

# Air Pollution Control Proposed Rule Revisions Summary

## Chapter 33.1-15-01: General Provisions

- 1) Page 2, Section 33.1-15-01-01, Purpose, line 3 - A comma is added after “property”.
- 2) Page 6, Subsection 33.1-15-01-04.45 – A comma is added after “emission”.
- 3) Page 6, Subsection 33.1-15-01-04.52 – The date for incorporation by reference of the definition of “volatile organic compounds” is changed to July 1, 2019.
- 4) Page 8, Abbreviation of PM<sub>10</sub> – The words “a nominal” is added.

## Chapter 33.1-15-02: Ambient Air Quality Standards

- 1) Page 4, Table 1, PM<sub>2.5</sub> – The determination of compliance is clarified by adding “three year average” to the annual standard and “three year average of the annual” added to the 24-hour standard.
- 2) Page 4, Table 1 – The text describing compliance with the standard is being revised to change 0.075 ppm to 0.070 ppm.

## Chapter 33.1-15-03: Restriction of Emission of Visible Air Contaminants

- 1) The title of the chapter is revised to remove an “M” from EMISSIONS.

## Chapter 33.1-15-12: Standards of Performance for New Stationary Sources

- 1) Page 1, Section 33.1-15-12-01.1 – The date for incorporating the standards by reference is being changed to July 1, 2019.
- 2) Page 1, Section 33.1-15-12-02, Subpart A – “or the administrator’s authorized representative” is added.
- 3) Page 2, Subpart Ce – This subpart for hospital/medical/infectious waste incinerators is deleted in its entirety since there are no affected sources anymore.
- 4) Page 3, Subpart Cf for existing landfills is added.
- 5) Page 9, Subpart XXX for new landfills is added.
- 6) Page 9, Subpart DDDD, Table 1 – The Increments of Progress are deleted since the final compliance dates have passed.
- 7) Page 10, Subparts OOOO and OOOOa for oil and gas production facilities are added.
- 8) Page 10, Subpart TTTT for greenhouse gases from electric generating units is added.

## Chapter 33.1-15-14: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate

- 1) Page 6, Paragraph 33.1-15-14-01.1.2b. – the word “onsite” is added.
- 2) Page 8, Subdivision 33.1-15-14-02.4.a – The date for incorporation by reference of Appendix W is changed to July 1, 2019 and the reference to the North Dakota Modeling Guideline is deleted.
- 3) Page 9, Subsection 33.1-15-14-02.5, line 2, - “an” is added before application.

- 4) Page 9, Subdivision 33.1-15-14-02.5.a, Table – The significant impact level (SIL) for annual PM<sub>2.5</sub> is revised to 0.2 µg/m<sup>3</sup> and a SIL for 8-hour ozone of 2.0 µg/m<sup>3</sup> is added.
- 5) Page 11, Subsection 33.1-15-14-02.8, line 3 – “or” is changed to “and”.
- 6) Page 48, Paragraph 33.1-15-14-06.6.h(1) – The paragraph is modified to allow public notice of Title V permit issuance or renewal on the Department’s website instead of publication in the local newspaper.
- 7) Page 50, Subdivision 33.1-15-14-06.10.a – “the department and” is deleted and “or the administrator’s authorized representative” is added.

#### Chapter 33.1-15-15: Prevention of Significant Deterioration of Air Quality

- 1) Page 1, Section 33.1-15-01.2 – The date for incorporation of 40 CFR 52.21 by reference is changed to July 1, 2019 and “or the administrator’s authorized representative” is added.
- 2) Page 5, paragraph q(2)(c) – The revision allows the Department to post notice of the proposed permit, air quality effects analysis, application and supporting data on the Department’s website instead of publishing the notice in the local newspaper.

#### Chapter 33.1-15-19: Visibility Protection

- 1) Page 1, Subsection 33.1-15-19-01.1, line 2 – The reference to subsection 33.1-15-15-01 is corrected by adding “.2”.
- 2) Page 1, Subsection 33.1-15-19-01.2, line 2 - The reference to subsection 33.1-15-15-01 is corrected by adding “.2”.

#### Chapter 33.1-15-20: Control of Emissions from Oil and Gas Well Production Facilities

- 1) Page 4, Subsection 33.1-15-20-04.2 – The paragraph is revised to indicate that all flares at a production facility, not just those combusting gas containing hydrogen sulfide, must be maintained and operated in good working order. On the last line, “sulfur dioxide” is replaced with “air contaminants as”.
- 2) Page 4, Subsection 33.1-15-20-04.3 – The word “volatile” is removed to be consistent with Chapter 33.1-15-07. The words “gas” and “vapor” are pluralized.
- 3) Page 4, Subsection 33.1-15-20-04.4 – The reference to gas containing hydrogen sulfide is removed and replaced with “at production facility”.

#### Chapter 33.1-15-22: Emission Standards for Hazardous Air Pollutants for Source Categories

- 1) Page 1, Section 33.1-15-22-01 – The date for incorporating the standards by reference is changed to July 1, 2019.
- 2) Page 3, Section 33.1-15-22-03 – Subpart JJJJ for brick and structural clay products manufacturing is being adopted.

#### Chapter 33.1-15-25: Regional Haze Requirements

- 1) Section 33.1-15-25-03 is added to the list of sections.
- 2) Page 1, Section 33.1-15-25-03 – This section is added to require control equipment for the second and subsequent planning periods for the regional haze program.
- 3) Page 2, Section 33.1-15-25-04 – The section is revised to make it applicable to sources under the second and subsequent planning periods.

## Air Pollution Control Proposed SIP and 111(d) Plan Revisions Summary

1. Section 2.15; Respecting Boards – The section 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.
2. 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.
3. The 111(d)/129 Plan for Commercial and Industrial Solid Waste Incinerators (CISWI) is being updated for the DEQ laws and rules.
4. 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.
5. The rule revisions in Chapters 33.1-15-01, 02,03, 14, 15, 19, 20 and 25 will change the SIP.