

Environmental Protection Agency

§ 52.1820

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_x Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_x Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_x Ozone Season allowances for those years.

[72 FR 62352, Nov. 2, 2007]

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

The owner and 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 subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the North Carolina State Implementation Plan as meeting the requirements of CAIR for PM_{2.5} relating to SO₂ under § 51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.124(r) of this chapter.

[72 FR 62353, Nov. 2, 2007]

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.	
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.	
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.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33–15–02–05	Method of sampling and analysis	12/1/94	10/8/96, 61 FR 52865.	
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.	Excluding subsection 3 and 4 which were subsequently revised and approved. See below.

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STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
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.	
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.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
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.	
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.	

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STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
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 33-15-14-02.5, 33-15-14-02.13.c and 33-15-14-02.13.i(5).	Exemptions	6/1/01	2/28/03, 68 FR 9565.	
33-15-14-02.19 (one sentence—see explanation).	Review of application—standard for granting permits to construct and exemptions.	3/1/03	8/8/05, 70 FR 45539.	
	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 sub-sections 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.

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
33-15-14-03.1.c	Permit to operate required	6/1/01	2/28/03, 68 FR 9565.	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.
33-15-14-03.4, 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	
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.	
33-15-15 Prevention of Significant Deterioration of Air Quality				
33-15-15-01	General Provisions (Repealed)	2/1/05	7/19/07, 72 FR 39564.	
33-15-15-01.1	Purpose	2/1/05	7/19/07, 72 FR 39564.	
33-15-15-01.2	Scope	2/1/05	7/19/07, 72 FR 39564.	
33-15-15-02	Reclassification	2/1/05	7/19/07, 72 FR 39564.	
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.	
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.	

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STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
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.	

¹In 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.	

²In 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.*

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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, as amended at 72 FR 39565, July 19, 2007]

EFFECTIVE DATE NOTES: 1. At 73 FR 30313, May 27, 2008, §52.1820 was amended in the table in paragraph (c) by: revising the entries for “33-15-01-04;” “33-15-01-5;” “33-15-04-01;” “33-15-04-02;” “33-15-14-02;” and “33-15-17-02.”; adding entries in numerical order for “33-15-04-02.1.b, 33-15-04-02.1.e, 33-15-04-02.1.g, and 33-15-04-02.2.k;” and “33-15-14-02.13.c and 33-15-14-02.13.o.”; removing the entry for “33-15-14-02.5, 33-15-14-02.13.c, and 33-15-14-02.13.i(5)” and adding in its place a

new entry for “33-15-14-02.5 and 33-15-14-02.13.i(5).”; in paragraph (d) by revising the table; in the table in paragraph (e) by revising the entry “(1)” and by adding entry “(20)” in numerical order, effective July 28, 2008. For the convenience of the user, the added and revised text is set forth as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) EPA approved regulations.

STATE OF NORTH DAKOTA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date and citation ²	Explanations
*	*		*	*
33-15-01-04	Definitions	1/1/07	5/27/08, 73 FR 30308.	
33-15-01-05	Abbreviations	1/1/07	5/27/08, 73 FR 30308.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation ²	Explanations
* 33-15-04-01	* Refuse Burning Restrictions	1/1/07	* 5/27/08, 73 FR 30308.	*
33-15-04-02	Permissible Open Burning	1/1/96	4/21/97, 62 FR 19224.	Excluding sub-sections 1.b, 1.e, 1.g, and 2.k which were subsequently revised and approved. See below.
33-15-04-02.1.b, 33-15-04-02.1.e, n, 33-15-04-02.1.g, and 33-15-04-02.2.k.	Permissible Open Burning	1/1/07	5/27/08, 73 FR 30308.	
* 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), 13.o, 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)."
* 33-15-14-02.5 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	*
33-15-14-02.13.c and 33-15-14-02.13.o.	Exemptions	1/1/07	5/27/08, 73 FR 30308.	
* 33-15-17-02	* Restriction of fugitive particulate emissions.	1/1/07	* 5/27/08, 73 FR 30308.	*
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²In 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 ³	Explanations
—Leland Olds Station Units 1 & 2.	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.	
—Milton R. Young Unit 1.				

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Name of source	Nature of requirement	State effective date	EPA approval date and citation ³	Explanations
—Heskett Station Units 1 & 2. —Stanton Station Unit 1. —American Crystal Sugar at Drayton. —Tesoro Mandan Refinery.	SIP Chapter 8, Section 8.3.1, Continuous Opacity Monitoring for Fluid Bed Catalytic Cracking Units: Tesoro Refining and Marketing Co., Mandan Refinery.	2/27/07	5/27/08, 73 FR 30308.	

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.

(e) EPA-approved nonregulatory provisions.

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation ⁴	Explanations
(1) Implementation Plan for the Control of Air Pollution for the State of North Dakota.	Statewide	Submitted: 1/24/72 Adopted: 1/24/72	5/31/72, 37 FR 10842	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, and 8.3.1. Revisions to these non-regulatory provisions have subsequently been approved. See below.
		Clarification submitted: 6/14/73; 2/19/74; 6/26/74; 11/21/74; 4/23/75.	With all clarifications: 3/2/76, 41 FR 8956.	
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. With subsequent revisions to the chapters as follows:				
(20) Revisions to SIP Chapter 8, Section 8.3.1.	Submitted: 3/8/07	5/27/08, 73 FR 30308.		

⁴In 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 provisions.

2. At 73 FR 36594, June 27, 2008, §52.1820 was amending in the first column, in the second amended in the table in paragraph (c) by

§ 52.1821

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entry, in the third line, “m, 33-15-04-” should read “33-15-04-, effective July 28, 2008”.

§ 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 attainment and maintenance of the national standards.

[39 FR 7283, Feb. 25, 1974]

§ 52.1823 [Reserved]

§ 52.1824 Review of new sources and modifications.

(a)-(b) [Reserved]

(c) The State of North Dakota has clarified the language contained in the North Dakota Administrative Code on the use of the EPA “Guideline on Air Quality Models” as supplemented by the “North Dakota Guideline for Air Quality Modeling Analysis”. In a letter to Douglas M. Skie, EPA, dated February 14, 1992, Dana K. Mount, Director of the Division of Environmental Engineering, stated:

To clarify this issue, the State of North Dakota will commit to meeting all requirements of the EPA Guideline for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources which will be located in nonattainment areas. If any conflict exists, the EPA Guideline will take precedence for these source categories.

[39 FR 7283, Feb. 25, 1974, as amended at 51 FR 40677, Nov. 7, 1986; 57 FR 28620, June 26, 1992; 61 FR 16062, Apr. 11, 1996]

§§ 52.1825-52.1828 [Reserved]

§ 52.1829 Prevention of significant deterioration of air quality.

(a) The North Dakota plan, as submitted, is approved as meeting the requirements of Part C, Title I, of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing of significant deterioration of air quality. The provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the North Dakota State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

[44 FR 63103, Nov. 2, 1979. Correctly designated at 44 FR 75635, Dec. 21, 1979, as amended at 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

§ 52.1831 Visibility protection.

A revision to the SIP was submitted by the Governor on April 18, 1989, for visibility general plan requirements and long-term strategies.

[54 FR 41098, Oct. 5, 1989]

§ 52.1832 Stack height regulations.

The State of North Dakota has committed to revise its stack height regulations should EPA complete rule-making to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 11, 1988, Dana K. Mount, Director, Division of Environmental Engineering stated: