CHAPTER 33.1-15-25
REGIONAL HAZE REQUIREMENTS

Section
33.1-15-25-01 Definitions
33.1-15-25-02 Best Available Retrofit Technology
33.1-15-25-03 Technology Required to Make Reasonable Progress Toward the National Visibility Goal
33.1-15-25-04 Monitoring, Recordkeeping, and Reporting

33.1-15-25-01. Definitions.

The definitions in title 40 Code of Federal Regulations part 51, section 301, as they exist on July 1, 2019, are incorporated by reference into this chapter. For purposes of this chapter only:

1. "Boiler operating day" means any twenty-four-hour period between midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.

2. "Contributes to visibility impairment" means a change in visibility impairment in a class I federal area of five-tenths deciviews or more (twenty-four-hour average) above the average natural visibility baseline. A source exceeds the threshold when the ninety-eighth percentile (eighth highest value) of the modeling results based on any one year of the three years of meteorological data modeled exceeds five-tenths deciviews.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 21

33.1-15-25-02. Best available retrofit technology.

1. [Reserved].

2. **Installation of best available retrofit technology.** The owner or operator of any existing stationary facility as defined in title 40 Code of Federal Regulations section 301, which contributes to visibility impairment in a class I federal area shall install and operate best available retrofit technology. The equipment shall be installed and operating as expeditiously as practicable but in no event later than five years after the United States environmental protection agency's approval of North Dakota's state implementation plan revision for best available retrofit technology.

3. **Operation and maintenance of best available retrofit technology.** The owner or operator of a facility required to install best available retrofit technology under subsection 1 shall establish procedures to ensure such equipment is properly operated and maintained.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 21

33.1-15-25-03. Emission reduction measures required to make reasonable progress toward the national visibility goal.

The owner or operator of an existing stationary source, or group of sources, shall implement emission reduction measures to make reasonable progress, as determined in accordance with title 40, Code of Federal Regulations, part 51, section 308, when required in a state implementation plan revision developed by the department. The measures shall be implemented within a reasonable timeframe after the United States environmental protection agency's approval of North Dakota's state implementation plan revision. The measures and compliance deadline shall be determined on a source-

by-source basis and shall be included in North Dakota's state implementation plan revision. All required measures shall be properly operated and maintained.

History: Effective July 1, 2020.
General Authority: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 21

33.1-15-25-04. Monitoring, recordkeeping, and reporting.

The owner or operator of any existing stationary source, or group of sources that are required to install best available retrofit technology, or emission reduction measures to meet the reasonable progress goals, shall conduct monitoring, recordkeeping, and reporting sufficient to show compliance or noncompliance. Monitoring for sulfur dioxide and nitrogen oxides from the main stack of a fossil-fuel-fired steam electric plant shall be conducted using continuous emissions monitoring systems which comply with the requirements of section 33.1-15-21-09. Particulate monitoring shall be in accordance with the requirements of subsection 10 of section 33.1-15-14-06. Recordkeeping and reporting shall comply with the requirements of section 33.1-15-14-06. Monitoring, recordkeeping, and reporting for other source units shall comply with the requirements of section 33.1-15-14-06.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-06-04, 23.1-06-08; S.L. 2017, ch. 199, § 21