

Environmental Protection Agency

§ 52.1820

§ 52.1785 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

The owner or operator of each SO₂ source located within the State of North Carolina and for which requirements are set forth under the Federal CAIR SO₂ Trading Program in part 97 of this chapter must comply with such applicable requirements.

[71 FR 25376, Apr. 28, 2006]

Subpart JJ—North Dakota

§ 52.1820 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for North Dakota under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 31, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. § 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the

FEDERAL REGISTER. Entries for paragraphs (c), (d), and (e) of this section with EPA approval dates after July 31, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of July 31, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA approved regulations.*

STATE OF NORTH DAKOTA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-01 General Provisions				
33-15-01-01	Purpose	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-02	Scope	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-03	Authority	9/1/97	4/2/04, 69 FR 17302.	
33-15-01-04	Definitions	3/1/03	10/21/04, 69 FR 61762.	
33-15-01-5	Abbreviations	10/1/87	5/12/89, 54 FR 20574.	
	Except the following abbreviations: CFR, PM ₁₀ , scmh, TSP, & ohm.	1/1/89	8/9/90, 55 FR 32403.	
33-15-01-06	Entry onto premises—Authority	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-07	Variances: Subsection 1 and Subsection 2	10/1/87 6/1/90	5/12/89, 54 FR 20574. 6/26/92, 57 FR 28619.	
33-15-01-08	Circumvention	6/1/90	6/26/92, 57 FR 28619.	
33-15-01-09	Severability	10/1/87	5/12/89, 54 FR 20574.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-01-10	Land use plans and zoning regulations	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-11	Reserved	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-12	Measurements of emissions of air contaminants.	6/1/01	2/28/03, 68 FR 9565.	
33-15-01-13	Shutdown and malfunction of an installation—Requirements for notification.	10/1/87	5/12/89, 54 FR 20574.	Excluding subsection 2(b) which was subsequently revised and approved. See below.
33-15-01-13.2(b)	Malfunctions	9/1/97	8/27/98, 63 FR 45722.	
33-15-01-14	Time schedule for compliance	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-15	Prohibition of air pollution	6/1/01	2/28/03, 68 FR 9565.	
33-15-01-16	Confidentiality of records	10/1/87	5/12/89, 54 FR 20574.	
33-15-01-17	Enforcement	3/1/03	10/21/04, 69 FR 61762.	
33-15-01-18	Compliance certifications	3/1/03	10/21/04, 69 FR 61762.	
33-15-02 Ambient Air Quality Standards				
33-15-02-01	Scope	10/1/87	5/12/89, 54 FR 20574.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33-15-02-02	Purpose	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-03	Air quality guidelines	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-04	Ambient air quality standards	9/1/98	8/31/99, 64 FR 47395.	
33-15-02-05	Method of sampling and analysis	12/1/94	10/8/96, 61 FR 52865.	Excluding subsection 3 and 4 which were subsequently revised and approved. See below.
33-15-02-06	Reference conditions	10/1/87	5/12/89, 54 FR 20574.	
33-15-02-07	Concentration of air contaminants in the ambient air restricted.	10/1/87	5/12/89, 54 FR 20574.	
33-15-02, Table 1 ...	Ambient Air Quality Standards	12/1/94	10/8/96, 61 FR 52865.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33-15-02-07.3, 33-15-02-07.4 and 33-15-02, Table 2.	Concentration of air contaminants in the ambient air restricted and National Ambient Air Quality Standards table.	9/1/98	8/31/99, 64 FR 47395.	
33-15-03 Restrictions of Visible Air Contaminants				
33-15-03-01	Restrictions applicable to existing installations.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-02	Restrictions applicable to new installations and all incinerators.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-03	Restrictions applicable to fugitive emissions.	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-03.1	Restrictions applicable to flares	10/1/87	5/12/89, 54 FR 20574.	
33-15-03-04	Exceptions	2/1/82	11/12/82, 47 FR 51131.	
33-15-03-05	Method of measurement	10/1/87	5/12/89, 54 FR 20574.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-04 Open Burning Restrictions				
33-15-04-01	Refuse burning restrictions	1/1/96	4/21/97, 62 FR 19224.	
33-15-04-02	Permissible open burning	1/1/96	4/21/97, 62 FR 19224.	
33-15-05 Emissions of Particulate Matter Restricted				
33-15-05-01	Restrictions of emissions of particulate matter from industrial processes.	10/1/87	5/12/89, 54 FR 20574.	
33-15-05-02	Maximum allowable emissions of particulate matter from fuel burning equipment used for indirect heating.	3/1/03	10/21/04, 69 FR 61762.	
33-15-05-03	Incinerators (repealed)	8/1/95	4/21/97, 62 FR 19224.	
33-15-05-03.1	Infectious waste incinerators (repealed)	7/12/00	2/28/03, 68 FR 9565.	
33-15-05-03.2	Refuse incinerators	8/1/95	4/21/97, 62 FR 19224.	
33-15-05-03.3	Other waste incinerators	3/1/03	10/21/04, 69 FR 61762.	
33-15-05-04	Methods of measurement	3/1/03	10/21/04, 69 FR 61762.	
33-15-06 Emissions of Sulfur Compounds Restricted				
33-15-06-01	Restrictions of emissions of sulfur dioxide from use of fuel.	3/1/03	10/21/04, 69 FR 61762.	See additional interpretive materials cited in 63 FR 45722, 8/27/98.
33-15-06-02	Restrictions of emissions of sulfur oxides from industrial processes.	6/1/92	10/20/93, 58 FR 54041.	
33-15-06-03	Methods of measurement	3/1/03	10/21/04, 69 FR 61762.	
33-15-06-04	Continuous emission monitoring requirements.	6/1/92	10/20/93, 58 FR 54041.	
33-15-06-05	Reporting and recordkeeping requirements.	6/1/92	10/20/93, 58 FR 54041.	
33-15-07 Control of Organic Compounds Emissions				
33-15-07-01	Requirements for construction of organic compounds facilities.	6/1/92	8/21/95, 60 FR 43396.	Excluding subsection 1 which was subsequently revised and approved. See below.
33-15-07-01.1	Scope	9/1/98	8/31/99, 64 FR 47395.	
33-15-07-02	Requirements for organic compounds gas disposal.	6/1/92	8/21/95, 60 FR 43396.	
33-15-08 Control of Air Pollution From Vehicles and Other Internal Combustion Engines				
33-15-08-01	Internal combustion engine emissions restricted.	7/1/78	11/2/79, 44 FR 63102.	
33-15-08-02	Removal or disabling of motor vehicle pollution control devices prohibited.	7/1/78	11/2/79, 44 FR 63102.	
33-15-10 Control of Pesticides				
33-15-10-01	Pesticide use restricted Subsection 1 and Subsection 2.	10/1/87 1/1/89	5/12/89, 54 FR 20574. 8/9/90, 55 FR 32403.	Excluding subsections 2, 3, 4, and 5 which were subsequently revised and approved. See below.
33-15-10-02	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	10/1/87	5/12/89, 54 FR 20574.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-10-02.2, 33-15-10-02.3, 33-15-10-02.4	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	1/1/89	8/9/90, 55 FR 32403.	
33-15-10-02.5	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	6/1/90	6/26/92, 57 FR 28619.	
33-15-11 Prevention of Air Pollution Emergency Episodes				
33-15-11-01	Air pollution emergency	10/1/87	5/12/89, 54 FR 20574.	
33-15-11-02	Air pollution episode criteria	10/1/87	5/12/89, 54 FR 20574.	
33-15-11-03	Abatement strategies emission reduction plans.	10/1/87	5/12/89, 54 FR 20574.	
33-15-11-04	Preplanned abatement strategies plans	10/1/87	5/12/89, 54 FR 20574.	
33-15-11-Table 6	Air pollution episode criteria	8/1/95	4/21/97, 62 FR 19224.	
33-15-11-Table 7	Abatement strategies emission reduction plans.	8/1/95	4/21/97, 62 FR 19224.	
33-15-14 Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate				
33-15-14-01	Designated air contaminant sources	8/1/95	4/21/97, 62 FR 19224.	
33-15-14-01.1	Definitions	1/1/96	4/21/97, 62 FR 19224.	
33-15-14-02	Permit to construct	3/1/94	8/21/95, 60 FR 43396.	Excluding sub-sections 12, 3.c, 13.b.1, 5, 13.c, 13.i(5), and 19 (one sentence) which were subsequently revised and approved. See below. See additional interpretive materials cited in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's "Guideline on Air Quality Models (Revised)."
33-15-14-02.12	[Reserved]	8/1/95 & 1/1/96	4/21/97, 62 FR 19224.	Moved this section related to fees for Permit to Construct to a new chapter, 33-15-23, Fees.
33-15-14-02.3.c	Alterations to a source	9/1/98	8/31/99, 64 FR 47395.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33-15-14-02.13.b.1	Exemptions	6/1/01	2/28/03, 68 FR 9565.	
33-15-14-02.5, 33-15-14-02.13.c and 33-15-14-02.13.i(5).	Review of application—standard for granting permits to construct and exemptions.	3/1/03	8/8/05, 70 FR 45539.	

Environmental Protection Agency

§ 52.1820

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33–15–14–02.19 (one sentence—see explanation).	Amendment of permits	3/1/03	1/24/06, 71 FR 3764	Only one sentence was revised and approved with this action. That sentence reads: "In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15." The remainder of subsection 19 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–03	Minor source permit to operate	3/1/94	8/21/95, 60 FR 43396.	Excluding subsections 10, 1.c, 4, 5.a(1)(d), 11, and 16 (one sentence) which were subsequently revised and approved. See below. Also see 40 CFR 52.1834.
33–15–14–03.10	[Reserved]	8/1/95 & 1/1/96	4/21/97, 62 FR 19224.	Moved this section related to fees for Permit to Operate to a new chapter, 33–15–23, Fees.
33–15–14–03.1.c	Permit to operate required	6/1/01	2/28/03, 68 FR 9565.	
33–15–14–03.4, 33–15–14–03.5.a(1)(d) & 33–15–14–03.11.	Performance testing, action on applications, and performance and emission testing.	3/1/03	8/8/05, 70 FR 45539.	
33–15–14–03.16 (One sentence—see explanation).	Amendment of permits	3/1/03	1/24/06, 71 FR 3764	Only one sentence was revised and approved with this action. That sentence reads: "In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15." The remainder of subsection 16 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–04	Permit fees (repealed)	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–05	Common provisions applicable to both permit to construct and permit to operate (repealed).	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–07	Source exclusion from title V permit to operate requirements.	6/1/01	2/28/03, 68 FR 9565.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-15 Prevention of Significant Deterioration of Air Quality				
33-15-15-01	General provisions	6/1/92	8/21/95, 60 FR 43396.	Excluding sub-sections 1.a(3), 1.a(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, 4.d(3)(a), 4.j(4)(b), 1.hh, 2, 1.x.2(d), and 4.h(3) which were subsequently revised and approved. See below. See additional interpretive materials cited in 56 FR 12848, 3/28/91, regarding NO _x increments and in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's "Guideline on Air Quality Models (Revised)." Also see 40 CFR 52.1829.
33-15-15-01. sub-sections: 1.a(3), 1.a(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, 4.d(3)(a), & 4.j(4)(b).	Definitions & review of new major stationary sources and major modifications.	3/1/94	11/3/95, 60 FR 55792.	
33-15-15-01.1.hh & 33-15-15-01.2.	Definitions & significant deterioration of air quality—area designation and deterioration increment.	6/1/01	2/28/03, 68 FR 9565.	
33-15-15-01.1.x.2(d) & 33-15-15-01.4.h(3).	Definitions & review of new major stationary sources and major modifications.	3/1/03	8/8/05, 70 FR 45539.	
33-15-15-02	Reclassification	1/1/89	8/9/90, 55 FR 32403.	
33-15-17 Restriction of Fugitive Emissions				
33-15-17-01	General provisions—applicability and designation of affected facilities.	6/1/01	2/28/03, 68 FR 9565.	
33-15-17-02	Restriction of fugitive particulate emissions.	1/1/96	4/21/97, 62 FR 19224.	
33-15-17-03	Reasonable precautions for abating and preventing fugitive particulate emissions.	6/20/78	11/2/79, 44 FR 63102.	
33-15-17-04	Restriction of fugitive gaseous emissions	6/20/78	11/2/79, 44 FR 63102.	
33-15-18 Stack Heights				
33-15-18-01	General provisions	10/1/87	11/14/88, 53 FR 45763.	
33-15-18-02	Good engineering practice demonstrations	10/1/87	11/14/88, 53 FR 45763.	
33-15-18-03	Exemptions	10/1/87	11/14/88, 53 FR 45763.	

Environmental Protection Agency

§ 52.1820

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-19 Visibility Protection				
33-15-19-01	General provisions	10/1/87	9/28/88, 53 FR 37757.	
33-15-19-02	Review of new major stationary sources and major modifications.	10/1/87	9/28/88, 53 FR 37757.	
33-15-19-03	Visibility monitoring	10/1/87	9/28/88, 53 FR 37757.	
33-15-20 Control of Emissions From Oil and Gas Well Production Facilities				
33-15-20-01	General provisions	6/1/92	8/21/95, 60 FR 43396.	
33-15-20-02	Registration and reporting requirements ...	6/1/92	8/21/95, 60 FR 43396.	
33-15-20-03	Prevention of significant deterioration applicability and source information requirements.	6/1/92	8/21/95, 60 FR 43396.	
33-15-20-04	Requirements for control of production facility emissions.	6/1/90	6/26/92, 57 FR 28619.	
33-15-23 Fees				
33-15-23-01	Definitions	8/1/95	4/21/97, 62 FR 19224.	
33-15-23-02	Permit to construct fees	8/1/95	4/21/97, 62 FR 19224.	
33-15-23-03	Minor source permit to operate fees	8/1/95	4/21/97, 62 FR 19224.	

¹ In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(d) EPA-approved source-specific requirements.

Name of source	Nature of requirement	State effective date	EPA approval date and citation ²	Explanations
—Tesoro Mandan Refinery —Leland Olds Station Units 1 & 2 —Milton R. Young Unit 1 —Heskett Station Units 1 & 2 —Stanton Station Unit 1 —American Crystal Sugar at Drayton	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	

² In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(e) EPA-approved nonregulatory provisions.

§ 52.1820

40 CFR Ch. I (7-1-07 Edition)

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation ³	Explanations
(1) Implementation Plan for the Control of Air Pollution for the State of North Dakota. Chapters: 1. Introduction 2. Legal Authority 3. Control Strategy 4. Compliance Schedule 5. Prevention of Air Pollution Emergency Episodes 7. Review of New Sources and Modifications 8. Source Surveillance 9. Resources 10. Inter-governmental Cooperation 11. Rules and Regulations	Statewide	Submitted: 1/24/72 Adopted: 1/24/72 Clarification submitted: 6/14/73 2/19/74 6/26/74 11/21/74 4/23/75	5/31/72, 37 FR 10842 with all clarifications on 3/2/76, 41 FR 8956.	Excluding subsequent revisions, as follows: Chapters 6, 11, and 12 and Sections 2.11, 3.2.1, 3.7, 5.2.1, 6.10, 6.11, 6.13, 8.3. Revisions to these non-regulatory provisions have subsequently been approved. See below.
With subsequent revisions to the chapters as follows:
(2) Revisions to SIP Chapter 8, Section 8.3.	Submitted: 5/26/77	10/17/77, 42 FR 55471.
(3) Revisions to SIP Chapter 2, Section 2.11.	Submitted: 1/17/80	8/12/80, 45 FR 53475.
(4) SIP Chapter 6, Air Quality Surveillance.	Submitted: 1/17/80	8/12/80, 45 FR 53475.
(5) Revisions to SIP Chapter 6, Section 6.10.	Submitted: 1/26/88	9/28/88, 53 FR 37757.
(6) Revisions to SIP Chapter 3, Section 3.7.	Submitted: 4/18/89	10/5/89, 54 FR 41094.
(7) Revisions to SIP Chapter 3, Section 3.2.1.	Submitted: 4/18/89	8/9/90, 55 FR 32403.
(8) Revisions to SIP Chapter 5, Section 5.2.1.	Submitted: 4/18/89	8/9/90, 55 FR 32403.
(9) Revisions to SIP Chapter 6, Section 6.11.	Submitted: 4/18/89	8/9/90, 55 FR 32403.
(10) Revisions to SIP Chapter 6, Section 6.13.	Submitted: 1/9/96	4/21/97, 62 FR 19224.
(11) Revisions to Chapter 11, Rules & Regulations.
(12) SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act.	Statewide	Submitted: 1/17/80	8/12/80, 45 FR 53475.	See the table listed above under § 52.1820 (c)(1) for most current version of EPA-approved North Dakota regulations.

Environmental Protection Agency

§ 52.1822

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation ³	Explanations
(13) Stack Height Demonstration Analysis.	Statewide	Submitted: 4/18/86 and 7/21/87	6/7/89, 54 FR 24334.	
(14) Visibility New Source Review and Visibility Monitoring.	Statewide	Submitted: 1/26/88	9/28/88, 53 FR 37757.	
(15) Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988).	Statewide	Submitted: 5/11/88	11/14/88, 53 FR 45763.	See also 40 CFR 52.1832.
(16) Visibility General Plan and Long-term Strategy.	Statewide	Submitted: 4/18/89	10/5/89, 54 FR 41094.	See also 40 CFR 52.1831.
(17) Group III PM10 SIP.	Statewide	Submitted: 4/18/89	8/9/90, 55 FR 32403	See additional interpretive materials cited in 55 FR 32403, 8/9/90.
(18) Commitment to meet all requirements of EPA's 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.	Statewide	Submitted: 2/14/92	6/26/92, 57 FR 28619.	See additional interpretive materials cited in 57 FR 28619, 6/26/92. Also see 40 CFR 52.1824.
(19) Small Business Assistance Program (SIP Chapter 12).	Statewide	Submitted: 11/2/92 and 1/18/93	1/11/94, 59 FR 1485	See additional interpretive materials cited in 59 FR 1485, 1/11/94.

³In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[72 FR 9266, Mar. 1, 2007]

§ 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]

§ 52.1822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the North Dakota plan for the attain-

ment and maintenance of the national standards.

[39 FR 7283, Feb. 25, 1974]