

## Subpart JJ—North Dakota

## § 52.1820 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Air Pollution for the State of North Dakota."

(b) The plan was officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality maintenance area designation submitted June 26, 1974, by the Governor.

(2) Compliance schedules submitted on June 14, 1973, by the Governor.

(3) Provision for public notice and comment on new source reviews and a revised compliance schedule submitted on February 19, 1974, by the Governor.

(4) Clarification concerning the revision of the secondary particulate standard attainment date submitted on November 21, 1974, by the Governor.

(5) Explanation of why sources could not comply by the original attainment date submitted April 23, 1975, by the State Department of Health.

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

(8) A revised compliance schedule for the Basin Electric Power Plant at Velva submitted on December 22, 1976, by the Governor.

(9) Requirements for continuous opacity monitoring by 7 sources submitted on May 26, 1977, by the Governor.

(10) Provisions to meet the requirements of Part C, Title I, and section 110 of the Clean Air Act, as amended in 1977, were submitted on July 17, 1978.

(11) On January 25, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20, and Public Notification required under section 127 of the Clean Air Act.

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to \$75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

(13) [Reserved]

(14) Revisions to the Prevention of Significant Deterioration requirements in Chapter 33-15-15 of the North Dakota regulations were submitted on October 28, 1982 by the Governor, with supplemental information submitted on July 5, 1983, March 8, 1984 and June 20, 1984, by the State Agency.

(15) A revision to the SIP was submitted by the Governor on January 26, 1988, for visibility monitoring and New Source Review.

(i) Incorporation by reference.

(A) In a letter dated January 26, 1988, Governor George A. Sinner submitted a SIP revision for visibility protection.

(B) The SIP revision for visibility protection, "Chapter 6, Air Quality Surveillance, Section 6.10, Visibility Monitoring" and "Chapter 33-15-19, Visibility Protection", became effective on October 1, 1987, through action by the North Dakota Legislative Council.

(16) On January 26, 1988, the Governor submitted a plan adding Stack Height Regulations, Chapter 33-15-18.

(i) Incorporation by reference.

(A) Addition to North Dakota Air Pollution Control Rules Chapter 33-15-18, Stack Heights, was adopted on July 21, 1987 and effective on October 1, 1987.

(17) In a letter dated April 18, 1986, the Director of the Division of Environmental Engineering, North Dakota Department of Health, submitted the stack height demonstration analysis with supplemental information submitted on July 21, 1987. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference. (A) Stack height demonstration analysis submitted by the State on April 18, 1986 and July 21, 1987.

(18) On January 26, 1988, the Governor of North Dakota submitted revisions to the plan. The revisions established new regulations and revised existing regulations and procedures.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters 33-15-01, 33-15-02, 33-15-03, 33-15-04, 33-15-05, 33-15-07, 33-15-10, 33-15-11, 33-15-14, and 33-15-15, inclusive, and the addition of a new chapter 33-15-20 which were effective on October 1, 1987.

(19) On April 18, 1989, the Governor of North Dakota submitted revisions to the plan. The revisions included updates to existing regulations and the Group III PM10 plan.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters, 33-15-01, 33-15-02, 33-15-4, 33-15-07, 33-15-10, 33-15-11, 33-15-14, and 33-15-15, inclusive, which were effective on January 1, 1989.

(ii) Additional material.

(A) August 22, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Doug Skie, EPA.

(B) August 28, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(C) September 5, 1989 letter from Terry O'Clair, Assistant Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(20) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO<sub>2</sub>) increments and to make several "housekeeping" modifications.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code, Chapter 33-15-15, Prevention of Significant Deterioration of Air Quality, effective June 1, 1990.

(ii) Additional material.

(A) October 22, 1990, letter from Douglas Skie, EPA, to Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories.

(B) November 6, 1990 letter from Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Con-

solidated Laboratories, to Douglas Skie, EPA.

(21) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan for new source performance standards.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapter 33-15-12 which was effective on June 1, 1990.

(ii) Additional material.

(A) January 7, 1991, letter from James J. Scherer, EPA, to George A. Sinner, Governor, State of North Dakota, on the authority for implementation and enforcement of the New Source Performance Standards (NSPS) for 40 CFR part 60, subpart QQQ.

(22) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the hydrogen sulfide standard and the format of other ambient standards, and various other minor changes.

(i) *Incorporation by reference.* (A) Revisions to the North Dakota Administrative Code: General Provisions 33-15-01-04.30, 33-15-01-07.2, 33-15-01-08, 33-15-01-15.2, 33-15-01-17; Ambient Air Quality Standards 33-15-02 Table 1 standards for sulfur dioxide, hydrogen sulfide, carbon monoxide, ozone, and nitrogen dioxide; Emissions of Particulate Matter Restricted 33-15-05-02.2e, Table 4; Control of Pesticides 33-15-10-02.5; Designated Air Contaminant Sources, Permit to Construct, Permit to Operate 33-15-14-02.4.a and b, 33-15-14-02.5.a, 33-15-14-05.1.b(3); Control of Emissions from Oil and Gas Well Production Facilities 33-15-20-01.1, 33-15-20-01.2.1 and m, 33-15-20-02.1, 33-15-20-03.1, 2, and 3, 33-15-20-04; effective June 1, 1990.

(ii) *Additional material.* Letter dated February 14, 1992, from Dana K. Mount, Director, Division of Environmental Engineering, to Douglas M. Skie, EPA. This letter provided the State's commitment to meet all requirements of the EPA "Guideline on Air Quality Models (Revised)" for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas.

(23) On June 30, 1992, the Governor of North Dakota submitted revisions to

the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) *Incorporation by reference.*

(A) Revisions to the Air Pollution Control Rules, Chapter 33-15-12, Standards of Performance for New Stationary Sources, and Chapter 33-15-13, excluding Section 33-15-13-02, Emission Standards for Hazardous Air Pollutants, effective June 1, 1992.

(24) On June 24, 1992, the governor of North Dakota submitted revisions to the plan. The revisions correct enforceability deficiencies in the SO<sub>2</sub> regulations.

(i) *Incorporation by reference.*

(A) Revisions to the North Dakota Administrative Codes, Chapter 33-15-06, Emissions of Sulfur Compounds Restricted, which became effective June 1, 1992.

(25) On November 2, 1992, the Governor of North Dakota submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the North Dakota State Implementation Plan as required by section 507 of the Clean Air Act.

(i) *Incorporation by reference.*

(A) Executive Order 1992-5, executed May 21, 1992, to establish a Small Business Compliance Advisory Panel.

(ii) *Additional materials.*

(A) November 2, 1992 letter from the Governor of North Dakota submitting a Small Business Assistance Program plan to EPA.

(B) The State of North Dakota plan for the establishment and implementation of a Small Business Assistance Program, adopted by the North Dakota State Department of Health and Consolidated Laboratories on October 23, 1992, effective October 23, 1992.

(26) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); federally enforceable

State operating permits (FESOPs); prevention of significant deterioration of air quality; and control of emissions from oil and gas well production facilities.

(i) *Incorporation by reference.*

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33-15-05-02, 33-15-05-03, and 33-15-05-04; Control of Organic Compound Emissions 33-15-07; Prevention of Significant Deterioration of Air Quality 33-15-15-01; and Control of Emissions from Oil and Gas Well Production Facilities 33-15-20-01, 33-15-20-02, and 33-15-20-03, effective June 1, 1992.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-04 and 33-15-01-13; Standards of Performance for New Stationary Sources 33-15-12; and Emission Standards for Hazardous Air Pollutants 33-15-13, effective June 1, 1992 and March 1, 1994.

(C) Revisions to the Air Pollution Control Rules as follows: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, 33-15-14-01 through 33-15-14-05, effective March 1, 1994.

(27) On April 29, 1994, the Governor of North Dakota submitted revisions to the prevention of significant deterioration regulations in chapter 33-15-15 of the North Dakota Air Pollution Control Rules to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM-10 increments, and municipal waste combustors.

(i) *Incorporation by reference.*

(A) Revisions to Chapter 33-15-15 of the North Dakota Air Pollution Control Rules, Section 33-15-15-01, Subsections 1.a.(3) and (4), 1.c, 1.e.(4), 1.h, 1.i, 1.m, 1.x.(2)(h)-(k), 1.aa.(2)(c), 1.bb, 1.dd, 1.ee, 1.ff, 1.hh, 2.b, 4.d.(3)(a), and 4.j.(4)(b), effective 3/1/94.

(28) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated December 21, 1994. The letter addressed revisions to air pollution control rules regarding general

provisions; ambient air quality standards; new source performance standards (NSPS); and national emission standards for hazardous air pollutants (NESHAPs).

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-17 and 33-15-01-18; Ambient Air Quality Standards 33-15-02-05 and 33-15-02 Table 1; Standards of Performance for New Stationary Sources 33-15-12; and Emission Standards for Hazardous Air Pollutants 33-15-13, effective December 1, 1994.

(B) [Reserved]

(29) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated August 15, 1995 and January 9, 1996. The revisions address air pollution control rules regarding general provisions; open burning; emissions of particulate matter, certain settleable acids and alkaline substances, and fugitives; air pollution emergency episodes; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); and the minor source construction and operating permit programs. The State's January 9, 1996 submittal also revised SIP Chapter 6, Air Quality Surveillance, to identify current activities regarding visibility monitoring.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33-15-05-03., 33-15-05-03.1., 33-15-05-03.2., and 33-15-05-03.3.; Prevention of Air Pollution Emergency Episodes 33-15-11 Tables 6 and 7; and Fees 33-15-23-01, 33-15-23-02, and 33-15-23-03, effective August 1, 1995.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-04; Emission Standards for Hazardous Air Pollutants 33-15-13, except 33-15-13-01-2., Subpart I; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33-15-14-01, 33-15-14-01.1., 33-15-14-02.12., and 33-15-14-03.10.; effective August 1, 1995 and January 1, 1996.

(C) Revisions to the Air Pollution Control Rules as follows: Open Burning

Restrictions 33-15-04; Emissions of Certain Settleable Acids and Alkaline Substances Restricted 33-15-09; Standards of Performance for New Stationary Sources 33-15-12; and Restriction of Fugitive Emissions 33-15-17-01 and 33-15-17-02, effective January 1, 1996.

(30) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated January 9, 1996 and September 10, 1997. The revisions address air pollution control rules regarding general provisions and emissions of particulate matter, sulfur compounds, and organic compounds.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rule Emissions of Sulfur Compounds Restricted, 33-15-06-01, effective January 1, 1996.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-03, 33-15-01-04.49, 33-15-01-13.2(b), 33-15-01-15.2, and 33-15-01-17.3; Emissions of Particulate Matter Restricted 33-15-05-03.3.4; and Control of Organic Compound Emissions 33-15-07-01.1; effective September 1, 1997.

(ii) Additional material.

(A) An April 8, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33-15-06, Emissions of Sulfur Compounds Restricted.

(B) A July 30, 1997 letter from Dana Mount, North Dakota Department of Health, to Amy Platt, EPA, to provide technical support documentation regarding the revisions to Chapter 33-15-06, Emissions of Sulfur Compounds Restricted.

(C) A September 9, 1997 letter from Dana Mount, North Dakota Department of Health, to Larry Svoboda, EPA, to provide technical support documentation regarding the revisions to Chapter 33-15-06, Emissions of Sulfur Compounds Restricted.

(31) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated September 28, 1998. The revisions address air pollution control

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rules regarding general provisions, ambient air quality standards, emissions of particulate matter and organic compounds, and the permit to construct program.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-04.6-52; Ambient Air Quality Standards 33-15-02-04, 33-15-02-07.3, 33-15-02-07.4, and Table 2; Emissions of Particulate Matter Restricted 33-15-05-03.1; Control of Organic Compound Emissions 33-15-07-01.1; and Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33-15-14-02.3.c, effective September 1, 1998.

(ii) Additional material.

(A) An April 10, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the impact of SB2356 on sulfur dioxide emission limits for existing and new coal conversion facilities and petroleum refineries.

(B) A November 17, 1997 letter from William Delmore, North Dakota Assistant Attorney General, to Terry Lukas, EPA, to propose how the North Dakota Department of Health will implement the requirements of SB2356.

(C) A June 10, 1998 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33-15-02, Ambient Air Quality Standards, and Chapter 33-15-14, Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate (revisions specific to the permit to construct section only).

(D) A December 1, 1998 letter from Dana Mount, North Dakota Depart-

ment of Health, to Richard Long, EPA, to provide technical support documentation regarding how the State will enforce the revised sulfur dioxide standards in Chapter 33-15-02.

(32) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated June 21, 2001. The revisions address air pollution control rules regarding general provisions, emissions of particulate matter and fugitives, exclusions from Title V permit to operate requirements, and prevention of significant deterioration.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33-15-01-04, 33-15-01-12, and 33-15-01-15; Emissions of Particulate Matter Restricted 33-15-05-04.1; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33-15-14-02.13.b.1, 33-15-14-03.1.c, and 33-15-14-07; Prevention of Significant Deterioration of Air Quality 33-15-15-01.1.hh and 33-15-15-01.2; and Restriction of Fugitive Emissions 33-15-17-01, effective June 1, 2001.

(B) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33-15-05-03.1, repealed effective July 12, 2000.

[37 FR 10885, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1820, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 52.1821 Classification of regions.**

The North Dakota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Fargo-Moorhead Interstate .....	II	III	III	III	III
North Dakota Intrastate .....	II	III	III	III	III

[37 FR 10885, May 31, 1972]