



August 16, 2018

Ms. Vonette Richter
Code Revisor
ND Legislative Council
State Capitol
600 E Boulevard Avenue, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Richter:

The North Dakota Department of Health, for the Department of Environmental Quality, is currently in the process of revising the North Dakota Air Pollution Control Rules (NDAC 33.1-15). In accordance with NDCC 28-32-10.1, enclosed are the following items:

1. A copy of the proposed rules.

Chapter 33.1-15-02 - Ambient Air Quality Standards

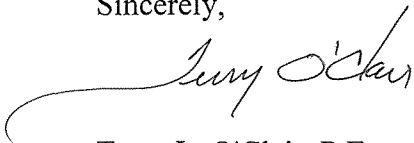
Chapter 33.1-15-14 - Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate

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

2. The full and abbreviated Notice of Intent to Adopt and Amend Administrative Rules.

If you have any questions, please contact Tom Bachman of my staff at (701)328-5188.

Sincerely,



Terry L. O'Clair, P.E.
Director
Division of Air Quality

TLO/TB:saj
Enc:

Proposed Rule/SIP Revisions Summary

Chapter 33.1-15-02: Ambient Air Quality Standards

- 1) Table 1. Ambient Air Quality Standards – The ozone standard is being revised to 0.070 parts per million to match the NAAQS.

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

- 1) In Subdivision 33.1-15-14-02.1.c, the reference to subsection 6 of section 33.1-15-14-02 is changed to subdivision 6.b of section 33.1-15-14-02.
- 2) In Subdivision 33.1-14-06.8.b, the time frame for filing for judicial review is being revised to comply with the requirements of 40 CFR 70.4(b)(3)(xii).
- 3) In Subsection 33.1-15-14-06.8, a new subdivision is added to be consistent with 40 CFR 70.4(b)(3)(xii).

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

- 1) In Section 33.1-15-15-01.2, the date for incorporation by reference is changed to July 1, 2018.
- 2) In Section 33.1-15-15-01.2, the reference to 40 CFR 52.21(23)(i) is changed to 40 CFR 52.21(b)(23)(i).
- 3) In Section 33.1-15-15-01.2, the reference to 40 CFR 52.21(k)(1)(1) is changed to 40 CFR 52.21(k)(1)(i).
- 4) In Section 33.1-15-15-01.2, the date of Appendix W in 40 CFR 52.21(l)(1) is changed to July 1, 2018 and the reference to Department guidance is deleted.
- 5) In Section 33.1-15-15-01.2, the substitute language for 40 CFR 52.21(w)(1) is deleted.

Infrastructure SIP

A certification that the North Dakota SIP is adequate to implement the 2015 ozone NAAQS is proposed.

Full Notice of Intent to Adopt
Administrative Rules
Relating to Establishment of the
Department of Environmental Quality

North Dakota Department of Health and the
Environmental Health Section Chief,
on behalf of the North Dakota Department of
Environmental Quality

will hold a public comment period and public hearing to address proposed changes to the N.D. Admin. Code Article 33.1-15 and the State Implementation Plan (SIP) for air pollution control. This includes an Infrastructure SIP (I-SIP) which addresses the 2015 ozone National Ambient Air Quality Standard (NAAQS). Some of the rule revisions that are subject of this 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. The hearing will be held in:

Basement Conference Room
Gold Seal Center
918 East Divide Avenue
Bismarck, ND
Wednesday, October 10, 2018
9:00 a.m. CDT

The primary purpose of the proposed rule and SIP revisions is to implement Senate Bill 2327 concerning the creation of the Department of Environmental Quality (DEQ). The Environmental Chief, who is authorized under S.L. 2017, ch. 199 § 1 (S.B. 2327) to adopt rules for the DEQ, is proposing minor revisions to three chapters of the North Dakota Air Pollution Control Rules, Article 33.1-15. The revisions are necessary to obtain EPA approval of the Prevention of Significant Deterioration (PSD) and Title V Permit to Operate programs for the DEQ. If adopted, the proposed DEQ rule revisions will be effective upon establishment of the DEQ, as specified in S.L. 2017, ch. 199 § 1 (S.B. 2327).

In this rulemaking, the Environmental Chief is proposing to adopt changes to:

Chapter 33.1-15-02 - Ambient Air Quality Standards

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

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

Some of the revisions in Chapter 33.1-15.14 and all of the changes in Chapters 33.1-15-02 and 33.1-15-15 will be submitted as a SIP revision. The revisions are made to be consistent with Federal requirements.

The change to Chapter 33.1-15-02 updates the ambient air quality standard for ozone to be consistent with the Federal standard and will be included in the SIP.

The change to NDAC 33.1-15-14-02.1.c (a SIP revision) updates a reference to be more specific. In 33.1-15-14-06.8, a new subdivision is added and a subdivision is amended to address judicial review of Title V Permits to Operate as required by 40 CFR 70.

The changes to Chapter 33.1-15-15 correct several references to Federal rates and delete some language that is necessary for approval of the Prevention of Significant Deterioration (PSD) program. These changes are a SIP revision.

The infrastructure SIP certifies that the full North Dakota SIP is adequate to implement the 2015 National Ambient Air Quality Standard for ozone.

The rule changes are not expected to have an impact on the regulated community in excess of \$50,000.

A copy of the proposed rule revisions, I-SIP and full public notice may be viewed at the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>. A copy of the proposed rules and full public notice may be obtained by writing to the North Dakota Department of Health, 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 October 20, 2018. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above-address at least seven days prior to the public hearing.

Dated this 16th day of August 2018.

L. David Glatt, Chief
Environmental Health Section

Abbreviated Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
for Air Pollution Control
Relating to Establishment of the
Department of Environmental Quality

North Dakota of Health and the
Environmental Health Section Chief,
on behalf of the North Dakota Department of
Environmental Quality

will hold a public comment period and 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. This includes a certification that the North Dakota SIP is adequate to implement the 2015 National Ambient Air Quality Standard (NAAQS) for ozone. 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 to revise the SIP required by the Federal Clean Air Act.

Basement Conference Rm.
Gold Seal Center
918 East Divide Avenue
Bismarck, ND
Wednesday, October 10, 2018
9:00 a.m. CDT

A copy of the proposed rules, 2015 ozone NAAQS certification and full public notice may be viewed at the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>. A copy of the proposed rules and full public notice may be obtained by writing to the North Dakota Department of Health, 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 October 20, 2018. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above-address at least seven days prior to the public hearing.

Dated this 16th day of August 2018.

L. David Glatt, Chief
Environmental Health Section