



N. C. ENVIRONMENTAL MANAGEMENT COMMISSION

Beverly Eaves Perdue,
Governor

Stephen T. Smith
Chair
P.O. Box 150
Raleigh, NC 27602
919-821-5124
smith@mspraleigh.com

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Vice Chair

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Donnie Brewer
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March 8, 2012

To: ENVIRONMENTAL REVIEW COMMISSION
Jeff Judson, Commission Counsel, Environmental Review Commission

FROM: Stephen T. Smith, Chair, Environmental Management Commission

RE: EMC Resolution

Enclosed please find a resolution of the Environmental Management Commission asking the General Assembly to reconsider the portion of S.L. 2011-394, Section 2 which reduces the permissible open burning setback requirements of 15A NCAC 2D.1903.

Attachment

RESOLUTION of the N. C. ENVIRONMENTAL MANAGEMENT COMMISSION

WHEREAS, prior to July 1, 2011, 15A NCAC 2D .1903 (Open Burning Without a Air Quality Permit) required that open burning of land-clearing debris without a permit be at least 1,000 feet from any dwelling, group of dwellings or commercial or institutional establishment;

WHEREAS the N.C. General Assembly has enacted S.L. 2011-394, Section 2 of which reduces the permissible open burning setback requirements of 15A NCAC 2D .1903 to 500 feet;

WHEREAS, exposure to wood smoke can aggravate chronic health conditions including heart and lung diseases, and, even at lower levels of exposure to smoke, can particularly harm sensitive populations such as children and older adults;

WHEREAS, open burning regulations were among North Carolina's first air quality rules and are a foundational part of North Carolina's air quality program;

WHEREAS, negative health effects of exposure to smoke from open burning are likely to be greater at closer proximity (500 feet) than at a greater distance (1,000 feet);

WHEREAS, there are economically feasible alternatives to open burning of yard waste and land clearing debris which are not harmful to public health;

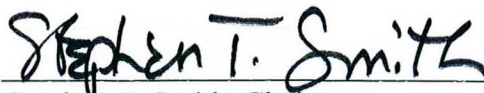
WHEREAS, as North Carolina continues to become more developed and as its population continues to grow, the potential for public health harm from open burning increases;

WHEREAS, the Department of Environment and Natural Resources' Division of Air Quality has implemented S.L. 2011-394 Section 2 consistent with the statute as of its effective date of July 1, 2011;

WHEREAS, members of the N.C. Environmental Management Commission have expressed concern regarding the negative impacts to public health resulting from decreasing permissible open burning setback requirements pursuant to S.L. 2011-394;

NOW, THEREFORE, BE IT RESOLVED THAT the N.C. Environmental Management Commission calls for the N.C. General Assembly to re-evaluate and re-consider the public health impact of reducing open burning setback requirements to 500 ft as established under Session Law 2011-394 Section 2, and to restore the 1,000 feet setback requirements for permissible open burning as previously provided by 15A NCAC 02D.1903.

This the 12th day of January, 2012.



Stephen T. Smith, Chairman

N.C. Environmental Management Commission