

**§ 52.1821**

**40 CFR Ch. I (7-1-08 Edition)**

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:

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\* \* \* We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modified the July 8, 1985, regulations, EPA will notify the State of the rules that must be changed to comply with EPA's modified requirements. The State of North Dakota agrees to make the appropriate changes to its stack height rules.

[53 FR 45764, Nov. 14, 1988]

### § 52.1833 [Reserved]

### § 52.1834 Minor source permit to operate program.

Emission limitations and related provisions, which, in accordance with Rule 33-15-14-03, are established as federally enforceable conditions in North Dakota minor source operating permits, shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

[60 FR 43401, Aug. 21, 1995]

### § 52.1835 Change to approved plan.

North Dakota Administrative Code Chapter 33-15-12, Standards of Performance for New Stationary Sources, is removed from the approved plan. This change is a result of the State's September 10, 1997 request for delegation of authority to implement and enforce the Clean Air Act New Source Performance Standards (NSPS) promulgated in 40 CFR Part 60, as in effect on October 1, 1996 (except subpart Eb, which the State has not adopted). EPA granted that delegation of authority on May 28, 1998.

[63 FR 45727, Aug. 27, 1998]

### § 52.1836 Change to approved plan.

North Dakota Administrative Code Chapter 33-15-13, National Emission Standards for Hazardous Air Pollutants, is removed from the approved plan. This change is a result of EPA's July 7, 1995 interim approval of North Dakota's Title V Operating Permit program, in which it granted delegation of

authority to North Dakota to implement and enforce Clean Air Act section 112 requirements. That delegation of authority includes, among other things, the NESHAPs promulgated in 40 CFR part 61 ("part 61 NESHAPs"). With a September 10, 1997 submittal, the State requested delegation of authority to implement and enforce the Clean Air Act part 61 NESHAPs (except subparts B, H, K, Q, R, T, and W, pertaining to radionuclides), as in effect on October 1, 1996. EPA did not act on the State's request for delegation of authority for 40 CFR part 61, subpart I (regarding radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission and other Federal facilities not covered by subpart H) because EPA rescinded subpart I subsequent to the State's adoption of these revisions.

[67 FR 62398, Oct. 7, 2002]

## Subpart JJ—North Dakota

### § 52.1837 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of North Dakota" and all revisions submitted by North Dakota that were federally approved prior to July 31, 2006.

(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