



NORTH DAKOTA
DEPARTMENT of HEALTH

AUG 14 2008

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



August 12, 2008

Mr. John Walstad
Code Revisor
ND Legislative Council
State Capital
600 E Boulevard, 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). Enclosed are the following items:

1. Copy of the proposed rules:

- Chapter 33-15-01 - General Provisions
- Chapter 33-15-02 - Ambient Air Quality Standards
- Chapter 33-15-05 - Emission Standards of Particulate Matter Restricted
- Chapter 33-15-12 - Standards of Performance for New Stationary Sources
- Chapter 33-15-13 - Emission Standards for Hazardous Air Pollutants
- Chapter 33-15-14 - Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate
- Chapter 33-15-15 - Prevention of Significant Deterioration of Air Quality
- Chapter 33-15-21 - Acid Rain Program
- Chapter 33-15-22 - Emission Standards for Hazardous Air Pollutants for Source Categories
- Chapter 33-15-23 - Fees

2. The full and abbreviated notice of intent to amend administrative rules.

It is our understanding that the Legislative Council will distribute copies of the full notice to the "List of Interested Parties" that is maintained by the Council.

If you have any questions, please contact Tom Bachman of my staff at 8-5188.

Sincerely,

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

TLO/TB:saj
Enc:

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210

Public Notice
Full Notice of Intent
to Adopt and Amend Administrative Rules
Relating to Air Pollution Control

Take notice that the North Dakota Department of Health along with the North Dakota Air Pollution Control Advisory Council will hold a public hearing to address proposed new rules and amendments to North Dakota Administrative Code Article 33-15. The hearing will be at 9:00 a.m. CDT on Tuesday, October 7, 2008 in the 4th floor conference room of the Gold Seal Center located at 918 E Divide Avenue in Bismarck, North Dakota. The purpose of the proposed rules and amendments is to implement requirements under the Federal Clean Air Act. Proposed rules will adopt changes to the New Source Performance Standards, the National Emissions Standards for Hazardous Air Pollutants for Source Categories, Prevention of Significant Deterioration, and startup/shutdown rules. The changes will also incorporate a revision to eliminate the annual air permit fee for local governments and to extend the time allowed for air permit applicants to respond to public comments. Other minor technical corrections to the rules are proposed. The Department is also seeking comments on changes to the State Implementation Plan that address interstate transport of air pollution and implementation of the new ambient air quality standards for PM₁₀ and ozone.

The proposed rules and amendments are expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules and a regulatory analysis may be viewed at the office of the North Dakota Department of Health, 918 E Divide Avenue, 2nd Floor, Bismarck, North Dakota or at the Department's website at www.health.state.nd.us/EHS/PublicNotices.aspx. A copy of the proposed rules and a regulatory analysis may be requested by writing the Department at the above-address or calling (701)328-5188. Written or oral comments on the proposed rules sent to the above address or telephone number and received between September 15, 2008 and October 18, 2008 will be fully considered.

If you plan on attending the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above telephone number or address at least seven days prior to the public hearing.

Dated this 13th day of August 2008.

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

**ABBREVIATED NOTICE
OF INTENT TO AMEND
ADMINISTRATIVE RULES**
relating to Air Pollution Control.

**North Dakota
Department
of Health**

will hold a public hearing to address proposed changes to the N.D. Admin. Code Article 33-15 and the State Implementation Plan (SIP) for the control of air pollution.

4th Floor Conference Rm.

Gold Seal Center

918 E. Divide Ave.

Bismarck, ND

Tues., Oct. 7, 2008

9:00 a.m. CDT

A copy of the proposed rules and SIP revisions may be viewed at the Department's website at: www.health.state.nd.us/EHS/PublicNotices.aspx. A copy of the proposed rules and SIP revisions may be obtained by writing to the North Dakota Department of Health, Division of Air Quality, 918 E. Divide Ave., 2nd Floor, Bismarck, ND 58501-1947 or calling (701) 328-5188. Written comments may be submitted to the above-address from September 15, 2008 through October 18, 2008. If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above telephone number or address at least seven days prior to the hearing.

Dated this 13th day of August, 2008.

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