CHAPTER 33.1-15-21
ACID RAIN PROGRAM

Section
33.1-15-21-01 [Reserved]
33.1-15-21-02 [Reserved]
33.1-15-21-03 [Reserved]
33.1-15-21-04 [Reserved]
33.1-15-21-05 [Reserved]
33.1-15-21-06 [Reserved]
33.1-15-21-07 [Reserved]
33.1-15-21-08 [Reserved]
33.1-15-21-08.1 Permits
33.1-15-21-09 Continuous Emissions Monitoring
33.1-15-21-10 Acid Rain Nitrogen Oxides Emission Reduction Program

33.1-15-21-01. [Reserved].

33.1-15-21-02. [Reserved].

33.1-15-21-03. [Reserved].

33.1-15-21-04. [Reserved].

33.1-15-21-05. [Reserved].

33.1-15-21-06. [Reserved].

33.1-15-21-07. [Reserved].

33.1-15-21-08. [Reserved].

33.1-15-21-08.1. Permits.

The provisions of title 40 Code of Federal Regulations part 72 and its appendices, as they exist on January 1, 2012, for purposes of implementing an acid rain program that meets the requirements of title IV of the federal Clean Air Act, are incorporated into this chapter by reference. The term "administrator" means the department except for those duties that cannot be delegated to the department. For those duties that cannot be delegated, "administrator" means the administrator of the United States environmental protection agency. If the provisions or requirements of title 40 Code of Federal Regulations part 72 conflict with or are not included in section 33.1-15-14-06, the provisions of part 72 shall apply and take precedence.

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, 23.1-06-08, 23.1-06-09; S.L. 2017, ch. 199, § 21

33.1-15-21-09. Continuous emissions monitoring.

1. **General.** The monitoring, recordkeeping, and reporting of sulfur dioxide, nitrogen oxides, and carbon dioxide emissions, volumetric flow, and opacity data from affected units under the acid

rain program shall be conducted in accordance with title 40 Code of Federal Regulations part 75. Title 40 Code of Federal Regulations part 75 and its appendices, as they exist on January 1, 2012, are incorporated by reference.

2. **Exceptions.** Those portions of title 40 Code of Federal Regulations part 75 that are controlled and administered completely by the United States environmental protection agency will not be enforced by the state. This should not be construed as precluding the United States environmental protection agency from exercising its statutory authority under the Clean Air Act, as amended, or an affected source from complying with the authority or the requirements of the federal acid rain program.

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, 23.1-06-08, 23.1-06-09; S.L. 2017, ch. 199, § 21

33.1-15-21-10. Acid rain nitrogen oxides emission reduction program.

Title 40 Code of Federal Regulations part 76 and its appendices, as they exist on January 1, 2012, are incorporated into this chapter by reference.

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