

FEB 16 2012



NORTH DAKOTA
DEPARTMENT of HEALTH

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



February 14, 2012

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capital
600 E Boulevard Avenue, 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). In accordance with NDCC 28-32-10.1, enclosed are the following items:

1. Copy of the proposed rules.
 - Chapter 33-15-01 - General Provisions
 - Chapter 33-15-03 - Restriction of Emission of Visible Air Contaminants
 - Chapter 33-15-05 - Emissions of Particulate Matter Restricted
 - Chapter 33-15-12 - Standards of Performance for New Stationary Sources
 - 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 33-15-17 - Restriction of Fugitive Emissions
 - 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.

If you have any questions, please contact Tom Bachman of my staff at 85188.

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

Abbreviated Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
Relating to Air Pollution Control
North Dakota Department of Health
and Air Pollution Control Advisory Council

will hold a public comment period and 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
Tuesday, April 10, 2012
9:00 a.m. CDT

A copy of the proposed rules, SIP revisions and full public notice may be viewed at the Department's website at: www.ndhealth.gov/EHS/PublicNotices.aspx. A copy of the proposed rules, full public notice, and SIP revisions may be obtained by writing to the North Dakota Department of Health, Division of Air Quality, 918 E Divide Avenue, 2nd Floor, Bismarck, ND 58501-1947 or calling (701)328-5188. Written comments may be submitted to the above-address from March 8, 2012 through April 21, 2012. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above-address at least seven days prior to the public hearing.

Dated this 8th day of February 2012.

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

Full Notice of Intent to Adopt
and Amend Administrative Rules and State Implementation Plan
Relating to Air Pollution Control
North Dakota Department of Health
and Air Pollution Control Advisory Council

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.

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The purpose of the proposed rules and SIP revisions is to implement requirements under the Federal Clean Air Act. Certain revisions will repeal rules that appear to be inconsistent with the Federal Clean Air Act. Other changes provide for a General Permit to Construct, exemption from permitting requirements for certain small sources and other changes to be consistent with Federal rules. Revisions to the following rules (not the entire rule) will be submitted as a revision to the SIP.

Chapter 33-15-01	General Provisions
Chapter 33-15-03	Restriction of Emission of Visible Air Contaminants
Chapter 33-15-05	Emissions of Particulate Matter Restricted
Section 33-15-14-02	Permit to Construct
Chapter 33-15-15	Prevention of Significant Deterioration of Air Quality
Chapter 33-15-17	Restriction of Fugitive Emissions
Section 33-15-23-02	Permit to Construct Fees
Section 33-15-23-03	Minor Source Permit to Operate Fees

The revisions listed above are intended to maintain compliance with the National Ambient Air Quality Standards, and address the Prevention of Significant Deterioration and fee requirements of the Federal Clean Air Act.

In addition to the rule changes, the following SIP revisions and SIP certifications are also subject to public comment:

1. Alternative Operating Monitoring Plan for M.R. Young Station Unit 1 Main Boiler
2. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 2008 Lead National Ambient Air Quality Standard (NAAQS)

3. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 1997 PM_{2.5} NAAQS.
4. Certification that the North Dakota SIP is adequate to meet the requirements for implementation of the 1997 Ozone NAAQS.

The alternative monitoring plan for the M.R. Young Station Unit 1 boiler addresses requirements in 40 CFR 51, Appendix P. The certifications address requirements in the Federal Clean Air Act Sections 110(a)(1) and 110(a)(2).

Non-SIP related revisions include updates to:

Chapter 33-15-12	New Source Performance Standards
Section 33-15-14-06	Title V Permit to Operate
Chapter 33-15-21	Acid Rain Program
Chapter 33-15-22	Emission Standards for Hazardous Air Pollutants for Source Categories
Section 33-15-23-04	Major Source Permit to Operate Fees
Section 33-15-23-06 (new)	Oil and Gas Well Production Facilities

The changes to the New Source Performance Standards, Title V Permit to Operate Program, Acid Rain Program and Emission Standards for Hazardous Air Pollutants for Source Categories update the rules to be consistent with Federal requirements. The change to the Major Source Permit to Operate fees exempts greenhouse gases. A new fee of one-hundred fifty dollars is proposed for each oil and gas well registration.

The rule changes are expected to have an impact on the regulated community in excess of \$50,000.

A copy of the proposed rules, SIP revisions and a regulatory analysis may be viewed at the Department's website at: www.ndhealth.gov/EHS/PublicNotices.aspx. A copy of the proposed rules, SIP Revisions and regulatory analysis may be obtained by writing to the North Dakota Department of Health, Division of Air Quality, 918 E Divide Avenue, 2nd Floor, Bismarck, ND 58501-1947 or calling (701)328-5188. Written comments may be submitted to the above-address from March 8, 2012 through April 21, 2012. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health at the above-address at least seven days prior to the public hearing.

Dated this 8th day of February 2012.

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