

RULE SUMMARY

Subject: **Revisions to Open Burning Rules to Reflect S.L. 2014-120 (529)**

Rule Citation	What is Changed	Purpose of Change (Why)	Who is Affected and How	Impacts
<p>15A NCAC 02D .1902, Definitions;</p> <p>15A NCAC 02D .1903(b)(2)(F), Open Burning Without An Air Quality Permit</p>	<p>The proposed change to .1903 will allow residential open burning of logs of any size and stumps if it meets the provisions listed in Section 24.(b) and the amendment removes the restriction related to not causing a nuisance.</p> <p>The amendment to Rule .1902 removes the definition of "Nuisance" for consistency.</p>	<p>The amendments are in response to S.L. 2014-120, which requires the Commission to adopt rules that pertain to open burning without an air quality permit that are substantively identical to the provisions of Section 24.(b) of the S.L.</p> <p>The provisions of Section 24.(c) of S.L. 2014-120 which have been enacted since September 18, 2014 will expire on the date when the proposed amendments to the Rule 15A NCAC 02D .1903 become effective as required by Section 24.(d) of S.L. 2014-120. DAQ has been implementing the provisions of Section 24.(b) of the Act until the date when the amendments to Rule 15A NCAC 02D .1903 become effective as required by Section 24.(d) of S.L. 2014-120.</p>	<p>Under the amendment, a residential property owner could burn logs of any size or stumps under the conditions currently specified in the rule without it being considered a nuisance under the rule. Removal of the limitation on burning logs greater than six inches and stumps may reduce regulatory burden making the option to burn stumps and logs generally more attractive to some residential property owners than other available disposal alternatives.</p> <p>The proposed rule change is not expected to interfere with the attainment or maintenance of any current national ambient air quality standard</p>	<p>These rule amendments do not cause substantial economic impacts, as defined in the Administrative Procedure Act in N.C.G.S. 150B-21.4(b1), meaning that the estimated impacts exceed \$1,000,000 in a 12-month period. The rule change has little to no impact on state or local governments and no substantial economic impact.</p>