

Full Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
Relating to Air Pollution Control
North Dakota Department of Environmental Quality

will hold a public hearing to address proposed changes to the N.D. Admin. Code Article 33.1-15 and the State Implementation Plan (SIP) for the control of air pollution. Some of the rule revisions and other documents that are the subject of this public notice will be submitted to the United States Environmental Protection Agency to be included in or revise the SIP required by the Federal Clean Air Act.

Basement Conference Room
Gold Seal Center
918 E Divide Avenue
Bismarck, ND
February 7, 2020
9:00 a.m. CST

The primary purpose of the proposed rules and SIP revisions is to implement requirements under the Federal Clean Air Act and to clarify and update existing rules. This includes changes to the Permit to Construct, Title V Permit Operate, Prevention of Significant Deterioration (PSD), oil and gas production facility and Regional Haze rules. Revisions to the following rules shown in strikeout/underline format (not the entire rule) will be submitted as a revision to the SIP.

Chapter 33.1-15-01	General Provisions
Chapter 33.1-15-02	Ambient Air Quality Standards
Chapter 33.1-15-03	Restriction of Emission of Visible Air Contaminants
Section 33.1-15-14-02	Permit to Construct
Chapter 33.1-15-15	Prevention of Significant Deterioration of Air Quality
Chapter 33.1-15-19	Visibility Protection
Chapter 33.1-15-20	Control of Emissions From Oil & Gas Well Production Facilities
Chapter 33.1-15-25	Regional Haze Requirements

Other changes to the SIP include revision of the Conflict of Interest requirements and replacement of the Regional Haze Federal Implementation Plan (FIP) for the Antelope Valley Station.

Section 2.15, Respecting Boards, of the SIP is being revised to delete the existing “Conflict of Interest” requirements used by the Department of Health and incorporate the requirements from the Department of Environmental Quality’s Personnel Policy Manual.

The Regional Haze SIP from Round 1 is being revised to adopt the requirements that EPA imposed on the Antelope Valley Station in their FIP from April 6, 2012 (77 FR 20894 -20945). This SIP revision will give the DEQ jurisdiction over the requirements.

The revisions to the following rules will not be submitted as a SIP revision. Direct delegation or approval will be requested.

Chapter 33.1-15-12	Standards of Performance for New Stationary Sources
Section 33.1-15-14-06	Title V Permit to Operate
Chapter 33.1-15-22	Emission Standards for Hazardous Air Pollutants for Source Categories

The Department was encouraged to adopt Subparts OOOO and OOOOa of 40 CFR 60 by the 66th Legislature. House Bill (HB) No. 1024, Section 7, specifically provided funding and staff positions for the DEQ to assume primacy over these subparts. The revisions to Chapter 33.1-15-12 incorporate Subparts OOOO and OOOOa by reference.

Several changes to the rules correct spelling, citations and grammatical errors. The changes to the General Provisions, Standards of Performance for New Stationary Sources, Prevention of Significant Deterioration and Emission Standards for Hazardous Air Pollutants for Source Categories incorporate by reference federal standards. The updates are intended to make State rules consistent with federal requirements. The rule changes affect commercial and industrial solid waste incinerators, landfills, brick and structural clay manufacturers and oil and gas production facilities. The changes to the Title V Permit to Operate (Section 33.1-15-14-06) and Prevention of Significant Deterioration rules (Chapter 33.1-15-15) allow the Department to post notices for public comment on the Department's website instead of publishing it in the local newspaper. The changes to Chapter 20 for oil and gas sources makes the chapter consistent with the requirements of Chapter 7 and other air pollution control rules. The changes to the Regional Haze rules require control equipment for the second, and subsequent planning periods, require operation and maintenance of this equipment, and monitoring of emissions.

Revisions to North Dakota's 111(d)/129 plan for commercial and industrial solid waste incinerators and North Dakota's 111(d) plan for landfills are also subject to public comment. The 111(d) Plan for municipal solid waste landfills is being revised to incorporate revised rules that were promulgated by EPA in June 2016 and April 2019. The revision will also update the plan to incorporate the DEQ laws and rules. The 111(d)/129 Plan for Commercial and Industrial Solid Waste Incinerators (CISWI) is being updated to be consistent with DEQ laws and rules.

The rule changes are expected to have an impact on the regulated community in excess of \$50,000.

None of the rule revisions are emergency rules.

A copy of the proposed rules, SIP revisions, 111(d)/129 plans and a regulatory analysis may be viewed at the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>. A copy of these documents may be obtained by writing to the North Dakota Department of Environmental Quality, Division of Air Quality, 918 E Divide Avenue, 2nd Floor, Bismarck, ND 58501-1947 or calling (701) 328-5188. Written comments may be submitted to the above address through February 17,

2020. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Environmental Quality at the above-address at least seven days prior to the public hearing.

Dated this 17th day of December 2019

James L. Semerad, Director
Division of Air Quality