

15A NCAC 02D .1902 DEFINITIONS

For the purpose of this Section, the following definitions apply:

- (1) "Air Curtain Incinerator" means a stationary or portable combustion device that operates by directing a plane of high velocity forced draft air through a manifold head onto an open chamber, pit, or container with vertical walls to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. These incinerators can be built above or below ground and be constructed with or without refractory walls and floors. These shall not include conventional combustion devices with enclosed fireboxes or controlled air technology such as mass burn, modular, or fluidized bed combustors.
- (2) "Air Quality Action Day Code 'Orange' or above" means an air quality index of 101 or greater as defined in 40 CFR Part 58, Appendix G. This includes Codes Orange, Red, Purple, and Maroon.
- (3) "Dangerous materials" means explosives or containers used in the holding or transporting of explosives.
- (4) "Initiated" means to start or ignite a fire or reignite or rekindle a fire.
- (5) "Land clearing" means the uprooting or clearing of vegetation in connection with construction for buildings; agricultural, residential, commercial, institutional, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value. This term does not include regularly scheduled maintenance or property clean-up activities.
- (6) "Log" means any limb or trunk whose diameter exceeds six inches.
- (7) "Nonattainment area" means an area designated in 40 CFR 81.334 as nonattainment.
- (8) "Nuisance" means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.
- (9) "Occupied structure" means a building where people can be reasonably expected to be present or a building used for housing farm or domestic animals.
- (10) "Off-site" means any area not on the premises of the land-clearing activities.
- (11) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.
- (12) "Person" as used in 15A NCAC 02D .1901 means:
 - (a) the person in operational control over the open burning; or
 - (b) the landowner or person in possession or control of the land when he or she has directly or indirectly allowed the open burning or the Division determined, based upon an investigation into the open burn, that the land owner has benefited from it.
- (13) "Pile" means a quantity of combustible material assembled together in one place.
- (14) "Public pick-up" means the removal of refuse, yard trimmings, limbs, or other plant material from a residence by a governmental agency, private company contracted by a governmental agency, or municipal service.
- (15) "Public road" means any road that is part of the State highway system or any road, street, or right-of-way dedicated or maintained for public use.
- (16) "Refuse" means any garbage, rubbish, or trade waste.
- (17) "Regional Office Supervisor" means the supervisor of personnel of the Division of Air Quality in a regional office of the Department of Environmental Quality.
- (18) "Right-of-way maintenance" means vegetation management, including grass cutting, weed abatement, tree trimming, and tree and brush removal of existing streets, highways, and public places.
- (19) "Salvageable items" means any product or material that was first discarded or damaged and then all or part was recovered for future use. Examples of these items include insulated wire, electric motors, and electric transformers.
- (20) "Smoke management plan" means the plan developed following the North Carolina Forest Service's smoke management program and approved by the North Carolina Forest Service. The purpose of the smoke management plan is to manage smoke from prescribed burns of public and private forests to minimize the impact of smoke on air quality and visibility.
- (21) "Synthetic material" means man-made material, including tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.

History Note: Authority G.S. 143-215.3(a)(1);
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