



MEMORANDUM

TO: Asheville-Buncombe Air Quality Agency Board of Directors

FROM: Ashley Featherstone, Director

RE: Agenda for November 14, 2024

DATE: November 7, 2024

Enclosed, please find the Agenda for the Asheville-Buncombe Air Quality Agency Board meeting to be held on **Tuesday, November 14, 2024, at 4:00pm** in the meeting room located at the Buncombe County Permit Office at 30 Valley Street, Asheville, NC 28801.

This meeting will be live streamed via Microsoft Teams at <https://bit.ly/abair1124>. The board meeting documents will be available on the Engage Buncombe site at <https://engage.buncombecounty.org/s8486>. The meeting will be recorded and can be viewed later.

A reception will be held from 3:30 to 4:00 pm prior to the board meeting to recognize Dr. Evan Couzo for his service to the agency. The recognition will take place at 4:00 pm at the beginning of the Board Meeting. All Board Members, Advisory Committee Members, and others are welcome to attend the reception.

ASHEVILLE-BUNCOMBE AIR QUALITY AGENCY BOARD OF DIRECTORS
TENTATIVE AGENDA
NOVEMBER 14, 2024 BOARD MEETING

- 1. Public Comment Protocol Announcement**
- 2. Adjustment and Approval of Agenda**
- 3. Consent Agenda:**
 - A. Approval of minutes from September 10, 2024
- 4. Special Presentation:**
 - A. Recognition of Dr. Evan Couzo for four years of service to the Asheville-Buncombe Air Quality Agency
- 5. Unfinished Business:**

None
- 6. Director's Report:**
 - A. Tropical Storm Helene Preparations, Response, Recovery Update
 1. Preliminary meetings with DAQ about monitoring network in preparation for Helene
 2. Staff check ins, emergency closure, staff reassignments, hiring freeze
 3. EPA Response
 4. Disaster Recovery Act of 2024-NC GA Session Law 2024-51 (permit fees and open burning associated with Helene)
 5. Facility notifications and permit modifications
 6. Air Curtain Incinerators and Open Burning Requirements
 7. Communications to Residents (open burning, demolition and asbestos permit requirements, monitoring and dust concerns, indoor air and flood clean up) and Permitted Facilities
 - B. Monitoring Update
 1. Monitoring site assessments and restarts, temporary monitors to assist with Helene response
 2. Ozone season wrap up
 - C. Agency Vehicle Replacement Update
 - D. Update on Upcoming City Appointed Board Vacancy
 - E. FY24 Budget Update
- 7. New Business:**

None
- 8. Other Business:**
 - A. Legal Counsel Report
 - B. Advisory Committee Report
 - C. Calendar
 1. 2025 Board Meeting Schedule
 2. Next meeting TBD (New board member appointment scheduled for Asheville City Council Agenda Tuesday, January 14)
 - D. Announcements
- 9. Public Comment**

10. Adjournment



MEMORANDUM

TO: Asheville-Buncombe Air Quality Agency Board of Directors

FROM: Ashley Featherstone, Director

RE: Minutes for September 10, 2024

DATE: November 7, 2024

Enclosed, please find the Minutes for the Asheville-Buncombe Air Quality Agency Board meeting held on **Tuesday, September 10, 2024, at 4:00pm**. The next meeting is scheduled for **Thursday, November 14, 2024, at 4:00pm** in the meeting room located at the Buncombe County Permit Office at 30 Valley Street, Asheville, NC 28801.

This meeting will be live streamed via Microsoft Teams at <https://bit.ly/abair1124>. The board meeting documents will be available on the Engage Buncombe site at <https://engage.buncombecounty.org/s8486>. The meeting will be recorded and can be viewed later.

A reception will be held from 3:30 to 4:00 pm prior to the board meeting to recognize Dr. Evan Couzo for his service to the agency. The recognition will take place at 4:00 pm at the beginning of the Board Meeting. All Board Members, Advisory Committee Members, and others are welcome to attend the reception.

The Asheville-Buncombe Air Quality Agency Board of Directors met on Tuesday, September 10, 2024, in the meeting room at the Buncombe County Permit Office located at 30 Valley Street, Asheville, N.C.

The attendance of the Board members was as follows:

Members Present:

Joel Storrow

Karl Koon

Evan Couzo

Garry Whisnant

Ned Guttman

Members Absent:

Staff Present: *Ashley Featherstone, Director; James Raiford, Permitting Program Manager; Mike Matthews, Air Quality Specialist II; Betsy Brown, Air Quality Coordinator; Steve Ensley, Air Quality Monitoring Coordinator; Alex Latta, Air Quality Specialist II; Allison Glass, Air Quality Specialist I*

Others Present: *Amy Broughton, County Attorney; Angelica Tyler, CAPE; Mackenzie Koon, resident; Caitlin Crossett, UNCA*

Mr. Storrow called the meeting of the Asheville-Buncombe Air Quality Agency Board of Directors to order on September 10, 2024, at 4:00 pm. He thanked Mr. Koon for presiding over the previous board meeting on July 11, 2024.

The order of business was as follows:

1. Public Comment Protocol Announcement

Mr. Storrow read the public comment protocol.

2. Adjustment and Approval of Agenda

Mr. Koon made a motion to accept the agenda as written. Mr. Whisnant seconded the motion.

All present – yes.

The motion passed 5-0.

3. Consent Agenda:

A. Approval of minutes from July 11, 2024

Mr. Whisnant made a motion to approve the minutes. Mr. Koon seconded the motion.

All present – yes.

The motion passed 5-0.

4. Unfinished Business:

None

5. Director's Report:

A. Air Quality Staffing Update

Ms. Featherstone introduced Steve Ensley and Allison Glass to the board. The Agency is finishing up our reorganization. Ms. Brown is retiring after the end of the year. We plan to hire a replacement for her in time to overlap with her last month for training purposes. This is considered a critical position that is responsible for the grants, the budget and expense allocations related to grant funding. It takes about 2.5 months to post and fill a position; we plan to post the position soon with the intent to hire in December.

We are working on being more efficient and doing more cross training. New staff have brought in new ideas. Ms. Featherstone thanked the board for funding the 7th position, which has been very helpful during the transition.

B. New Board Member Orientation Document

Mr. Whisnant had requested that staff create a new board member orientation document. One has been created and was sent out in the board packet. It has not been posted on our website. We can use this when we have a vacancy and not just for orientation. Ms. Featherstone sent a copy to the city when we requested a new board member to replace Dr. Couzo. City staff said that it was helpful.

The last sentence with the internal board SharePoint site link will not be included when the document is used for general information or advertising, only for board members.

Board members were supportive of adding the document to the Agency website.

C. 35 Woodfin Update

The county has started construction on 35 Woodfin. They plan for the renovations to be completed by the end of January and to begin moving departments into the building in March. The plan is to move the Tax Department first. If all goes as planned, we expect to be moved in late March, early April. There are meeting rooms there similar to the current one, with screens and technology. We would share those spaces with other groups, such as the Planning Board, Board of Elections, and an Affordable Housing Subcommittee.

Family Justice Services are in the building now and will remain. 35 Woodfin used to be the county health department, but Health and Human Services or HHS employees have been moved to the newer building at 40 Coxe Avenue.

The building is three floors, and our spaces will mostly be on the second floor. Air Quality will have a lab located in the lowest level or basement. Permits and Inspections and Environmental Health will have offices and

space out front as they are the most forward-facing departments; likewise, Mr. Matthews will have an office on the first floor.

We anticipate better customer service with a kiosk to help visitors navigate the space. We hope to have a greeter similar to HHS at 40 Coxe. There is also a kiosk where visitors can take a ticket to be called. Strategy and Innovation is looking at these possibilities and options to assist visitors and the logistics of space. There is a limited amount of space. The Tax Department and Elections are also going to be in this building.

Ms. Featherstone expects that the board will meet in the current room at 30 Valley Street in March but may meet at 35 Woodfin by the May board meeting. We will see how the timeline goes with the construction.

D. Rules update -Vehicle Emissions Inspection and Maintenance (I&M) Program

The State Division of Air Quality, DAQ, is amending the rules to remove the remaining 19 counties that are part of the Vehicle Emission Inspection and Maintenance Program. They have gradually removed many of the counties from that program. Buncombe is in the last group of counties still under that program. The group includes Mecklenburg. The legislature required DAQ to look at removing all the counties from the program. This must be approved by the EPA before it is final. They have been taking public comment on this recently. This was passed by the state legislature last fall. The state had 12 months to modify the State Implementation Plan, SIP. The EPA has 18 months to review. The state has to demonstrate that the areas do not have the potential to exceed the standards for ozone and PM.

The local programs do not get funding from this program, but the DAQ does receive funding from this program. We do get a portion of the state gas tax.

There is an increase in emissions associated with removing this requirement, but with vehicle turnover, cleaner cars and more EVs, the state is recommending removal of the program.

E. DAQ PM Update

The DAQ is doing outreach about the PM standard that was revised by the EPA. This new standard has been discussed at prior board meetings. DAQ gave a one-hour webinar, and slides from that webinar are in the board packet. They provided the updated design values for the state which includes 2023. The new design value for our area is 6.3 micrograms per cubic meter, which is well below the new standard of 9 micrograms per cubic meter. There are two areas with design values over 9. There is something called an exceptional events demonstration which the state will be doing as wildfires did affect the values in those areas. It is a process and strategies are being discussed. There will be another year of data and a new three-year average before the EPA makes a final attainment determination.

F. Monitoring Update

In reference to the map showing the design values for PM2.5 for areas of NC, Mr. Raiford noted that DAQ takes the data and compares it to times when there were wildfire events. This helps them make the argument that the data would be considered an exceptional event, and that data should not be included in the design values. Those two areas that were shown on the map to be over the new standard would be in compliance with the standard when you exclude the exceptional events.

Mr. Raiford also showed a graph with the history of the PM2.5 standard and the design values for our area. The design value is calculated from three years of data gathered from a particular monitoring site. Our air quality has definitely improved over the years. We had one lower year that was due to Covid when there was less influence from cars. This contributed to a lower design value for a few years but has now dropped off of the calculation. Unofficially we have been averaging 6.1 micrograms per cubic meter for the current year.

We are required to have 75% data completeness. Year to date the data completeness for PM is 96.9%

A graph with the history of the ozone standard and design values was also shared. The area has remained well below the standard with a similar dip in the number due to the Covid influence. Since 2015, the standard for ozone has been 70 parts per billion, ppb. We have not been above that in many years. The most recent standard for 2021 through 2023 is 61ppb. If the current year stays where it is, our design value may drop down to 60ppb.

As mentioned in previous board meetings, there has been a change in the MSA or Metropolitan Statistical Area. Haywood County was dropped from our MSA, and the ozone monitor operating there is no longer counting for this MSA. As a result an ozone monitor will need to be added to Buncombe, Henderson or Madison County. We have the larger population density here so there is a good chance that it will be in Buncombe County. This is a process that will take time. Steve Ensley will work with DAQ and EPA staff about the location of the site. Environmental justice will be a part of that decision. Fortunately, our new staff have monitoring experience and Mr. Latta is also getting trained to help with monitoring. We will have a very strong monitoring team, and we will continue to cross train.

We received a 2023 Inflation Reduction Act, IRA, Direct Award for \$233,000. This grant will cover a F150 Lightning truck to replace an older vehicle used by our monitoring team, a backup T640X PM monitor, ancillary PM monitoring equipment, and partial funding for one staff member for two years. We have hired the staff, ordered a needed ancillary piece of equipment, and will be ordering the rest of the equipment over the next

several months. This extra money allows us to support our monitoring program without pulling extra money out of the fund balance.

We have new ozone equipment, but the state does not have the Standard Operating Procedures ready for that equipment yet. We may be running the older ozone equipment through another ozone season.

We have benefited from several rounds of extra funding under ARPA and the IRA. With those funds we have replaced our monitors and purchased backups to update our monitoring equipment. These would otherwise have been purchased with funds from our fund balance. Ms. Featherstone pointed out the Nasal Ranger was purchased with some of these funds. It assists with odor evaluation. We feel like we are in good shape with our equipment now. If there was a new ozone monitor sited in Buncombe County, we would likely have to pull funds from the fund balance to purchase one so that we would still have a backup ozone monitor.

G. EPA Thriving Communities Subgrants

This is also an Inflation Reduction Act program. We have been looking at a clean heat program with some of our county partners. Buncombe County and the City of Asheville are doing the Electrify Asheville Buncombe campaign. They kicked that off in the spring. They are promoting new more efficient heat pumps and electrification. There are tax credits and financial incentives. Rebates will be coming out, and there is financing available. The clean heat program would provide funding to help some of the lower income communities who might not be able to take advantage of tax credits or rebates. This would be a potential way we could get some funds to our area, reduce emissions and contribute toward the Electrify Asheville Buncombe campaign. We have always wanted to have a woodstove changeout program. Our MSA does have higher emissions of PM2.5 from residential wood smoke. The grant is not out yet. EPA is planning to submit a request for proposals and begin accepting applications this fall. If we can connect with county Sustainability and other community partners that go out into the community and do weatherization work including installing heat pump water heaters and replacing older furnaces and woodstoves, we might be able to apply for some of this funding. These community subgrants are only \$350,000 so they are much smaller in scale than other funding opportunities. They are supposed to be simplified and come from an organization in the Research Triangle Park that is putting funds out so governments can partner with community organizations.

H. Update on Upcoming City Appointed Board Vacancy

Dr. Couzo is moving at the end of the year. The City has received a couple of applicants. They plan to take that up at their October 8th meeting. Since Dr. Couzo will be here for the next board meeting, November 14, they said if they appoint someone at their October 8th meeting, they will make that board appointment effective November 15th.

I. Facility Permit Modifications

Facility Name	Type of Facility	Facility Classification	Location	Changes from Existing Permit
New Belgium Brewing Company, Inc.	Beer Brewing Facility	Synthetic Minor	91 Craven Street, Asheville	Replacing burners in the boilers to allow facility to combust biogas in addition to natural gas

New Belgium Brewery is permitted for two boilers that they use for their process. They also have a wastewater system which creates biogas. Currently they burn that biogas in a flare. They want to use the biogas to supplement the natural gas used to fuel the boilers. Before that modification, the natural gas boilers were exempt from our rules. However, with that change they are no longer exempt from our rules and must be included as permitted sources in the air quality permit. The biogas not mixed with the natural gas used by the boilers will still be flared.

Mr. Koon made the motion to approve the permit modification for New Belgium Brewing Company, Inc. Dr. Couzo seconded the motion. All present – yes. The motion passed 5-0.

6. New Business:

None

7. Other Business:

A. Legal Counsel Report

No report

B. Advisory Committee Report

August 15, 2024 meeting

Dr. Couzo said that the committee met in person in August.

Ms. Featherstone informed the committee of information that was presented earlier in this meeting’s Director’s report.

Dr. Couzo gave the committee updates on the PurpleAir project and the PM sensor projects. The PurpleAirs are still operating. He wants a year’s worth of data to analyze. He is looking at PM2.5, but also temperature and humidity across the city. He will keep in touch with faculty at UNCA and they will analyze the data when they are ready.

The EPA wants an annual report soon on the Raspberry Pi sensor project so he will have some results to share at the next board meeting. Those sensors were deployed across the city to look for disparities in exposure based on

neighborhood. He will also share the report that he submits to the EPA with the agency and board.

C. Calendar

1. Next meeting November 14, 2024

This will be Dr. Couzo's last board meeting with the Agency.

D. Announcements

In the past we have taken pictures of the Board members. Ms. Featherstone said we used to do annual reports which included a picture of the board and the staff. It is nice to have a picture for our website. Please plan for that at the next meeting. She also wants a staff photo.

We will discuss the board dates for 2025 at the next meeting. It is possible to schedule a different day and time for our 2025 board meetings than we have had in the past. The board meets every other month beginning in January.

8. Public Comment

There was no public comment.

9. Adjournment

Mr. Koon made a motion to adjourn. Mr. Whisnant seconded the motion.

All present – yes.

The motion passed 5-0.

The meeting was adjourned at 4:42pm.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2024-51
HOUSE BILL 149**

AN ACT TO ENACT THE DISASTER RECOVERY ACT OF 2024.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1.1. This act shall be known as "The Disaster Recovery Act of 2024."

PART II. LEGISLATIVE FINDINGS

SECTION 2.1.(a) The General Assembly finds that Hurricane Helene was an extremely strong Category 4 hurricane with maximum sustained winds of 140 miles per hour that made landfall on September 26, 2024, along Florida's Gulf Coast and severely impacted the entire Southeastern United States. Hurricane Helene caused widespread heavy rainfall in excess of 30 inches in some areas, record flooding, and significant loss of human life and property in North Carolina. In addition, the General Assembly finds that, on or about September 16, 2024, Potential Tropical Cyclone #8 (PTC8) was a strong weather event that severely impacted Brunswick and New Hanover Counties and caused excessive rainfall in those counties.

SECTION 2.1.(b) The General Assembly finds that, as a result of Hurricane Helene, the following has occurred:

- (1) Western North Carolina endured record-breaking rainfall that created several 1,000-year flood events in several counties, devastating the people, infrastructure, businesses, and schools of entire communities.
- (2) On September 28, 2024, 25 counties in North Carolina were declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288), approving individual and public assistance for affected counties.
- (3) North Carolinians have lost their lives, loved ones, homes, communities, houses of worship, businesses, jobs, and way of life.
- (4) Countless homes, buildings, and properties have been destroyed.
- (5) Entire communities have lost power, water, sewer, communication, and other essential services due to the devastation.
- (6) Over 400 roads and bridges were damaged and closed for traffic, including Interstate 40.
- (7) Landslides and flooding have cut off entire communities from outside help and communication.
- (8) Tornadoes were generated across the State as Hurricane Helene passed, causing significant damage in areas outside of the storm's immediate path.

PART III. EXTENSION OF STATE OF EMERGENCY

SECTION 3.1. In accordance with G.S. 166A-19.20(c)(2), the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State, is extended until March 1, 2025.

PART IV. CREATION OF HURRICANE HELENE FUND



SECTION 4.1.(a) Hurricane Helene Disaster Recovery Fund. – The Hurricane Helene Disaster Recovery Fund (Helene Fund) is established. The purpose of the Helene Fund is to provide necessary and appropriate relief and assistance from the effects of Hurricane Helene, consistent with the provisions of this act, and subsequent legislation addressing the effects of Hurricane Helene. The Helene Fund shall be maintained as a special fund and administered by the Office of State Budget and Management to carry out the provisions of this and subsequent acts necessitated as a result of Hurricane Helene. All State funds, excluding funds received pursuant to Section 6.2 of this act, appropriated for Hurricane Helene relief and recovery efforts shall be budgeted and accounted for in the Helene Fund established in this section. Federal funds received by State agencies for Hurricane Helene relief and recovery efforts shall be budgeted and accounted for separately within each State agency that receives such funds.

SECTION 4.1.(b) Applicability of Funds. – Except as otherwise provided, the funds contained in the Helene Fund shall only be expended to support disaster relief and recovery efforts in the following counties:

- (1) Any county declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.
- (2) Nash County.

SECTION 4.1.(c) Use of Funds. – Funds shall be drawn from the Helene Fund only as needed upon justification by a State agency as evidence of the need for funds related to Hurricane Helene. Funds in the Helene Fund that are not expended, made subject to an encumbrance, or disbursed shall remain available to implement the provisions of this act and subsequent acts necessitated as a result of Hurricane Helene until the General Assembly directs the reversion of the unexpended funds. Funds received by a State agency from the Helene Fund that are not expended, made subject to an encumbrance, or disbursed to another entity at the end of each fiscal year shall revert to the Helene Fund. Funds received by a non-State entity, as defined in G.S. 143C-1-1, from the Helene Fund that are not expended, made subject to an encumbrance, or disbursed to a subgrantee shall be returned to the Helene Fund no later than June 30, 2030.

PART V. CREATION OF POTENTIAL TROPICAL CYCLONE #8 FUND

SECTION 5.1.(a) Potential Tropical Cyclone #8 Disaster Recovery Fund. – The Potential Tropical Cyclone #8 Disaster Recovery Fund (PTC8 Fund) is established. The purpose of the PTC8 Fund is to provide necessary and appropriate relief and assistance from the effects of PTC8, consistent with the provisions of this act, and subsequent legislation addressing the effects of PTC8. The PTC8 Fund shall be maintained as a special fund and administered by the Office of State Budget and Management to carry out the provisions of this and subsequent acts necessitated as a result of PTC8. All State and federal funds appropriated for PTC8 relief and recovery efforts shall be budgeted and accounted for in the PTC8 Fund established in this section.

SECTION 5.1.(b) Applicability of Funds. – The funds contained in the PTC8 Fund shall only be expended to support disaster relief and recovery efforts in Brunswick and New Hanover Counties.

SECTION 5.1.(c) Use of Funds. – Funds shall be drawn from the PTC8 Fund only as needed upon justification by a State agency as evidence of the need for funds related to PTC8. Funds in the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed shall remain available to implement the provisions of this act and subsequent acts necessitated as a result of PTC8 until the General Assembly directs the reversion of the unexpended funds. Funds received by a State agency from the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed to another entity at the end of each fiscal year shall revert to the PTC8 Fund. Funds received by a non-State entity, as defined in G.S. 143C-1-1, from the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed to a subgrantee shall be returned to the PTC8 Fund no later than June 30, 2030.

PART VI. FUNDING OF DISASTER RELIEF

SECTION 6.1.(a) Transfer and Appropriation for Helene Fund. – Notwithstanding G.S. 143C-4-2, the State Controller shall transfer the sum of two hundred seventy-three million dollars (\$273,000,000) for the 2024-2025 fiscal year from the Savings Reserve established in G.S. 143C-4-2 to the Helene Fund. The following amounts are appropriated within the Helene Fund for the duration of the recovery efforts for the following:

- (1) Two hundred fifty million dollars (\$250,000,000) to the Department of Public Safety, Division of Emergency Management, to provide the State match for federal disaster assistance programs for State agencies and units of local governments. The Division, in coordination with the Office of State Budget and Management, shall also use a portion of these funds to establish a revolving loan program to assist units of local government and State agencies with cash flow management while awaiting federal reimbursement. Funds returned to the Division through the revolving loan fund shall be used for additional cash flow loans or to provide matching funds as needed.
- (2) Sixteen million dollars (\$16,000,000) to the Department of Public Instruction to supplement or replace lost compensation of school nutrition employees due to school closures resulting from Hurricane Helene, in accordance with Section 8.1(c) of this act.
- (3) Two million dollars (\$2,000,000) for the Office of State Budget and Management to provide grants to the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the North Carolina Association of Regional Councils of Governments to provide technical assistance with local recovery funds. In providing this assistance, these entities shall prioritize grants to counties with a population of less than 250,000.
- (4) Five million dollars (\$5,000,000) to the State Board of Elections for the purposes set forth in Section 9.1(c) of this act.

SECTION 6.1.(b) Funding for PTC8 Fund. – It is the intent of the General Assembly to appropriate funds to the PTC8 Fund, established in this act, after appropriate damage assessments are completed in the disaster area.

SECTION 6.1.(c) It is the intent of the General Assembly to appropriate funds to support disaster relief and recovery efforts in Nash County after appropriate damage assessments are completed.

SECTION 6.2. Appropriation of Federal Funds. – Funds received on or after September 1, 2024, under the Stafford Act (P.L. 93-288) and other federal disaster assistance programs for State disasters as a result of Hurricane Helene or PTC8, are appropriated in the amounts provided in the notifications of award from the federal government or any entity acting on behalf of the federal government to administer federal disaster recovery funds. The Office of State Budget and Management and affected State agencies shall report all notifications of award to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the General Assembly.

PART VII. REVERSION, LIMITATION, AND REPORTING OF FUNDS

SECTION 7.1.(a) Reversion. – Funds appropriated under Part VI of this act shall revert to the Savings Reserve established in G.S. 143C-4-2 if not expended or encumbered by June 30, 2030.

SECTION 7.1.(b) Receipt of Allocations. – A recipient of State funds under this act shall use best efforts and take all reasonable steps to obtain alternative funds that cover the losses or needs for which the State funds are provided, including funds from insurance policies in effect

and available federal aid. State funds paid under this act are declared to be excess over funds received by a recipient from the settlement of a claim for loss or damage covered under the recipient's applicable insurance policy in effect.

SECTION 7.1.(c) Remittance of Funds. – If a recipient obtains alternative funds pursuant to subsection (b) of this section, the recipient shall remit the funds to the State agency from which the State funds were received. A recipient is not required to remit any amount in excess of the State funds provided to the recipient under this act. The State agency shall transfer these funds to the Savings Reserve established in G.S. 143C-4-2. Funds deposited into the Helene or PTC8 Fund, as appropriate, under this subsection are receipts that do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

SECTION 7.1.(d) Contract Requirements. – Any contract or other instrument entered into by a recipient for receipt of funds under this act shall include the requirements set forth in subsections (b) and (c) of this section.

SECTION 7.1.(e) Recipient Defined. – For purposes of this section, the term "recipient" means a local political subdivision of the State, a State agency, a State department, or a non-State entity.

SECTION 7.1.(f) Limitation on Powers of Governor. – The Governor may not use the funds described in this act to make budget adjustments under G.S. 143C-6-4 or to make reallocations under G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the Governor from exercising the Governor's authority under these statutes with respect to funds other than those described in this act.

SECTION 7.1.(g) Directive. – The Governor shall also ensure that funds allocated in this act are expended in a manner that does not adversely affect any person's or entity's eligibility for federal funds that are made available, or that are anticipated to be made available, as a result of natural disasters. The Governor shall also, to the extent practicable, avoid using State funds to cover costs that will be, or likely will be, covered by federal funds.

SECTION 7.1.(h) Allocation Reporting Requirements. – The Office of State Budget and Management shall report to the chairs of the House of Representatives and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the implementation of this act on a quarterly basis until the end of the quarter in which all funds are expended and shall also provide any additional reports or information requested by the Fiscal Research Division. Each report required by this section shall include information about all funds expended or encumbered pursuant to this act as of the date of the report, regardless of which State agency, federal agency, or non-State entity administers the funds. Non-State entities that administer or receive any funds appropriated in this act shall assist and fully cooperate with the Office of State Budget and Management in meeting the Office's obligations under this section.

PART VIII. EDUCATION

INSTRUCTIONAL HOURS FLEXIBILITY AND COMPENSATION FOR PUBLIC SCHOOL EMPLOYEES

SECTION 8.1.(a) School Calendar Flexibility. – Notwithstanding G.S. 115C-84.2(a)(1), 115C-150.12C(3), 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., Section 6(e) of S.L. 2018-32, and any other provision of State law to the contrary, if the governing body of a public school unit closed any school under its control due to unusual and extraordinary inclement weather conditions related to Hurricane Helene or PTC8, calendar flexibility for missed instructional time during the months of September 2024 and October 2024 shall be provided as follows:

- (1) If the school is located in a public school unit that is located in a county designated before, on, or after the effective date of this act under a major

disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene, in the discretion of its governing body, the public school unit may (i) make up any number of the instructional days or equivalent hours missed, (ii) deem as completed any number of the instructional days or equivalent hours missed up to a total of 20 days, or (iii) implement a combination of both of the above.

- (2) For any public school unit not identified in subdivision (1) of this subsection, the governing body of the public school unit may (i) make up any number of the instructional days or equivalent hours missed, (ii) deem as completed any number of the instructional days or equivalent hours missed up to a total of two days, or (iii) implement a combination of both of the above.

SECTION 8.1.(b) Additional Remote Instruction. – Notwithstanding G.S. 115C-84.3(b) and any other provision of State law to the contrary, the following remote instruction limits apply for the 2024-2025 school year:

- (1) Public school units located in a county designated before, on, or after the effective date of this act under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene may use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 30 remote instruction days or 180 remote instruction hours for the public school unit for the school year.
- (2) Public school units located in a county identified in Section 5.1(b) of this act as affected by PTC8 may use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 10 remote instruction days or 60 remote instruction hours for the public school unit for the school year.

SECTION 8.1.(c) Employee Compensation. – Except in the case of a charter school, all employees and contractors of a public school unit shall be deemed to have worked for any scheduled instructional days missed due to Hurricane Helene during the months of September 2024 and October 2024 that a public school unit has deemed completed and is not required to make up. Employees and contractors shall be compensated in the same manner they would have if they had worked on the scheduled instructional days missed. The board of directors of a charter school may, but is not required to, provide such compensation for its employees and contractors.

Of the funds allocated to the Department of Public Instruction from the Helene Fund, the sum of up to sixteen million dollars (\$16,000,000) in nonrecurring funds for the 2024-2025 fiscal year shall be used to provide compensation authorized by this section to public school unit employees and contractors of schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds. Employees and contractors compensated using funds described in this section shall be compensated in the same manner they would have had they worked on the scheduled instructional days missed.

If the funds described by this section are insufficient to provide compensation authorized by this section to public school unit employees and contractors in schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds, the Department of Public Instruction shall develop a uniform criteria to determine the comparative economic need of public school units to which this section applies and shall ensure that priority is given to public school units with greatest economic need when awarding available funds.

SECTION 8.1.(d) Reporting Requirement. – The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee and the Fiscal Research

Division on the implementation of this section by public school units by March 15, 2025, and shall also provide any additional reports or information requested by the Fiscal Research Division. The report required by this section shall include information on the following:

- (1) Any days missed due to Hurricane Helene or PTC8 before, on, or after the effective date of this section.
- (2) Of the days missed, any scheduled makeup days due to Hurricane Helene or PTC8 before, on, or after the effective date of this section, and the dates of those makeup days.
- (3) Of the days missed, any days and hours deemed completed by the public school unit as a result of this section.
- (4) Any compensation provided to employees and contractors pursuant to subsection (c) of this section.

For each component of the report, separate information shall be included on any individual schools within the public school unit whose information differs from the rest of the unit as a whole. Public school units shall provide information on implementation of this section in the form requested by the Department of Public Instruction no later than February 15, 2025.

EXTEND PAYMENT DEADLINE FOR PRINCIPAL BONUSES

SECTION 8.2.(a) Notwithstanding Section 1.3(e) of S.L. 2024-39, the bonuses provided to qualifying principals pursuant to Section 1.3 of S.L. 2024-39 shall be paid no later than November 30, 2024, to qualifying principals employed as of October 1, 2024.

SECTION 8.2.(b) This section applies only to qualifying principals employed in a public school unit that is located in a county (i) declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene or (ii) listed in Section 5.1(b) of this act.

COMPLETION OF THE EPP CLINICAL INTERNSHIP REQUIREMENT FOR CERTAIN STUDENTS IMPACTED BY HURRICANE HELENE OR PTC8

SECTION 8.3.(a) Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in an educator preparation program (EPP) that is assigned the status of initially authorized or authorized by the State Board of Education pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed if the student meets all of the following conditions:

- (1) The student meets at least one of the following:
 - a. Is enrolled in an EPP that is located in a county (i) declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene or (ii) listed in Section 5.1(b) of this act.
 - b. Has been placed with an elementary or secondary partner school, as defined in G.S. 115C-269.1(14), that is located in a county (i) declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene or (ii) listed in Section 5.1(b) of this act.
- (2) The student has completed as much time in a clinical internship as practicable during the 2024 fall academic semester.
- (3) The student cannot graduate in December 2024 from the EPP without the clinical internship requirement being deemed completed pursuant to this section.

SECTION 8.3.(b) By February 1, 2025, any EPP with an enrolled student who has his or her clinical internship requirement deemed completed pursuant to subsection (a) of this section shall report to the State Board of Education with the following information:

- (1) Number of students who had the clinical internship requirement deemed completed.
- (2) Reasons for a clinical internship requirement being deemed completed.
- (3) Amount of time completed for a clinical internship.
- (4) Any other information required by the State Board of Education.

By March 15, 2025, the State Board of Education shall report to the Joint Legislative Education Oversight Committee on the information reported to the State Board of Education by EPPs under this section.

PART IX. ELECTION MODIFICATIONS

SECTION 9.1.(a) In response to the disaster caused by Hurricane Helene and its aftermath, the following shall apply for the November 2024 election only in the counties listed in subsection (b) of this section:

- (1) Notwithstanding G.S. 163-41, any registered voter of the State who is otherwise eligible may be appointed to serve as chief judge and judges for each precinct in the county, regardless of precinct or county of residence. Notwithstanding G.S. 163-42 and G.S. 163-42.1, any registered voter of the State who is otherwise eligible may be appointed to serve as assistant or student election assistant at each precinct in the county, regardless of county of residence. Notwithstanding G.S. 163-43, any registered voter of the State who is otherwise eligible may serve as a ballot counter at each precinct in the county, regardless of county of residence. Notwithstanding G.S. 163-166.35, any registered voter of the State who is otherwise eligible may be appointed to staff an early voting site, regardless of precinct or county of residence. An election official's failure to return contact or confirm availability to serve with the county board of elections office constitutes a vacancy for "any other cause" under G.S. 163-41(d). Notwithstanding any other provision of law, the following shall apply to this subdivision:
 - a. The oath of office for a chief judge, judge, assistant, or student election assistant may be administered by electronic or telephonic means.
 - b. The county board of elections may reassign election officials as needed to ensure there is sufficient knowledge and experience at each voting site.
 - c. Any action required by a county board of elections to appoint, designate, or reassign election officials shall be made by bipartisan majority vote of the county board of elections making the appointment.
- (2) Any employee of the State serving as a chief judge or judge, assistant or student election assistant, or ballot counter may do so without taking any leave time granted under Chapter 126 of the General Statutes or any agency policy.
- (3) Notwithstanding G.S. 163-82.24 or any other training requirement for election officials, the State Board of Elections may develop and implement training programs for county board of elections members, county directors, full-time employees of the county boards of elections, chief judges, and all other precinct officials who are appointed to replace, supplement, or otherwise assist in the administration of the November 2024 election.
- (4) A county board of elections, by bipartisan majority vote, may modify its Plan for Implementation for the November 2024 election as it was approved in accordance with Part 5 of Article 14A of Chapter 163 of the General Statutes prior to September 28, 2024. To approve any such modifications, the county board of elections shall make written findings in a resolution that the modifications are required by the effects of the recent disaster and provide a

copy of that resolution to the State Board of Elections. In modifying the Plan for Implementation as approved prior to September 28, 2024, the county board of elections shall seek to minimize, to the extent possible, any reduction in the overall number of hours available for voters to participate in early voting in the county. The uniform days and hours requirements of G.S. 163-166.35 shall not apply strictly but shall be observed to the greatest extent practicable. Modifications may include any of the following:

- a. Substituting sites.
 - b. Removing sites that are unusable. Before removing a site, the county board of elections shall make all feasible attempts to maintain the site or to substitute a site.
 - c. Adding days that any site is open within the established early voting period.
 - d. Reducing days that any site is open within the established early voting period.
 - e. Extending hours that any site is open on any days within the established early voting period.
 - f. Reducing hours that any site is open on any days within the established early voting period.
- (5) Election Day polling places may be modified by bipartisan majority vote of the county board of elections. To approve any such modifications, the county board of elections must make written findings in a resolution that the modifications are required by the effects of the recent disaster and provide a copy of that resolution to the State Board of Elections. County boards of elections are encouraged to consider options for Election Day that best for the disaster-related needs of the county. The county board of elections shall strive to maintain voting access as close to existing polling places as possible and should resort to establishing polling places outside of a precinct only as a last resort. Notice of any modification under this subdivision shall be given to the impacted voters by mail and other forms of mass communication, including to any email address or phone number that the county board of elections has for the impacted voter, to the extent practicable as soon as possible after approval of the modification. The county board of elections shall also cause the notice to be immediately delivered to all local media and the chairs of the county political parties and shall cause the notice to be posted on the county board of elections' website as soon as possible. Modifications may include any of the following:
- a. A transfer of voters from a given precinct to another in the county, even if the receiving precinct is not adjacent if no adjacent precinct is available. Notwithstanding G.S. 163-128, the Executive Director of the State Board of Elections may approve the transfer of polling places, including polling places serving two or more combined precincts, provided the county board of elections continues to comply with G.S. 163-132.5G to maintain voting data by precinct regardless of where that voter cast his or her ballot. In accordance with G.S. 163-128, the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the precinct in which such voters reside, including separate tabulators for the voters of each of the combined precincts.

- b. The establishment of out-of-precinct polling places. Such a polling place may be located in another North Carolina county adjacent to the precinct, to be staffed and managed by the county board of elections establishing the out-of-precinct polling place. Approval of the Executive Director of the State Board of Elections is required, consistent with G.S. 163-130.1. Any polling place established under this provision may be co-located with another. In accordance with G.S. 163-128, the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the precinct in which such voters reside, including separate tabulators for the voters of each of the combined precincts. The county board of elections shall comply with G.S. 163-132.5G to maintain voting data by precinct regardless of where that voter cast his or her ballot.
 - c. The establishment of more than one polling place in a precinct. Such a polling place may be located in another North Carolina county adjacent to the precinct, to be staffed and managed by the county board of elections establishing the additional polling place. In accordance with G.S. 163-130.2, approval of the Executive Director of the State Board of Elections is required. Any polling place established under this provision may be co-located with another precinct's polling place, but the materials, tabulators, and voting processes shall be kept separate for each precinct's voters at that polling place.
 - d. Allow the central transfer precinct to be used by any county voter on Election Day. If the county board of elections codes its ballots by style, the county board of elections shall write the precinct designation on the voter's ballot, to facilitate the post-election precinct sort. The county board of elections shall comply with G.S. 163-166.7.
- (6) In accordance with G.S. 163-231(b), all absentee ballots issued under Article 20 of Chapter 163 of the General Statutes must be returned no later than 7:30 P.M. on November 5, 2024. In addition to the methods of returning an absentee ballot authorized by G.S. 163-231(b), maintaining the log required by G.S. 163-166.8(d), and notwithstanding G.S. 163-166.3, voted absentee ballots may be delivered in person, by a voter registered in an impacted county or that voter's near relative or verifiable legal guardian, by physically handing the voted absentee ballot to an elections official at any of the following:
- a. Any county board of elections in this State at any time that county board of elections is open.
 - b. Any early voting site under Part 5 of Article 14A of Chapter 163 of the General Statutes in this State at any time that the early voting site is open for voting.
 - c. The State Board of Elections at any time that office is open.
- (7) Members, employees, or volunteers of the impacted county board of elections working as part of a bipartisan team trained and authorized by the county board of elections may assist any eligible voter in requesting an absentee ballot, serve as witnesses to absentee ballots, or otherwise assist in the process of absentee voting as provided by Article 20 of Chapter 163 of the General Statutes. Prior to appointing a bipartisan team for this purpose, the county board of elections, by bipartisan majority vote, shall establish guidelines for the operation of bipartisan teams to assist any eligible voting in requesting and casting an absentee ballot.

- (8) The county board of elections shall process an absentee ballot request from a voter or a voter's near relative or verifiable legal guardian in person at the county board of elections office up until 5:00 P.M. on November 4, 2024, similar to the provision in G.S. 163-230.1(b). The voter or the voter's near relative or verifiable legal guardian is required to complete the absentee ballot request form with the required personal information, and that information must be verified as with any absentee ballot request. However, the county board of elections may provide the voter or voter's near relative or verifiable legal guardian with the voter's absentee ballot envelope at the office location. County boards of elections shall maintain a log of any individual, other than a minor child under the age of 18 in the care of a voter, who presents to submit an absentee ballot request on behalf of a voter. The log shall include the printed name and address of the individual at the county board of elections office, the time the individual arrived at the county board of elections office, and a space for that individual's signature. The absentee ballot request shall be deemed incomplete unless the individual's signature is included in the log. The log required by this subdivision shall be confidential and not a public record until the opening of the voting place in accordance with G.S. 163-166.25, at which time the official register shall constitute a public record.
- (9) The county board of elections shall process a spoil-and-reissue, or cure, of an absentee ballot at the county board of elections office. At the request of the voter, a voter's near relative or verifiable legal guardian, or anyone designated by the voter to assist due to the voter's disability, may retrieve any required cure documentation to take to a voter who is required to cure a deficiency with an absentee ballot, if needed. County boards of elections shall maintain a log of any individual, other than a minor child under the age of 18 in the care of a voter, who presents to retrieve cure documentation on behalf of a voter. The log shall include the printed name and address of the individual at the county board of elections office, the time the individual arrived at the county board of elections office, and a space for that individual's signature. The cure process shall be deemed incomplete unless the individual's signature is included in the log. The log required by this subdivision shall be confidential and not a public record until the opening of the voting place in accordance with G.S. 163-166.25, at which time the official register shall constitute a public record.
- (10) The county boards of elections shall allow the chair of each political party in the county to designate poll observers, as defined in G.S. 163-45.1(a), who are registered voters of any North Carolina county. All poll observers shall be designated in accordance with G.S. 163-45.1.

SECTION 9.1.(b) This section applies only to the impacted Counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey.

SECTION 9.1.(c) The funds appropriated in this act to the State Board of Elections shall be used for the following purposes to facilitate voting in the counties listed in Section 9.1(b) of this act. The State Board of Elections shall make all reasonable efforts to address the expressed needs of each county board of elections in allocating these funds, including providing grants directly to counties or reimbursement to the counties:

- (1) Technology and access to technology, such as attack response kits, SOSA deployments, and internet connectivity.

- (2) Printing and communications, such as re-printing absentee ballots, mailing materials to registered voters, and purchasing emergency communication systems for counties as needed.
- (3) Temporary staff for counties and the State Board of Elections.
- (4) Mobile voting units, training, equipment, leases, and supplies to enable voting, including changes in voting sites.

SECTION 9.1.(d) This section is effective when it becomes law and applies for the November 2024 election only.

SECTION 9.2.(a) In response to the disaster caused by Hurricane Helene and its aftermath, the following shall apply in all counties for the November 2024 election only:

- (1) For voted absentee ballots returned in accordance with subdivision (6) of Section 9.1(a) of this Part, the State Board of Elections shall establish a uniform process by which the properly received voted absentee ballots are transmitted to the appropriate county board of elections prior to canvass. The county board of elections or State Board of Elections that receives such an out-of-county absentee ballot shall immediately date-stamp the absentee ballot envelope and shall ensure that the voted absentee ballots of such voters are delivered to the appropriate county board of elections for the voter's county of registration by the day before county canvass, either by trackable mail, commercial delivery service, or delivery by a staff member of the county board of elections or State Board of Elections. If delivery to the voter's county board of elections is made by staff of a county board of elections or the State Board of Elections, transport of the voted absentee ballots shall be in a sealed, secure container, with clear documentation of the chain of custody. The county board of elections or State Board of Elections receiving the out-of-county voted absentee ballots shall note the date, time, individual receiving the voted absentee ballots, and individual delivering the voted absentee ballots, as well as the impacted county to which the voted absentee ballots will be sent, in a log. The log required by this subdivision shall be confidential and not a public record until the opening of the voting place in accordance with G.S. 163-166.25, at which time the official register shall constitute a public record. On a daily basis and on Election Night, each receiving county shall report to the State Board of Elections the number of voted absentee ballots received in such a manner for each impacted county, which report shall be a public record.
- (2) For absentee ballots voted or returned in accordance with subdivision (7) of Section 9.1(a) of this Part, the State Board of Elections shall establish a uniform process for multipartisan teams to assist voters in voting absentee ballots and documenting the receipt and transmittal of the voted absentee ballots to the appropriate county board of elections.
- (3) The provisions of the resolution adopted by the State Board of Elections on October 7, 2024, not inconsistent with the provisions of this act shall continue in effect until amended by the State Board of Elections or the certification of the November 2024 election, whichever is sooner. In establishing any further emergency measures related to Hurricane Helene and its aftermath in accordance with G.S. 163-27.1, the State Board of Elections shall not exercise any emergency power inconsistent with this act.
- (4) The State Board of Elections shall strive to educate all eligible voters impacted or displaced by the disaster regarding the options to cast a ballot during the November 2024 election, which efforts shall include the establishment of a resource for voters to obtain answers to individual questions about how to cast

a ballot in the November 2024 election. Educational materials shall, at a minimum, be distributed to State agencies, shelters, groups, and other organizations serving persons impacted or displaced by the disaster and posted on the website of the State Board of Elections. The State Board of Elections may contract for communication services to implement this section but may not contract with any firm actively working on a campaign for any elected office in this State.

SECTION 9.2.(b) The State Board of Elections, no later than April 15, 2025, shall report to the Joint Legislative Elections Oversight Committee as to the efforts made to implement this Part. The report shall include an evaluation of emergency measures necessary to ensure the seamless conduct of secure elections in the aftermath of a natural disaster and recommendations for emergency response plans in the future.

PART X. AGRICULTURE AND ENVIRONMENTAL QUALITY

FUNDING FLEXIBILITY FOR DRINKING WATER AND WASTEWATER INFRASTRUCTURE PROJECTS

SECTION 10.1.(a) Definitions. – The following definitions apply to this section:

- (1) Infrastructure funding provision. – An appropriation to the Clean Water Reserve or the Drinking Water Reserve for wastewater or drinking water infrastructure projects in any prior act of the General Assembly.
- (2) Local government unit. – As defined in G.S. 159G-20.

SECTION 10.1.(b) Fund Flexibility. – Notwithstanding any provision of (i) Chapters 159G and 143C of the General Statutes and (ii) the requirements and limitations of any infrastructure funding provision, the Department of Environmental Quality may do the following:

- (1) Transfer funds between the Clean Water Reserve and the Drinking Water Reserve accounts in the Water Infrastructure Fund established in G.S. 159G-22 to provide emergency loans to local governments as set forth in G.S. 159G-33(a)(4) and G.S. 159G-34(a)(4). The limits set forth in G.S. 159G-36(c) shall not apply to these loans.
- (2) Authorize local government units within the counties described in Section 4.1(b)(1) of this act that were provided funds under an infrastructure funding provision to use those funds for the following:
 - a. Mitigation or remediation of disaster-related damage, delay, or other impairment to allow a planned, ongoing, or completed drinking water or wastewater infrastructure project to begin, resume, or continue to operate.
 - b. Temporary measures that allow the preservation or restoration of drinking water and wastewater service or emergency operations at a drinking water or wastewater facility.

WASTEWATER TREATMENT PLANT SERVICE FLEXIBILITY

SECTION 10.2. G.S. 143-215.3 is amended by adding a new subsection to read:

"(g) Wastewater Management Authority During State of Emergency. – When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, the Department may, during the state of emergency, require wastewater treatment plants to accept domestic septage, as that term is defined by G.S. 130A-290(a)(32)a., including domestic septage originating from beyond the county or municipal boundaries where a plant is located, to the extent that the capacity and capabilities of the plant are not negatively impacted."

STORM DEBRIS OPEN BURNING REGULATORY RELIEF

SECTION 10.3.(a) The following definitions apply to this section and its implementation:

- (1) The definitions set out in G.S. 130A-290.
- (2) The definitions set out in 15A NCAC 02D .0101 (Air Pollution Control Requirements: Definitions and References).
- (3) "Storm-related debris" means any solid and engineered wood products, vegetative land-clearing debris, or yard trash that originates from designated counties in an emergency area as defined in G.S. 166A-19.3(7) as a result of the impacts of Hurricane Helene occurring on September 25-30, 2024.

SECTION 10.3.(b) From the date that the state of emergency was declared by the Governor under Executive Order No. 315 through March 31, 2025, the open burning of storm-related debris is permissible without an air quality permit if the conditions of 15A NCAC 02D .1903(b)(2)(A) through (E) are met. Open burning of storm-related debris shall not, however, be initiated in a county for which the Department of Environmental Quality or the Forsyth County Office of Environmental Assistance and Protection has forecasted an "Air Quality Action Day Code 'Orange' or above" during the 24-hour time period covered by that Air Quality Action Day.

SECTION 10.3.(c) The provisions of subsection (b) of this section shall not be construed to (i) allow the burning of inert debris, including asphalt shingles, tar paper, insulation, drywall, concrete, bricks, or glass, (ii) allow the burning of tires, wire, plastics, refuse, salvageable items, or dangerous or hazardous materials, (iii) allow any activity that would violate federal law, or (iv) allow any activity that causes an imminent threat to public health or safety.

SECTION 10.3.(d) The authority to conduct open burning pursuant to this section does not exempt or excuse a person from the consequences, damages, or injuries that may result from this conduct. It does not excuse or exempt a person from complying with laws, ordinances, rules, or orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section.

SECTION 10.4. Article 78 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-951. Waiver of permits required for certain open burning during state of emergency.

(a) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster or due to a pending disaster, the Commissioner may waive permitting requirements under this Article for the open burning of storm-related debris generated as a result of a natural disaster in areas affected by the disaster. A waiver issued pursuant to this subsection may include limitations on burning with respect to property setbacks, timing of burns, and other matters as the Commissioner deems necessary or advisable for the protection of health, safety, and protection of property. For purposes of this section, the following definitions apply: (i) definitions set out in G.S. 130A-290 and (ii) "storm-related debris" means any solid and engineered wood products, vegetative land-clearing debris, or yard trash that originates from designated counties in an emergency area as defined in G.S. 166A-19.3(7).

(b) The Commissioner shall suspend or terminate a waiver of permitting requirements for open burning of storm-related debris granted pursuant to subsection (a) of this section upon determination of (i) the Commissioner that hazardous forest fire conditions exist in the affected area or (ii) the Environmental Management Commission that open burning in the affected area is causing significant contravention of ambient air quality standards or that an air pollution episode exists pursuant to Article 21B of Chapter 143 of the General Statutes.

(c) Authority granted to the Commissioner pursuant to this section shall not be construed to limit the authority of the Environmental Management Commission or the Department of

Environmental Quality to regulate air quality pursuant to Articles 21 and 21B of Chapter 143 of the General Statutes and rules adopted thereunder governing open burning.

(d) The Commissioner shall issue a press release containing relevant details of waivers granted pursuant to this section, and suspension or termination of a waiver, to news media and governmental agencies serving the area affected.

(e) Open burning conducted pursuant to authority granted by this section does not exempt or excuse a person from the consequences, damages, or injuries that may result from this conduct. It does not excuse or exempt a person from complying with laws, ordinances, rules, or orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section."

CONFORM AIR CURTAIN INCINERATOR PERMITTING REQUIREMENTS TO FEDERAL LAW

SECTION 10.5.(a) Definitions. – For purposes of this section and its implementation, "Air Curtain Incinerators Rule" means 15A NCAC 02D .1904 (Air Curtain Incinerators).

SECTION 10.5.(b) Air Curtain Incinerators Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Air Curtain Incinerators Rule as provided in subsection (c) of this section.

SECTION 10.5.(c) Implementation. – Consistent with recent revisions to the federal Clean Air Act's Air Curtain Incinerators Title V Permitting provisions, owners and operators of permanent and temporary air curtain incinerators subject to 40 C.F.R. Part 60, Subparts EEEE and FFFF, shall not be required to obtain a General Title V Operating Permit.

SECTION 10.5.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Air Curtain Incinerators Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 10.5.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

RAPID RECOVERY LOAN PROGRAM EXTENSION

SECTION 10.6. Section 4.2 of S.L. 2020-4, as amended by Section 1.6 of S.L. 2020-97, Section 20.11 of S.L. 2022-6, Section 11.12 of S.L. 2022-74, and Section 11.5A of S.L. 2023-134, reads as rewritten:

"SECTION 4.2.(a) Program. – Of the funds allocated in subdivision (45) of Section 3.3 of this act, Golden LEAF shall provide grants to entities for the purpose of making emergency loans to assist small businesses with business needs during periods of economic hardship occasioned by the COVID-19 pandemic. It is the intent of the General Assembly for an equitable portion of funds allocated in this section to be used for the benefit of historically underutilized small businesses. The following shall apply to the program and loans made under the program:

- ...
- (5) Except as provided in ~~subdivision~~ subdivisions (9a) and (9b) of this subsection, the term of the loan shall not exceed 168 months and shall be amortized over the term of the loan.
- ...

- (9a) A lender, as authorized by Golden LEAF, may take prudent and commercially reasonable efforts to remedy a default, a likelihood of default, or bankruptcy filing by a business, including restructuring the terms of a loan and entering into settlement agreements, provided that, if a loan is restructured, the following requirements are met:
 - a. The interest rate is not reduced below prime rate.
 - b. The term of the loan is not extended by more than 36 months.
 - (9b) A lender, as authorized by Golden LEAF, may extend the term of the loan to 180 months for businesses impacted by Hurricane Helene located in counties defined in the Small Business Administration Declaration NC-20007 and any modification or expansion of that declaration.
-"

PART XI. TRANSPORTATION

WAIVER OF CERTAIN DMV FEES

SECTION 11.1.(a) Notwithstanding G.S. 20-14, 20-37.7, 20-85, and 20-88.03, the Governor may waive any fees assessed by the Division of Motor Vehicles under those sections for the following:

- (1) A duplicate drivers license, duplicate commercial drivers license, or duplicate special identification card.
- (2) A special identification card issued to a person for the first time.
- (3) An application for a duplicate or corrected certificate of title.
- (4) A replacement registration plate.
- (5) An application for a duplicate registration card.
- (6) Late payment of a motor vehicle registration renewal fee.

SECTION 11.1.(b) The waiver authorized under subsection (a) of this section only applies to residents of counties impacted by Hurricane Helene or PTC8, as determined by the Governor. A resident is allowed a refund of any fee assessed and collected by the Division of Motor Vehicles and waived pursuant to this section. The Division shall post notice of the availability of a refund on its website.

SECTION 11.1.(c) This section is effective when it becomes law and applies to fees assessed or collected on or after September 15, 2024. This section expires December 31, 2024.

WAIVER OF CERTAIN PERMITTING REQUIREMENTS ASSOCIATED WITH STATE HIGHWAY SYSTEM REPAIRS

SECTION 11.2. G.S. 166A-19.30(a) reads as rewritten:

"§ 166A-19.30. Additional powers of the Governor during state of emergency.

(a) In addition to any other powers conferred upon the Governor by law, during a gubernatorially or legislatively declared state of emergency, the Governor shall have the following powers:

- ...
- (5) Through issuance of an executive order to waive requirements for an environmental document or permit issued under Articles 1, 4, and 7 of Chapter 113A of the General Statutes for the repair, protection, safety enhancement, or replacement of a component of the State highway system ~~that provides the sole road access to an incorporated municipality or an unincorporated inhabited area bordering the Atlantic Ocean or any coastal sound~~ where bridge or road conditions as a result of the events leading to the declaration of the state of emergency pose a substantial risk to public health, safety, or welfare. The executive order shall list the duration of the waiver and the activities to

which the waiver applies. For purposes of this subdivision, "~~coastal sound~~" shall have the definition set forth in G.S. 113A-103, and "replacement" shall not be interpreted to exclude a replacement that increases size or capacity or that is located in a different location than the component that is replaced."

PROCUREMENT METHODS AUTHORIZED IN DISASTER AREAS

SECTION 11.3.(a) Notwithstanding any other provision of law and without impact on otherwise established caps on a contracting methodology, the Department of Transportation is authorized to utilize the following methods to contract for the repair and replacement of transportation infrastructure damaged or destroyed as a result of the impacts of Hurricane Helene:

- (1) Progressive design-build.
- (2) Design-build.
- (3) Design-bid-build.
- (4) Indefinite delivery-indefinite quantity.
- (5) Construction manager-general contractor.

SECTION 11.3.(b) The temporary authority granted by this section applies to all of the counties identified in Section 4.1(b)(1) of this act.

PART XII. RETIREMENT AND STATE HUMAN RESOURCES

TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS

SECTION 12.1.(a) For individuals who retired under the Teachers' and State Employees' Retirement System (TSERS) on or after April 1, 2024, but before October 1, 2024, the six-month separation from service from an employer required under G.S. 135-1(20) in order for a retirement to become effective shall not apply and instead a one-month separation shall be required, provided that the position to which the individual returns is needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency.

SECTION 12.1.(b) Upon the expiration of subsection (a) of this section, all of the following shall apply:

- (1) The six-month separation from an employer required under G.S. 135-1(20) shall again be applicable to individuals who retired under TSERS on or after April 1, 2024, but before October 1, 2024.
- (2) In order for a member's retirement under TSERS on or after April 1, 2024, but before October 1, 2024, to become effective in any month, the member must perform no work for an employer, including part-time, temporary, substitute, or contractor work, at any time between the expiration of subsection (a) of this section and the end of the six months immediately following the effective date of retirement, provided the expiration of the six-month period of separation did not occur while subsection (a) of this section was in effect.

SECTION 12.1.(c) For individuals who retired under TSERS on or after April 1, 2024, but before October 1, 2024, any time worked between September 25, 2024, and the time subsection (a) of this section expires shall not be considered work for the purposes of the six-month separation required under G.S. 135-1(20) or for the purposes of G.S. 135-3(d), provided the position held by the individual is needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency.

SECTION 12.1.(d) For individuals who retired prior to October 1, 2024, any earnings received between September 25, 2024, and the time that subsection (a) of this section expires shall not be treated as earned by a TSERS beneficiary under the provisions of G.S. 135-3(a)(8)c., provided those earnings are related to a position needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency.

SECTION 12.1.(e) For individuals who retired prior to October 1, 2024, any earnings received between September 25, 2024, and the time that subsection (a) of this section expires shall not be treated as earned by a beneficiary of the Local Governmental Employees Retirement System (LGERS) under the provisions of G.S. 128-24(5)c., provided those earnings are related to a position needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing unit.

SECTION 12.1.(f) Any benefits received by or paid to a law enforcement officer, retired law enforcement officer, sheriff, or retired sheriff under Article 12D or Article 12H of Chapter 143 of the General Statutes shall not be impacted by any work performed between September 25, 2024, and the time that subsection (a) of this section expires, provided that work performed is needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as documented by the employing unit or agency.

SECTION 12.1.(g) Subsection (a) of this section expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to this act and any other enactment of a general law, expires.

RELIEF FROM TEMPORARY EMPLOYMENT RESTRICTIONS

SECTION 12.2. Effective October 1, 2024, notwithstanding G.S. 126-6.3(a1), temporary employees, as defined by G.S. 126-6.3(c)(7), who are working to support disaster recovery response efforts are exempt from the mandatory separation requirement for the duration of the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Office of State Human Resources by the employing agency. The provisions of G.S. 126-6.3(a4) contrary to this section will not apply and these employees may comply with the mandatory separation requirement within six months after the cessation of the state of emergency.

PART XIII. TAX

INTEREST WAIVER FOR CERTAIN TAXES AND EXTENSION TO FILE PARTNERSHIP AND S CORPORATION ELECTION

SECTION 13.1.(a) Interest Waiver for Certain State Taxes. – Notwithstanding G.S. 105-241.21(b), the Secretary of Revenue shall waive the accrual of interest from September 25, 2024, through May 1, 2025, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due on September 25, 2024, through May 1, 2025, for a taxpayer that resides or is located in a county identified in Section 4.1(b) of this act. The relief from accrual of interest includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41 for underpayment of estimated income tax.

SECTION 13.1.(b) Sales and Use Tax Interest Waiver. – Notwithstanding G.S. 105-241.21(b), the Secretary shall waive the accrual of interest as described in this subsection for an underpayment of State, local, or transit sales and use taxes by a taxpayer whose principal place of business is located in a county described in Section 4.1(b) of this act:

- (1) For an underpayment of tax due on a quarterly return for the third calendar quarter of 2024, the amount of interest accrued from October 31, 2024, through November 30, 2024, so long as the payment is made on or before November 30, 2024.
- (2) For an underpayment of tax due on a monthly return for September 2024, the amount of interest accrued from October 20, 2024, through November 20, 2024, so long as the payment is made on or before November 20, 2024.
- (3) For an underpayment of tax due on a monthly return for October 2024, the amount of interest accrued from November 20, 2024, through December 20, 2024, so long as the payment is made on or before December 20, 2024.

SECTION 13.1.(c) Withholding Taxes Interest Waiver. – Notwithstanding G.S. 105-241.21(b) and excluding taxpayers under G.S. 105-163.6(d), the Secretary of Revenue shall waive the accrual of interest as described in this subsection for an underpayment of withheld taxes by a taxpayer located in a county described in Section 4.1(b) of this act:

- (1) For an underpayment of tax due on a quarterly return for the third calendar quarter of 2024, the amount of interest accrued from October 31, 2024, through November 30, 2024, so long as the payment is made on or before November 30, 2024.
- (2) For an underpayment of tax due on a monthly return for September 2024, the amount of interest accrued from October 15, 2024, through November 15, 2024, so long as the payment is made on or before November 15, 2024.
- (3) For an underpayment of tax due on a monthly return for October 2024, the amount of interest accrued from November 15, 2024, through December 15, 2024, so long as the payment is made on or before December 15, 2024.

SECTION 13.1.(d) Taxed Partnership and S Corporation Election. – The election under G.S. 105-154.1 for partnerships or G.S. 105-131.1A for S Corporations for tax year 2023 will be considered timely on an annual return due after September 25, 2024, and before May 1, 2025, if the election is made on a return filed on or before May 1, 2025.

PART XIV. JUSTICE AND PUBLIC SAFETY

IMPLEMENT TEMPORARY EXTENSION ON WHEN POST-RELEASE SUPERVISION AND PAROLE PRELIMINARY VIOLATION HEARINGS MUST OCCUR

SECTION 14.1.(a) Notwithstanding any provision of law to the contrary, preliminary hearings related to violations of post-release supervision:

- (1) May, in addition to options under current law, be held where the supervisee is presently housed.
- (2) Shall be held within 21 working days of the arrest of a supervisee.

SECTION 14.1.(b) Notwithstanding any provision of law to the contrary, preliminary hearings related to violations of parole:

- (1) May, in addition to options under current law, be held where the supervisee is presently housed.
- (2) Shall be held within 21 working days of the arrest of a supervisee.

SECTION 14.1.(c) This section applies only to the counties identified in Section 4.1(b) of this act.

SECTION 14.1.(d) This section is effective when it becomes law, applies to preliminary hearings related to violations of post-release supervision or parole occurring on or after that date, and shall expire after 21 days have passed following the expiration or rescission of the statewide declaration of emergency issued by the Governor in Executive Order No. 315,

concurred to by the Council of State and as extended pursuant to this act and any other enactment of a general law.

PART XV. HEALTH AND HUMAN SERVICES

WAIVE CERTAIN MANDATORY STANDARDS FOR CHILD CARE LICENSURE

SECTION 15.1.(a) Notwithstanding G.S. 110-91 or any other law or rule to the contrary, the Department of Health and Human Services may temporarily waive or modify certain mandatory standards for a license for child care facilities in an area impacted by Hurricane Helene.

SECTION 15.1.(b) The temporary authority granted by subsection (a) of this section applies only to the counties identified in Section 4.1(b) of this act.

SECTION 15.1.(c) This section is effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to this act and any other enactment of a general law, expires.

TEMPORARY AUTHORIZATION TO INCREASE/RELOCATE CERTAIN HOME HEMODIALYSIS AND IN-CENTER DIALYSIS STATIONS

SECTION 15.2.(a) Notwithstanding G.S. 131E-176(5) or any other law to the contrary, the Department of Health and Human Services, Division of Health Service Regulation, may do one or more of the following in an area impacted by Hurricane Helene to protect the health, safety, and welfare of home hemodialysis and in-center hemodialysis patients:

- (1) Allow a temporary increase in the number of home hemodialysis training stations in an existing kidney disease treatment center, including a freestanding dialysis unit.
- (2) Allow a temporary increase in the number of dialysis stations in an existing kidney disease treatment center, including a freestanding dialysis unit.
- (3) Allow the temporary relocation of dialysis stations in an existing kidney disease treatment center, including a freestanding dialysis unit, to a separate physical space or setting.

SECTION 15.2.(b) The temporary authority granted by subsection (a) of this section applies only to the counties identified in Section 4.1(b) of this act.

SECTION 15.2.(c) This section is effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to this act and any other enactment of a general law, expires.

TEMPORARY AUTHORIZATION TO EXTEND PROVISIONAL LICENSES FOR ADULT CARE HOMES AND FAMILY CARE HOMES

SECTION 15.3.(a) Notwithstanding G.S. 131D-2.7(a) or any other law to the contrary, the Department of Health and Human Services, Division of Health Service Regulation, may extend a provisional license issued to an adult care home or a family care home located in an area impacted by Hurricane Helene if the provisional license is due to expire within the six-month period commencing September 25, 2024, and ending March 25, 2025. The period of extension shall not exceed 60 days from the expiration date of the provisional license. As used in this section, the terms "adult care home" and "family care home" are as defined in G.S. 131D-2.1.

SECTION 15.3.(b) The temporary authority granted by subsection (a) of this section applies only to the counties identified in Section 4.1(b) of this act.

SECTION 15.3.(c) This section is effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to this act and any other enactment of a general law, expires.

PART XVI. GENERAL GOVERNMENT

EXTEND GRACE PERIOD FOR CORPORATIONS, NONPROFITS, AND LLCs IN FEMA-DESIGNATED COUNTIES TO CORRECT GROUNDS FOR ADMINISTRATIVE DISSOLUTION

SECTION 16.1. Notwithstanding the provisions of G.S. 55-14-21(b), 55A-14-21(b), and 57D-6-06(b), any corporation, nonprofit, or LLC in a county designated by FEMA for individual assistance, including the Eastern Band of Cherokee Indians, shall have until 12:01 A.M. on March 1, 2025, to correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist.

CONSTRUCTION FEE MORATORIUM

SECTION 16.2.(a) Notwithstanding any other provision of law, for any single commercial or residential project, the Department of Insurance, counties, and cities shall not impose any fee associated with a permit, inspection, or certificate of occupancy required by law for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of a manufactured home, building, dwelling, or structure damaged as a direct result of Hurricane Helene.

SECTION 16.2.(b) The moratorium provided in subsection (a) of this section applies in North Carolina counties designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene. A person is allowed a refund of any fee assessed and collected that is subject to the moratorium imposed by this section. The Department of Insurance, counties, and cities shall post a notice of the availability of a refund on their websites.

SECTION 16.2.(c) This section is effective when it becomes law and applies to applications for issuance of a permit dated on or after September 26, 2024. This section expires December 31, 2024.

PART XVII. MISCELLANEOUS

LEGISLATIVE REVIEW OF FEDERAL FUNDING AND REMAINING UNMET NEEDS

SECTION 17.1. It is the intent of the General Assembly to review the funds appropriated by Congress for disaster relief and to consider actions needed to address any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy of the measures funded by this act at that time.

INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES

SECTION 17.2. It is the intent of the General Assembly that, during this time of rebuilding and relief efforts, each State agency should strive to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise.

EACH APPROPRIATION AND ALLOCATION IS MAXIMUM AND CONDITIONAL

SECTION 17.3. The appropriations and allocations made in this act are for maximum amounts necessary to implement this act. Savings shall be effected where the total amounts appropriated or allocated are not required to implement this act.

AUTHORITY TO ESTABLISH TIME-LIMITED POSITIONS TO IMPLEMENT THIS ACT

SECTION 17.4. The Governor may establish part-time and full-time personnel positions to implement this act. Positions established under this section are time-limited and exempt from the State Human Resources Act.

PART XVIII. EFFECTIVE DATE

SECTION 18.1. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of October, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 8:27 a.m. this 10th day of October, 2024

Air Quality Concerns About Hurricane Helene



Air quality is impacted by major events like hurricanes, below is some additional information to consider.

Air Quality Index and Additional Temporary Monitors

Asheville-Buncombe Air Quality Agency (AB Air Quality) monitors air quality that is reported in the Air Quality Index by EPA and in the weather forecasts. The Air Quality Index is generated from data collected at monitoring sites throughout Western North Carolina. It is reporting air quality for two pollutants, ground level ozone and fine particulates. Fine particulate pollution could be affected by smoke from open burning of storm debris or dust from storm damage. The Buncombe County fine particulate monitor is located at the Board of Education in Emma. The Air Quality Index is meant to give an indication of air quality conditions for a general area and does not give specific information on a smaller scale and may not be representative of the air quality in Swannanoa or Fairview for example.

AB Air Quality is working with North Carolina Division of Air Quality (NCDAQ) as they are exploring options to deploy temporary supplemental air quality monitoring in WNC in areas that may be experiencing more pollution due to Helene. There are also a few low-cost Purple Air fine particulate sensors that are located in Asheville and that data along with the regulatory monitoring data used for the AQI is available on the [EPA's AirNow fire and smoke map](#). The low cost sensor data is accessible to residents and a good source of additional information about our air quality conditions in areas where we don't have regulatory monitors.

Fine Particles and Dust

AB Air Quality is aware that there is dust in the air from the flood waters that have receded and are also concerned about particles in the air from open burning of storm debris. Dust can contain fine particulate, but also contains particulate matter that is larger than what these monitors measure. Those larger particles are considered less dangerous to human health but can still cause irritation to lungs and upper respiratory systems. Dust is much easier to recognize since it is visible, and precautions can be made as described in the sections below including indoor air and general guidance. Current air quality monitoring does not determine what constituents are in the dust.

Indoor Air – Home Clean Up

AB Air Quality recommends wearing a N95 dust mask when cleaning up storm debris and cleaning out homes that have been affected by flooding. We are also recommending that municipalities use water trucks to minimize dust on roads. The Swannanoa Community Care Station has a supply of N95 masks that are available to residents in the area. More information on precautions you can take related to flooding including mold, asbestos, lead, and other concerns are available from EPA at <https://www.epa.gov/flooded-homes>.

Residential Open Burning:

The Buncombe County, City of Asheville, and other municipalities are providing storm debris pick up for residents. Asheville-Buncombe Air Quality Agency is encouraging residents to not burn the material and allowing the material to be picked up and disposed of with the collection services offered. The Agency would like to remind residents that the burning of leaves, brush, and yard trimmings is permitted on burning days between 8 a.m. and 6 p.m., however the burning of household trash, building materials, asphaltic materials, cardboard, processed wood, and papers is prohibited at any time. To find out if it is a burning day,

please call **828-250-6767** or go to www.abairquality.org. Burning is not allowed in the City of Asheville or any of the other municipalities in Buncombe County.

Other Open Burning

For storm debris that is being gathered with the intention of conducting open burning including the use of air curtain burners or open burning of storm debris by a business or other commercial or government entity, permission is required by the Asheville-Buncombe Air Quality Agency and there are certain requirements that must be met. Please contact the Agency at **828-250-6777** or at airquality@buncombecounty.org. Further details about these requirements can be found at abairquality.org. Under no circumstances should anyone burn synthetic materials or trash.

Demolition and Asbestos Removal

A permit must be obtained from AB Air Quality for any plan to demolish or remodel any building in Buncombe County including residential, commercial, industrial or public buildings; or for any plan to remove any asbestos-containing material. Some projects are subject to the National Emissions Standards for Hazardous Air Pollutants for Asbestos and have additional requirements. To see if a project is subject to this regulation, please read [AB Air Quality's Asbestos NESHAP Program Brochure](#). A permit can be obtained online by registering with the [Buncombe County Permits Portal](#) and clicking the Air Quality tab to start the application. Fees related to permits needed for demolition and asbestos removal caused by Hurricane Helene are being waived. Below are some resources for asbestos information:

[Homeowner and Renter's Guide to Asbestos Clean Up after Disasters](#)

[Homeowners and Asbestos](#)

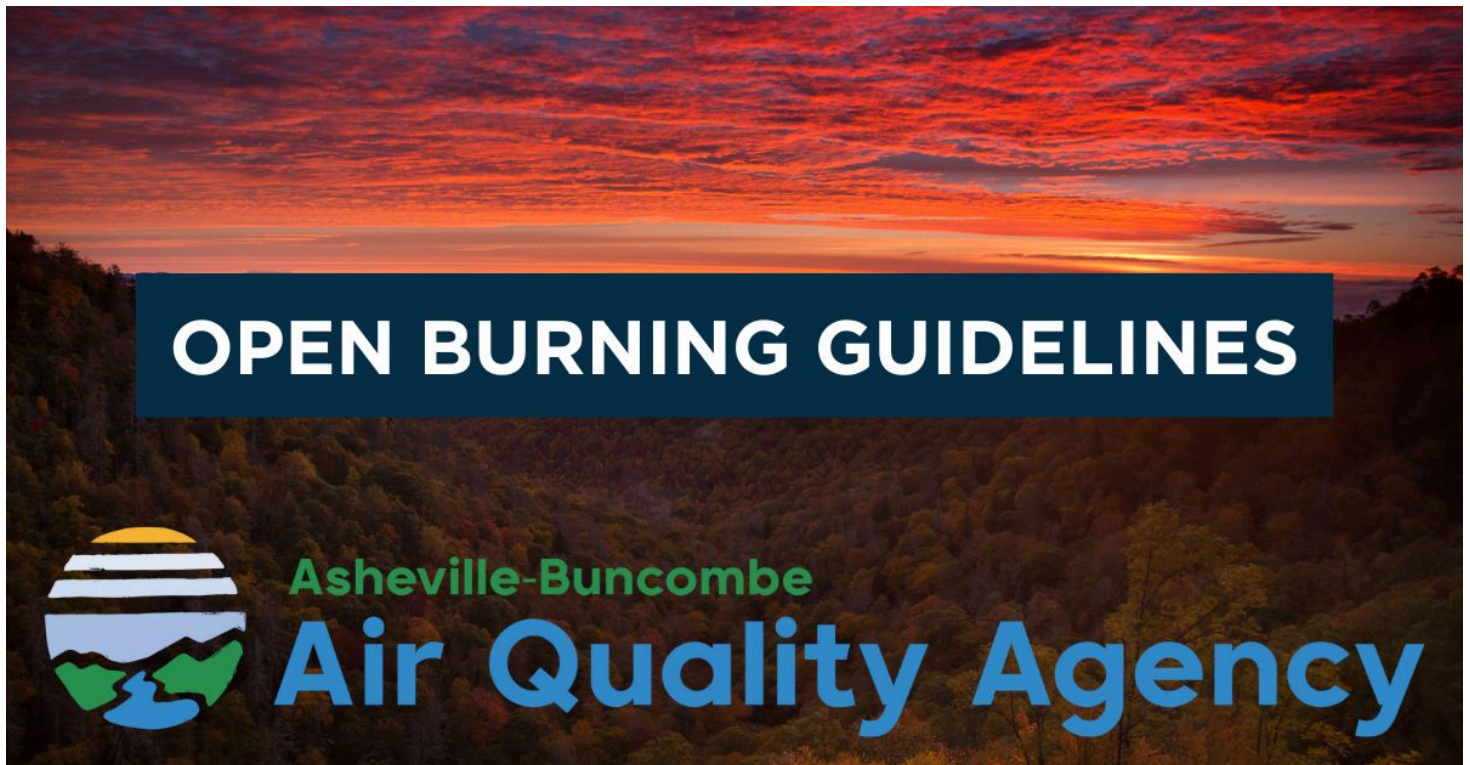
[Asheville-Buncombe Air Quality Asbestos Page](#)

[North Carolina Health Hazards Control Unit – Asbestos Hazard Management](#)

General Guidance

- If it looks or smells dusty or smoky outside, it's probably not a good time to work in the yard, go for a run, or for kids to play outdoors.
- If you see or smell smoke present, you should:
 - Check Your Current Air Quality at [DAQ NC Ambient Information Reporter](#) or [EPA AirNow](#). The EPA Air Now site has a fire and smoke map with data from low-cost Purple Air sensors that also monitor particulate matter at more locations in our area (<https://fire.airnow.gov>).
 - Air Quality Index and activity guide for fine particles is on the EPA AirNow site under AQI and Health. <https://document.airnow.gov/air-quality-guide-for-particle-pollution.pdf>
 - Subscribe to Air Quality Forecasting at www.enviroflash.info
 - Learn how to make a [DIY air cleaner](#) and about [air cleaners and filters in the home](#).

Open Burning in Response to Hurricane Helene



Due to the extremely large amount of storm debris caused by Hurricane Helene, many residents and businesses will turn to open burning as a means of disposal.

Residential Open Burning

The City of Asheville and Buncombe County are providing storm debris pick-up for residents.

Due to current high fire risks and potential impacts to the air we breathe, the Asheville-Buncombe Air Quality Agency and area fire chiefs are encouraging residents to not burn storm debris and allow it to be picked up for free and disposed of by the municipality.

If you must burn, the Agency would like to remind residents that the burning of leaves, brush, and yard trimmings is permitted on burning days between 8 a.m. and 6 p.m., however the burning of household trash, building materials, asphaltic materials, cardboard, processed wood, and papers is always prohibited. Burning is also always prohibited in the City of Asheville. To find out if it is a burning day, please call 828-250-6767 or go to www.abairquality.org.

Storm Debris Open Burning

Under the state of emergency, and in order to dispose of material generated as a result of a natural disaster, permitting requirements for open burning storm-related debris can be waived. Permission is required, and a request can be made by providing written notification to the Director of Asheville-Buncombe Air Quality Agency Ashley Featherstone that there is no other practical method of disposal of the waste. The request should also include the type of material being burned, an approximate amount, the location of the burning, and nature of the combustible sources.

Recent legislation passed by the State of North Carolina states that the following storm debris materials are allowed to be burned from now until March 31, 2025:

- Any solid and engineered wood products
- Vegetative land-clearing debris
- Yard trash (solid waste consisting solely of vegetative matter resulting from landscaping maintenance)

The Director will not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials, refuse, or recovery of salvageable materials. Materials NOT allowed to be burned include inert debris such as asphalt shingles, tar paper, insulation, drywall, concrete, bricks or glass, tires, wire, plastics, refuse, dangerous, or hazardous materials.

Burning of storm debris must comply with the following conditions:

- Wind direction at the time of the burning and forecasted that day by the National Weather Service is away from any area, including public roads with 250 feet.

- The location of the burning is at least 500 feet from any occupied dwelling or commercial structure not located on the property on which the burning is conducted.
 - A signed, written statement waiving objections to the burning from residents within 500 feet may be obtained and the exception must be granted by the Director
- Initial burning begins only between the hours of 8 a.m. and 6 p.m., and no combustible material is added to the fire from 6 p.m. and 8 p.m. the following day.
- No fires are initiated or vegetation is added to existing fires when the North Carolina Forest Service or a Buncombe County Fire Marshall has banned burning for that area.
- No fires are initiated or vegetation is added to existing fires when the Agency's air quality forecast area has been forecasted by the North Carolina Division of Air Quality to be in an Air Quality Action Day Code "Orange or above."
- To find out if it is a burning day, please call 828-250-6767 or go to www.abairquality.org.

Burning Storm Debris with an Air Curtain Burner (also known as an Air Curtain Incinerator):

The use of Air Curtain Burners to dispose of material generated as a result of a natural disaster has specific requirements:

- Duration of operations: The maximum length of time the burning at the approved disaster debris site can occur without an air permit is eight (8) weeks, with an option to request an additional eight (8) week extension
- Required distances: The air curtain burner shall be at least 300 feet from any dwelling, occupied structure, commercial or institutional establishment that is not located on the property on which the burning is conducted. This office highly recommends that you maintain as much of a buffer as possible between the burn site and any neighboring occupied structure. Asheville-Buncombe Air Quality Agency may grant exceptions to the setback requirements if a signed, written statement waiving objections to the air curtain burning is obtained from a resident or an owner of each dwelling within 300 feet of the burning site.
- Prevailing winds: Wind direction at the time of the burning and forecasted that day by the National Weather Service is away from any area, including public roads with 250 feet.
- Permitting: In order to avoid Title V Permitting, air curtain burners will be limited to burning less than 35 tons per day. Companies can operate two air curtain burners at the same location with this limitation at the same site.
- Permissible material: Air curtain burners can burn the following materials:
 - Wood waste (untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shaving)
 - Clean lumber (wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (e.g., plywood, particle board, flake board, and oriented strand board)).
 - Yard Waste (grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. Yard waste comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands)

The owner/operator shall request permission to conduct the burning using an air curtain burner by providing written notification to the Director of Asheville-Buncombe Air Quality Agency with the following information:

- Location of the Air Curtain Burner, with a map that shows that the location meets the 300-foot setback requirement from occupied dwellings (a 300 foot ring on the map would be helpful)
- Date that unit will start operation
- Identification of the disaster for which the Air Curtain Burner is being used (specify the storm and the State of Emergency Declaration)
- Description of the types of materials that are being burned
- Description of the size and design of the unit (make/model, capacity, number of tons per hour or day)
- Amount of time expected to operate and expected end date
- Statement that there is no other means of disposing of the material

	2021 Budgeted	2021 Actual	2022 Budgeted	2022 Actual	2023 Budgeted	2023 Actual	2024 Budgeted	(To Date) 2024 Actual
Revenues	\$898,178	\$943,873	\$799,275	\$924,593	\$1,090,272	\$1,050,726	\$1,116,668	\$1,137,330
Expenses	\$1,018,216	\$824,228	\$951,344	\$925,285	\$1,090,272	\$1,042,689	\$1,116,668	\$1,114,216
Budgeted Fund Balance Draw	\$120,038		\$152,069		\$109,272		\$116,703	
Actual Fund Balance Draw		-\$119,645		\$692		-\$8,037		-\$23,114
		2021		2022		2023		2024
~Fund Balance		\$716,382		\$719,071		\$715,689		\$723,727

(negative numbers to fund balance draw reflects money going back into the fund balance)
Note: totals may be subject to liabilities not accounted for here

Revenues (ledger account)	BCFY 2021 Budget	BCFY 2021 Actuals	BCFY 2022 Budget	BCFY 2022 Actuals	BCFY 2023 Budget	BCFY 2023 Actuals	BCFY 2024 Budget	BCFY 2024 Actuals	BCFY 2025 Budget
4110:Interfund Transfer Revenue	\$ 16,571.00	\$ 16,571.00	\$ 0.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4120:Investment Earnings	\$ 9,000.00	\$ 93.99	\$ 6,300.00	\$ (1,415.15)	\$ 100.00	\$ 22,940.45	\$ 5,000.00	\$ 31,904.51	\$ 5,000.00
4150:Other Revenue	\$ -	\$ -	\$ 0.00	\$ 16.85	\$ 350.00	\$ -	\$ -	\$ -	\$ -
4180:Other Taxes and Licenses	\$ 145,000.00	\$ 142,430.87	\$ 146,000.00	\$ 153,343.85	\$ 144,000.00	\$ 152,670.47	\$ 150,000.00	\$ 155,494.37	\$ 150,000.00
4190:Permits and Fees	\$ 467,250.00	\$ 519,186.05	\$ 381,475.00	\$ 502,005.30	\$ 483,150.00	\$ 524,898.10	\$ 512,500.00	\$ 538,717.53	\$ 547,700.00
4210:Restricted Intergovernmental	\$ 260,357.00	\$ 265,536.00	\$ 265,500.00	\$ 270,642.00	\$ 352,700.00	\$ 350,217.00	\$ 332,465.00	\$ 410,214.00	\$ 530,000.00
4230:Sale of Assets	\$ -	\$ 55.50	\$ 0.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4310:Appropriated Fund Balance	\$ 120,038.00	\$ -	\$ 152,069.00	\$ -	\$ 109,972.00	\$ -	\$ 116,703.00	\$ -	\$ 117,260.00
	\$ 1,018,216.00	\$ 943,873.41	\$ 951,344.00	\$ 924,592.85	\$ 1,090,272.00	\$ 1,050,726.02	\$ 1,116,668.00	\$ 1,136,330.41	\$ 1,349,960.00

Expenses (ledger account)	BCFY 2021 Budget	BCFY 2021 Actuals	BCFY 2022 Budget	BCFY 2022 Actuals	BCFY 2023 Budget	BCFY 2023 Actuals	BCFY 2024 Budget	BCFY 2024 Actuals	BCFY 2025 Budget
5000:Salaries and Wages	\$ 508,647.00	\$ 422,244.85	\$ 487,674.00	\$ 479,548.56	\$ 523,036.00	\$ 530,229.42	\$ 571,445.00	\$ 929,254.26	\$ 1,000,533.00
5030:Benefits	\$ 301,312.00	\$ 243,183.34	\$ 282,367.00	\$ 273,916.36	\$ 272,457.00	\$ 278,014.65	\$ 286,698.00	\$ -	\$ -
6000:Utilities	\$ 1,800.00	\$ 1,450.23	\$ 2,040.00	\$ 1,487.03	\$ 1,450.00	\$ 1,996.67	\$ -	\$ -	\$ -
6020:Travel and Training	\$ 13,791.00	\$ 1,067.18	\$ 10,005.00	\$ 4,502.68	\$ 15,835.00	\$ 9,568.97	\$ 16,436.00	\$ 7,670.15	\$ 15,124.00
6030:Vehicle Expense	\$ 3,000.00	\$ 1,841.19	\$ 1,793.00	\$ 1,042.01	\$ 2,500.00	\$ 1,474.11	\$ 1,050.00	\$ 1,566.18	\$ 1,500.00
6060:Office Expenses	\$ 13,100.00	\$ 7,207.40	\$ 9,314.00	\$ 8,735.00	\$ 13,000.00	\$ 6,344.85	\$ 12,950.00	\$ 9,194.43	\$ 15,674.00
6070:Maintenance and Repair	\$ 5,150.00	\$ 4,164.00	\$ 1,600.00	\$ 898.00	\$ 3,700.00	\$ 1,501.87	\$ 3,500.00	\$ -	\$ 2,000.00
6075:Equipment	\$ -	\$ -	\$ -	\$ -	\$ 87,700.00	\$ 85,496.00	\$ 44,413.00	\$ 44,413.00	\$ 56,000.00
6090:Contract and Professional Serv	\$ 3,500.00	\$ 175.00	\$ 1,650.00	\$ 190.00	\$ 3,400.00	\$ 394.50	\$ 5,099.00	\$ 2,271.48	\$ 15,145.00
6105:Charges and Fees	\$ -	\$ 416.53	\$ 500.00	\$ 2,366.34	\$ 2,600.00	\$ 2,649.06	\$ 3,000.00	\$ 3,506.47	\$ 3,000.00
6140:Meetings and Events	\$ 500.00	\$ -	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 935.00
6160:Advertising	\$ 750.00	\$ -	\$ 1,400.00	\$ 894.80	\$ 1,000.00	\$ -	\$ 900.00	\$ -	\$ -
6500:Information Technology	\$ 1,100.00	\$ 959.44	\$ 1,000.00	\$ 1,155.53	\$ 1,800.00	\$ 1,027.20	\$ 1,320.00	\$ 1,545.08	\$ 1,500.00
6510:Non Discretionary	\$ 150,166.00	\$ 141,519.13	\$ 151,501.00	\$ 150,548.92	\$ 158,794.00	\$ 123,991.33	\$ 154,857.00	\$ 114,794.93	\$ 173,549.00
6525:Telecommunications	\$ 400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7000:Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000.00
9002:Budgetary Contingency	\$ 15,000.00	\$ -	\$ -	\$ -	\$ 3,000.00	\$ -	\$ 15,000.00	\$ -	\$ 15,000.00
	\$ 1,018,216.00	\$ 824,228.29	\$ 951,344.00	\$ 925,285.23	\$ 1,090,272.00	\$ 1,042,688.63	\$ 1,116,668.00	\$ 1,114,215.98	\$ 1,349,960.00

Change in Fund Balance

\$119,645.12

-\$692.38

\$8,037.39

\$

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Please note that the budget numbers reflect the changes made to the budget during that year. This means that the \$15,000 in contingency funds originally budgeted in BCFY 2022 and BCFY 2023 were allocated to Salary and Benefits (2022) and Equipment (2023).

updated 11/06/2024 BBrown