



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



September 3, 2013

Mr. John Walstad
Code Revisor
ND Legislative Council
State Capital
600 E Boulevard Avenue, 2nd Floor
Bismarck, ND 58505-0360

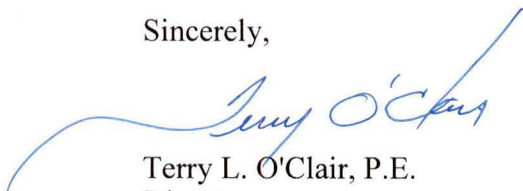
Dear Mr. Walstad:

The Department of Health is currently in the process of revising the North Dakota Air Pollution Control Rules (NDAC 33-15). In accordance with NDCC 28-32-10.1 enclosed are the following items:

1. A copy of the proposed rules.
 - Chapter 33-15-01 - General Provisions
 - Chapter 33-15-02 - Ambient Air Quality Standards
 - Chapter 33-15-03 - Restriction of Emissions of Visible Air Contaminants
 - Chapter 33-15-04 - Open Burning Restrictions
 - Chapter 33-15-06 - Emissions of Sulfur Compounds Restricted
 - Chapter 33-15-12 - Standards of Performance for New Stationary Sources
 - Chapter 33-15-15 - Prevention of Significant Deterioration of Air Quality
 - Chapter 33-15-22 - Emissions Standards for Hazardous Air Pollutants for Source Categories
 - Chapter 33-15-23 - Fees
2. The full and abbreviated notice of intent to adopt and amend the 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:

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

will hold a public hearing to address proposed changes to the N.D. Admin. Code Article 33-15, the State Implementation Plan (SIP) for the control of air pollution, and the State's 111(d)/129 plan for commercial/industrial solid waste incinerators. 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.

4th Floor Conference Rm.
Gold Seal Center
918 E Divide Ave.
Bismarck, ND
Tuesday, November 12, 2013
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. Other changes clarify existing rules, exempt certain minor sources from fees and incorporate a federal reference method for determining visible emissions. Revisions to the following rules shown in ~~strikeout~~/underline format (not the entire rule) will be submitted as a revision to the SIP:

Chapter 33-15-01	General Provisions
Chapter 33-15-02	Ambient Air Quality Standards
Chapter 33-15-03	Restriction of Emission of Visible Air Contaminants
Chapter 33-15-04	Open Burning Restrictions
Chapter 33-15-06	Emissions of Sulfur Compounds Restricted
Chapter 33-15-15	Prevention of Significant Deterioration of Air Quality
Chapter 33-15-23	Fees

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

Chapter 33-15-12	Standards of Performance for New Stationary Sources
Chapter 33-15-22	Emission Standards for Hazardous Air Pollutants for Source Categories

In addition to the rule changes, a plan under Sections 111(d) and 129 of the Federal Clean Air Act has been prepared for controlling emissions from Commercial and Industrial Solid Waste Incinerators. The plan is also the subject of this public notice and comment is requested.

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/industrial solid waste incinerators, industrial/commercial/institutional boilers and electric utility steam generators. The other changes provide clarification of existing rules, add a test method for visible emissions and exempt certain minor sources from fees.

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

A copy of the proposed rules, SIP revisions and a regulatory analysis may be viewed at the Department's website at: www.ndhealth.gov/AQ/Notices.htm. A copy of the proposed rules, 111(d)/129 plan and regulatory analysis 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 from October 12, 2013 through November 23, 2013. 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 3rd day of Sept. 2013.

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

Abbreviated Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
Relating to Air Pollution Control
North Dakota Department of Health
and Air Pollution Control Advisory Council

will hold a public comment period and public hearing to address proposed changes to the N.D. Admin. Code Article 33-15, the State Implementation Plan (SIP) for the control of air pollution and the State's Section 111(d)/129 plan for commercial/industrial solid waste incinerators. 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.

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A copy of the proposed rules, Section 111(d)/129 plan and full public notice may be viewed at the Department's website at: www.ndhealth.gov/AQ/Notices.htm. A copy of the proposed rules, full public notice, and 111(d)/129 plan 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 from October 12, 2013 through November 23, 2013. 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 3rd day of Sept. 2013.

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Director, Division of
Air Quality