CHAPTER 33.1-15-12
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Section
33.1-15-12-01 [Reserved]
33.1-15-12-01.1 Scope
33.1-15-12-02 Standards of Performance

33.1-15-12-01. [Reserved].

33.1-15-12-01.1. Scope.

Except as noted below the title of the subpart, the subparts and appendices of title 40, Code of Federal Regulations, part 60, as they exist on July 1, 2019, which are listed under section 33.1-15-12-02 are incorporated into this chapter by reference. Any changes to the standards of performance are listed below the title of the standard. Reference to part 60 within the subparts means this chapter.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 21

33.1-15-12-02. Standards of performance.

Subpart A - General provisions.

*60.2. The definition of administrator is deleted and replaced with the following:

Administrator means the department except for those duties that cannot be delegated by the United States environmental protection agency. For those duties that cannot be delegated, administrator means the administrator of the United States environmental protection agency or the administrator's authorized representative.

Subpart C - Emission guidelines and compliance times.

Subpart Cc - Emissions guidelines and compliance times for municipal solid waste landfills.

Designated facilities to which this subpart applies shall comply with the requirements for state plan approval in 40 CFR parts 60.33c, 60.34c, and 60.35c, except that quarterly surface monitoring for methane under part 60.34c shall only be required during the second, third, and fourth quarters of the calendar year.

Designated facilities under this subpart shall:

1. Submit a final control plan for department review and approval within twelve months of the date of the United States environmental protection agency's approval of this rule, or within twelve months of becoming subject to this rule, whichever occurs later.

2. Award contracts for control systems/process modification within twenty-four months of the date of the United States environmental protection agency's approval of this rule, or within twenty-four months of becoming subject to the rule, whichever occurs later.

3. Initiate onsite construction or installation of the air pollution control device or process changes within twenty-seven months of the date of the United States environmental protection agency's approval of this rule, or within twenty-seven months of becoming subject to the rule, whichever occurs later.

4. Complete onsite construction or installation of the air pollution control device or devices or process changes within twenty-nine months of the United States environmental protection agency's approval of this rule, or within twenty-nine months of becoming subject to the rule, whichever is later.

5. Conduct the initial performance test within one hundred eighty days of the installation of the collection and control equipment. A notice of intent to conduct the performance test must be submitted to the department at least thirty days prior to the test.

6. Be in final compliance within thirty months of the United States environmental protection agency's approval of this rule, or within thirty months of becoming subject to the rule, whichever is later.

Subpart Cf - Emission guidelines and compliance times for municipal solid waste landfills

For purposes of this subpart, a state plan implementing subpart Cc of this part means the North Dakota section 111(d) plan for municipal solid waste landfills that implements the requirements of subpart Cc of this chapter.

*60.30f(a) is deleted.

*60.30f(b) is deleted.

*60.30f(c) - The first sentence is deleted and replaced with the following:

The following authorities will be retained by the United States environmental protection agency.

60.31f(c) is deleted and replaced with the following:

(c) For purposes of obtaining a title V permit to operate, the owner or operator of a municipal solid waste landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirements to obtain a title V permit to operate under section 33.1-15-14-06 unless the landfill is otherwise subject to section 33.1-15-14-06. For submitting a timely application for a title V permit to operate, the owner or operator of a municipal solid waste landfill subject to this subpart with a design capacity greater than 2.5 million megagrams and 2.5 million cubic meters on the effective date of the United States environmental protection agency’s approval of North Dakota’s plan under section 111(d) of the federal clean air act, and not otherwise subject to the requirements of section 33.1-15-14-06, becomes subject to the requirements of subparagraph 33.1-15-14-06.4.a(1)(a) ninety days after the effective date of such section111(d) approval, even if the design capacity report is submitted earlier.

60.31f(d) - The first sentence is deleted and replaced with the following:

(d) When a municipal solid waste landfill subject to this subpart is closed as defined in this subpart, the owner or operator is no longer subject to the requirement to maintain a title v permit to operate under section 33.1-15-14-06 for the landfill if the landfill is not otherwise subject to the requirements of section 33.1-15-14-06 and either of the following are met:

*60.33f(a) - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill subject to the provisions of this subpart and having a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume shall collect and control municipal solid waste landfill emissions at each municipal solid waste landfill that meets the following conditions:

*60.33f(b) - The first sentence is deleted and replaced by the following:

Each owner or operator of a municipal solid waste landfill shall install a gas collection and control system which meets the requirements in paragraph(b)(1) through (3) and (c) of this section at each municipal solid waste landfill meeting the conditions in paragraph (a) of this section.

*60.33f(c) - The first sentence is deleted and replace with the following:

Each owner or operator of a municipal solid waste landfill subject to the provisions for the control of the gas collected from within the landfill through the use of control devices shall comply with the following requirements, except as provided in section 60.24.

*60.33f(d) - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall submit an initial design capacity report to the department as provided in section 60.38f(a).

*60.33f(e) - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters shall either install a collection and control system as provided in paragraphs (b) and (c) of this section or calculate an initial nonmethane organic compounds emission rate for the landfill using the procedures specified in section 60.35f(a).

*60.34f - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill subject to provisions of this subpart shall comply with the applicable provisions of the operational standards in this section for a municipal solid waste landfill with a gas collection and control system used to comply with the provisions of section 60.33f(b) and (c).

*60.35f -The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill subject to the provisions of this subpart shall comply with the applicable provisions in this section to calculate the landfill nonmethane organic compounds emission rate or to conduct a surface emission monitoring demonstration.

Other methods for determining the NMOC concentration or site-specific methane generation constant must be approved by the environmental protection agency administrator.

*60.36f - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill that is subject to the provisions of this subpart shall comply with the applicable compliance provisions in this section.

*60.37f - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill that is subject to the provisions of this subpart shall comply with the applicable monitoring provisions in this section, except as provided in 60.38f(d)(2).

*60.38f - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill that is subject to the provisions of this subpart shall comply with the reporting provisions listed in this section, as applicable, except as provided by section 60.24 and 60.38f(d)(2).

*60.38f(a)(2) - In this subparagraph, administrator means the administrator of the United States environmental protection agency or the administrator's authorized representative.

*60.38f(d) - The first sentence is deleted and replaced with the following:

The department shall review and approve the site-specific design plan for each gas collection and control system as outlined in the 111(d) plan for municipal solid waste landfills subject to the provisions of this subpart.

*60.39f - The first sentence is deleted and replaced with the following:

Each owner or operator of a municipal solid waste landfill that is subject to the provisions of this subpart shall comply with the applicable recordkeeping provisions in this section.

*60.40f - The first sentence is deleted and replace by the following:

Each owner or operator of a municipal solid waste landfill that is subject to the provisions of this subpart and required to install an active collection system shall comply with the applicable specifications for active collection systems in this section.

*60.41f - The definition of administrator is deleted and replaced with the following:

Administrator means the department except for those duties that cannot be delegated by the United States environmental protection agency. For those duties that cannot be delegated, the administrator means the administrator of the United States environmental protection agency or the administrator's authorized representative.

Subpart D - Standards of performance for fossil-fuel fired steam generators for which construction is commenced after August 17, 1971.

Subpart Da - Standards of performance for electric utility steam generating units for which construction is commenced after September 18, 1978.

*The limits and other requirements for mercury are deleted.

Subpart Db - Standards of performance for industrial-commercial-institutional steam generating units.

Subpart Dc - Standards of performance for small industrial-commercial-institutional steam generating units.

Subpart E - Standards of performance for incinerators.

Subpart Ea - Standards of performance for municipal waste combustors for which construction is commenced after December 20, 1989, and on or before September 20, 1994.

Subpart Ec - Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996.

Subpart F - Standards of performance for portland cement plants.

Subpart G - Standards of performance for nitric acid plants.

Subpart H - Standards of performance for sulfuric acid plants.

Subpart I - Standards of performance for hot mix asphalt facilities.

Subpart J - Standards of performance for petroleum refineries.

Subpart Ja - Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007.

Those portions of the subpart that have been stayed are not adopted.

Subpart K - Standards of performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978.

*60.110(c) is deleted in its entirety and replaced with the following:

(c) Any facility under part 60.110(a) that commenced construction, reconstruction, or modification after July 1, 1970, and prior to May 19, 1978, is subject to the requirements of this subpart.

Subpart Ka - Standards of performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984.

Subpart Kb - Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984.

Subpart O - Standards of performance for sewage treatment plants.

Subpart T - Standards of performance for the phosphate fertilizer industry: wet-process phosphoric acid plants.

Subpart U - Standards of performance for the phosphate fertilizer industry: superphosphoric acid plants.

Subpart V - Standards of performance for the phosphate fertilizer industry: diammonium phosphate plants.

Subpart W - Standards of performance for the phosphate fertilizer industry: triple superphosphate plants.

Subpart X - Standards of performance for the phosphate fertilizer industry: granular triple superphosphate storage facilities.

Subpart Y - Standards of performance for coal preparation plants.

Subpart Z - Standards of performance for ferroalloy production facilities.

Subpart AA - Standards of performance for steel plants: electric arc furnaces: constructed after October 21, 1974, and before August 17, 1983.

Subpart AAa - Standards of performance for steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983.

Subpart CC - Standards of performance for glass manufacturing plants.

Subpart DD - Standards of performance for grain elevators.

Subpart EE - Standards of performance for surface coatings of metal furniture.

Subpart FF - [Reserved]

Subpart GG - Standards of performance for stationary gas turbines.

Subpart HH - Standards of performance for lime manufacturing plants.

Subpart KK - Standards of performance for lead-acid battery manufacturing plants.

Subpart LL - Standards of performance for metallic mineral processing plants.

Subpart MM - Standards of performance for automobile and light-duty truck surface coating operations.

Subpart NN - Standards of performance for phosphate rock plants.

Subpart PP - Standards of performance for ammonium sulfate manufacture.

Subpart QQ - Standards of performance for the graphic arts industry: publication rotogravure printing.

Subpart RR - Standards of performance for pressure-sensitive tape and label surface coating operations.

Subpart SS - Standards of performance for industrial surface coating: large appliances.

Subpart TT - Standards of performance for metal coil surface coating.

Subpart UU - Standards of performance for asphalt processing and asphalt roofing manufacture.

Subpart VV - Standards of performance for equipment leaks of volatile organic compound (VOC) emissions in the synthetic organic chemicals manufacturing industry.

Subpart VVa - Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006.

Subpart WW - Standards of performance for the beverage can surface coating industry.

Subpart XX - Standards of performance for bulk gasoline terminals.

Subpart AAA - Standards of performance for new residential wood heaters.

Subpart BBB - Standards of performance for the rubber tire manufacturing industry.

Subpart CCC - [Reserved]

Subpart DDD - Standards of performance for volatile organic compound (VOC) emissions for the polymer manufacturing industry.

Subpart EEE - [Reserved]

Subpart FFF - Standards of performance for flexible vinyl and urethane coating and printing.

Subpart GGG - Standards of performance for equipment leaks of volatile organic compound (VOC) emissions in petroleum refineries.

Subpart GGGa - Standards of performance for equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006.

Those portions of the subpart that are stayed are not adopted.

Subpart HHH - Standards of performance for synthetic fiber production facilities.

Subpart III - Standards of performance for volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes.

Subpart JJJ - Standards of performance for petroleum drycleaners.

Subpart KKK - Standards of performance for equipment leaks of volatile organic compound (VOC) emissions from onshore natural gas processing plants.

Subpart LLL - Standards of performance for onshore natural gas processing; SO_2 emissions.

Subpart MMM - [Reserved]

Subpart NNN - Standards of performance for volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations.

Subpart OOO - Standards of performance for nonmetallic mineral processing plants.

Subpart PPP - Standards of performance for wool fiberglass insulation manufacturing plants.

Subpart QQQ - Standards of performance for volatile organic compound (VOC) emissions from petroleum refinery wastewater systems.

Subpart RRR - Standards of performance for volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes.

Subpart SSS - Standards of performance for magnetic tape coating facilities.

Subpart TTT - Standards of performance for industrial surface coating: surface coating of plastic parts for business machines.

Subpart UUU - Standards of performance for calciners and dryers in mineral industries.

Subpart VVV - Standards of performance for polymetric coating of supporting substrates facilities.

Subpart WWW - Standards of performance for municipal solid waste landfills.

Subpart XXX - Standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014.

Subpart AAAA - Standards of performance for small municipal waste combustion units for which construction is commenced after August 30, 1999, or for which modification or reconstruction is commenced after June 6, 2001.

Subpart CCCC - Standards of performance for commercial and industrial solid waste incineration units.

Subpart DDDD - Emission guidelines and compliance times for commercial and industrial solid waste incineration units.

Except as provided below, designated facilities to which this rule applies shall comply with 40 CFR 60.2575 through 60.2875, including tables 1 through 9.

In the rule, you means the owner or operator of a commercial or industrial solid waste incineration unit.

Table 1 of the rule is deleted and replaced with the following:

Table 1 to Subpart DDDD - Model Rule Increments of Progress and Compliance Schedules	
CISWI Units That Commenced Construction on or Before November 30, 1999	
Comply with these increments of progress	By these dates
Final compliance	Three years after EPA approval of the state plan or December 1, 2005, whichever comes first.

Incinerator CISWI units that commenced construction after November 30, 1999, but no later than June 4, 2010, or commenced modification or reconstruction after June 1, 2001, but no later than August 7, 2013. CISWI units other than incinerator units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013.	
Comply with these increments of progress	By these dates
Final compliance	Three years after EPA approval of the state plan or February 7, 2018, whichever comes first.

Subpart GGGG - [Reserved]

Subpart IIII - Standards of performance for stationary compression ignition internal combustion engines.

Subpart JJJJ - Standards of performance for stationary sparks ignition internal combustion engines.

Subpart KKKK - Standards of performance for stationary combustion turbines.

Subpart OOOO - Standards of performance for crude oil and natural gas production, transmission, and distribution for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015.

Subpart OOOOa - Standards of performance for crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015.

Subpart TTTT - Standards of performance for greenhouse gas emissions for electric generating units.

Appendix A - Test methods.

Appendix B - Performance specifications.

Appendix C - Determination of emission rate changes.

Appendix D - Required emission inventory information.

Appendix E - [Reserved]

Appendix F - Quality assurance procedures.

Appendix I - Removable label and owner's manual.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04; S.L. 2017, ch. 199, § 21