

AGENDA ITEM 4

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Concept

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

Reason for Action

To revise the Open Burning rules to reflect changes resulting from S.L. 2014-120

Scope/Nature/Summary

At the conclusion of the 2014 legislative session, the General Assembly enacted S.L. 2014-120, An Act to Improve and Streamline the Regulatory Process in Order to Stimulate Job Creation, to Eliminate Unnecessary Regulation, to Make Various Other Statutory Changes, and to Amend Certain Environmental and Natural Resources Laws. Section 24 of the Session Law amends the requirements that pertain to residential open. In addition to the already permissible residential open burning of leaves, tree branches, or yard trimmings under the conditions specified in the rule, the amendments allow open burning of logs and stumps. The statutory amendments also specify that burning of stumps and logs shall not be considered to create a nuisance.

Section 24(d) of the Session Law requires the Commission to adopt amendments to 15A NCAC 02D .1903, Open Burning Without an Air Quality Permit, that are substantively identical to the Session Law provisions. Per the Session Law, these rule amendments are not subject to review by the Rules Review Commission under the Administrative Procedures Act. The amendments are to become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received and thus would become effective following opportunity for legislative review.

15A NCAC 02D .1903 needs to be revised to reflect the session law requirements.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.107(a)(5); 62-133.8; S.L. 2013-413; S.L. 2014-120.