CHAPTER 33.1-15-17
RESTRICTION OF FUGITIVE EMISSIONS

Section
33.1-15-17-01 General Provisions - Applicability and Designation of Affected Facilities
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33.1-15-17-04 Restriction of Fugitive Gaseous Emissions

33.1-15-17-01. General provisions - Applicability and designation of affected facilities.

1. The provisions of this chapter apply to the owner or operator of any source of fugitive emissions whatsoever.

2. No person shall cause or permit fugitive emissions from any source whatsoever, including a building, its appurtenances, or a road, to be used, constructed, altered, repaired, or demolished; or activities such as loading, unloading, storing, handling, or transporting of materials without taking reasonable precautions to prevent such emissions from causing air pollution as defined in section 33.1-15-01-04.

History: Effective January 1, 2019.
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

33.1-15-17-02. Restriction of fugitive particulate emissions.

No person shall emit or cause to be emitted into the ambient air from any source of fugitive emissions as specified in section 33.1-15-17-01 any particulate matter which:

1. [Reserved].

2. Exceed the ambient air quality standards of chapter 33.1-15-02 at or beyond the property line of the source.

3. Exceed the prevention of significant deterioration of air quality increments of chapter 33.1-15-15 at or beyond the property line of the source for sources subject to chapter 33.1-15-15.

4. Exceed the restrictions on the emission of visible air contaminants of chapter 33.1-15-03, at or beyond the property line of the source, except as provided in section 33.1-15-03-04.

5. Would have an adverse impact on visibility, as defined in chapter 33.1-15-19, on any class I federal area.

History: Effective January 1, 2019.
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

33.1-15-17-03. Reasonable precautions for abating and preventing fugitive particulate emissions.

1. Unpaved roads and unpaved parking areas. Abatement and preventive measures include frequent watering, addition of dust palliatives, detouring, paving, closure, speed control, or other means such as surface treatment with penetration chemicals (ligninsulfonates, oil, water, cutbacks, etc.) or methods of equal or greater effectiveness in reducing the air contamination produced.

2. Demolition, wrecking and explosive detonation activities, earth and construction material moving, mining, and excavation activities.

   a. Abatement and preventive fugitive particulate control measures include:

      (1) Wetting down, including prewatering.

      (2) Landscaping and replanting with native vegetation.

      (3) Covering, shielding, or enclosing the area.

      (4) Paving, temporary or permanent.

      (5) Treating, the use of dust palliatives and chemical stabilization.

      (6) Detouring.

      (7) Restricting the speed of vehicles on sites.

      (8) Preventing the deposit of dirt and mud on improved streets and roads.

      (9) Minimizing topsoil disturbance and reclaiming as soon as possible.

   b. Sequential blasting be employed whenever or wherever feasible to reduce the amounts of particulate matter.

   c. Such dust control strategies as revegetation, delay of topsoil disturbance until necessary, or surface compaction and sealing, be applied.

   d. Haulage equipment be washed or wetted down, treated, or covered when necessary to minimize the amount of dust becoming airborne in transit and in loading.

   e. Stockpile of materials be treated to prevent blowing or the material be contained in silos or other suitable enclosures.

   f. Waste disposal sites be so operated and constructed as to prevent particulate matter from becoming airborne.

   g. All conveyors, transfer points, crushers, screens, and dryers be so constructed, protected, or treated as to prevent particulate matter from becoming airborne.

   h. These measures also be used during periods when actual construction work is not being conducted, such as on weekends and holidays.

History: Effective January 1, 2019.
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

33.1-15-17-04. Restriction of fugitive gaseous emissions.

No person shall emit or cause to be emitted into the ambient air from any source of fugitive emissions as specified in section 33.1-15-17-01 any gases which:

1. Exceed the ambient air quality standards of chapter 33.1-15-02 at or beyond the property line of the source.

2. Exceed the prevention of significant deterioration of air quality increments of chapter 33.1-15-15 at or beyond the property line of the source for sources subject to chapter 33.1-15-15.

3. Exceed the emission restrictions for odorous substances of chapter 33.1-15-16 at or beyond the property line of the source.

4. Exceed the restrictions on the emission of visible air contaminants of chapter 33.1-15-03 at or beyond the property line of the source.

History: Effective January 1, 2019.
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