of disaster debris caused by Hurricane Helene has involved all available methods of disposal while considering site specific facts and logistical challenges. Best practices and guidance on all available methods of processing disaster debris have been shared with all entities involved in the cleanup efforts. Mulching or grinding of the vegetative debris has come with challenges. In many instances, mulch piles were not properly maintained leading to numerous instances of large fires.[1,2] In situations where the burning of vegetative debris was the only remaining option for disaster debris management, DEQ encouraged use of ACIs (regardless of size) over open

[1] https://wlos.com/news/local/mulch-fire-tbd-landfill-smoke-across-haywood-county-emergency-services-canton-clyde-north-canton-fire-department-interstate-40-debris-nc-department-of-environmental-quality-air-quality-division-contained-woody-debris
[2] https://www.wbtv.com/2025/04/08/incredible-pictures-show-massive-mulch-fire-western-north-carolina/

burning due to it being better for public health (producing less particle pollution) and public safety (from a wildfire prevention perspective).

A previous NAA for this same purpose was issued by EPA's OECA on November 21, 2024, and extended on March 12, 2025. The NAA allowed the use of new 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 CFR 60.2242. This NAA was in the public interest because reduction of debris with larger capacity ACIs is cleaner and safer than other options, which include open burning without any controls. It also allowed the state to manage debris disposal quicker than would be possible with the smaller capacity ACIs, thereby advancing recovery efforts across the state.

This previous NAA expired on September 1, 2025, and DEQ did not pursue another extension request due to EPA's interim final rule (IFR) for "Commercial and Industrial Solid Waste Incineration (CISWI) Units: Temporary-Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery," effective on August 26, 2025. The IFR for CISWI units established temporary-use disaster recovery and emergency provisions similar to those in the federal rules for Other Solid Waste Incineration (OSWI) units. The IFR for CISWI units was challenged in the U.S. Court of Appeals for the DC Circuit Docket No. 25-1227, *Sierra Club, et al. v. EPA.* In an unopposed motion filed on February 11, 2026, it states that, "Because the 2025 hurricane and wildfire disaster seasons have passed and based on public comments EPA received on the Interim Rule, EPA has determined that it is appropriate to rescind the Rule and propose a new rule through notice-and-comment rulemaking." In the filing, Aaron Szabo stated "EPA intends to sign a final action rescinding the Interim Final Rule by March 13, 2026." With the imminent rescission of the IFR and the temporary-use disaster recovery and emergency provisions, DEQ respectfully requests that the EPA grant this NAA request to allow for continued use of larger ACIs for disaster debris management in North Carolina without first obtaining a Title V permit.

This NAA request is further supported by the following new and updated information that was not available at the time of the previous NAA:

- On December 13, 2024, North Carolina's former Governor Cooper and the Office of State Budget and Management released a Revised Damage and Needs Assessment[3] related to Hurricane Helene Recovery. The document noted that the storm added an estimated 6.8 million tons of vegetative fuels into the environment. Timber and associated debris are ignitable fuels on the forest floor that increase wildfire risk. Furthermore, it mentioned that debris removal is progressing, with 108 active Temporary Debris Storage and Reduction Sites across 20 counties. A staggering 10,445,000 cubic yards of debris have been cleared from 27 counties.

- On April 8, 2025, NOAA's National Hurricane Center issued a report[4] on Hurricane Helene, stating, "The North Carolina Forest Service (NCFS) estimated 822,000 acres of damaged timberland, which resulted in $214 million in damages to North Carolina forests." This was also noted in the NCFS Forest Damage Appraisal for Hurricane Helene dated October 22, 2024[5], which noted the damage distribution between ownership was estimated to be: 21% public (US Forest Service and other public ownerships); 78% private (private individuals, corporations, and other ownerships); and 1% reserved lands (reserved areas such as park lands).

[3] https://www.osbm.nc.gov/hurricane-helene-dna/open
[4] https://www.nhc.noaa.gov/data/tcr/AL092024_Helene.pdf
[5] https://www.ncagr.gov/divisions/nc-forest-service/NCFS-HurricaneHelene_DamageAssessment.pdf/open

- On June 26, 2025, a blog post from the North Carolina State Climate Office[6] described a "domino effect" of high winds that downed power lines, sparking two wildfires in December 2024 in McDowell County, an area heavily impacted by Hurricane Helene. The wildfire grew to more than 500 acres and took four days to contain. The post also mentions the 644-acre North Fork fire and the 220-acre Crooked Creek fire in January 2025, and the 2,085-acre Bee Rock Creek fire in April 2025.

- On July 10, 2025, NCFS gave a presentation[7] to the North Carolina Environmental Management Commission on "Helen and Wildfire Risk in North Carolina." It noted that "Large Timber will dry over time and contribute to wildfire intensity over a long period of time (15+ years)." In WNC, there are now 3,063 structures near severe blowdown on dry, fire-prone sites compared to the background fire hazard. Based on data collected from 1970-2025, the 2025 WNC Spring Wildfire Season was the worst on record based on final total acreage. It should also be noted that North Carolina has more acres of wildland-urban interface - areas where structures are built near forestlands - than any other U.S. state.[8]

- On February 24, 2026, data obtained from the National Integrated Drought Information System[9] indicated that 13.3% of NC is in moderate drought, 81.5% is in severe drought, and 5.2% is in extreme drought. Most of WNC is in the severe drought category, and drought conditions are expected to persist into the 2026 WNC Spring Wildfire Season.[10]

DEQ is also aware that U.S. EPA's Office of Air and Radiation is working on proposed rulemaking[11] that would consolidate standards (federal rules) for ACIs that only burn wood wastes, yard wastes, and clean lumber. Public information on this proposed rulemaking states, "Currently, emission standards for air curtain incinerators (ACIs) that only burn wood wastes, yard wastes and clean lumber have been promulgated under four different source categories: Large Municipal Waste Combustors, Small Municipal Waste Combustors, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units. The division of ACI standards across four source categories has resulted in inconsistencies in the rules. Additionally, this division has created uncertainty within industries about which rules apply. The current action would consolidate the rules provisions for ACIs that only burn wood wastes, yard wastes and clean lumber into a single location and resolve inconsistencies in the rules."

In light of this information, it is important that Hurricane Helene vegetative debris management and reduction continues in North Carolina by using larger capacity ACIs. As such, DEQ respectfully requests that the U.S. EPA grant this NAA request for a six-month period.

[6] https://climate.ncsu.edu/blog/2025/06/helenes-damage-presents-fire-management-monitoring-challenges/
[7] https://edocs.deq.nc.gov/WaterResources/DocView.aspx?id=3913306&dbid=0&repo=WaterResources
[8] https://news.ncsu.edu/2025/10/wildfire-risks-from-hurricane-helene-one-year-later/
[9] https://www.drought.gov/states/north-carolina
[10] https://www.weather.gov/media/rah/DGT/DGT_RAH_02262026.pdf
[11] https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202410&RIN=2060-AW43

If you have any questions about this request, please contact me at (919) 707-8447 or by email at Michael.Abraczinskas@deq.nc.gov.

Sincerely,

Michael A Abraczinskas

Michael A. Abraczinskas, Director
Division of Air Quality, NCDEQ

cc: Kevin J. McOmber, P.E., USEPA
Denisse Diaz, USEPA
Keriema Newman, USEPA
Jason Dressler, USEPA
Taylor Hartsfield, DAQ
Brian Phillips, DAQ
DAQ Regional Office Supervisors
Ashley Featherstone, Asheville-Buncombe Air Quality Agency
William Barnette, Forsyth County Office of Environmental Assistance and Protection
Leslie Rhodes, Mecklenburg County Air Quality Agency