NORTH Dakota | Environmental Quality
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August 27, 2026

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

Elizabeth M. Jacobson
Interim Director
Department of Environmental Quality

EMJ/ds:
Enc.

4201 Normandy Street | Bismarck ND 58503-1324 | Fax 701-328-5200 | deq.nd.gov

Director'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
Division of Chemistry 701-328-6140 2635 East Main Ave Bismarck ND 58501

FULL NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES
RELATING TO AIR POLLUTION CONTROL

TAKE NOTICE that the North Dakota Department of Environmental Quality ("Department") will hold a public hearing to address proposed amendments to North Dakota Administrative Code Article 33.1-15 at the following time and location:

2nd Floor Meeting Room 223
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
October 13, 2026
1:00 pm CST

The purpose of the proposed rule amendments is to comply with federal law. As a requirement of North Dakota maintaining an EPA-authorized Lead-Based Paint Program, the State of North Dakota is required to adopt rules that are compatible with the U.S. Environmental Protection Agency (EPA) rules.

On November 12, 2024, the EPA published a final rule to revise the dust-lead hazard standards (DLHS) and dust-lead clearance levels (DLCL) to better protect children from lead exposure. The final rule revised the DLHS from 10 micrograms per square foot ($\mu g/ft^2$) for floors and 100 $\mu g/ft^2$ for windowsills to any reportable level as analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP), and lowered the DLCL from 10 $\mu g/ft^2$, 100 $\mu g/ft^2$ and 400 $\mu g/ft^2$ for floors, windowsills, and window troughs to 5 $\mu g/ft^2$, 40 $\mu g/ft^2$, and 100 $\mu g/ft^2$, respectively.

The EPA also finalized other amendments to EPA's Lead-Based Paint Program such as revising the terminology of the DLHS to dust-lead reportable levels (DLRL) and DLCL to dust-lead action levels (DLAL). The rule also aligns the definition of target housing with the statute, finalized changes to the definition of abatement so that action is recommended when levels are at or above the DLAL, and finalized revisions to the definition of child-occupied facilities and related regulatory language to establish consistency in age throughout the Lead-Based Paint regulations.

As a result of these changes to the EPA rules, there are some changes/updates required to North Dakota Administrative Code Article 33.1-15. The proposed amendments address the following:

| **EPA Section** | **State Section** |
|---|---|
| § 40 CFR Part 745<br>(Lead-Based Paint Poisoning Prevention in Certain Residential Structures) | § 33.1-15-24<br>(Standards for Lead-Based Paint Activities) |

The proposed rule amendments are not expected to have an impact on the regulated community in the excess of $50,000.

The proposed rules may be reviewed at the Department's office:

**North Dakota Department of Environmental Quality**
4201 Normandy Street
Bismarck, ND 58503-1324

The proposed rules are also available on the Department's website:
https://deq.nd.gov/PublicNotice.aspx

To request a copy of the proposed rule amendments, contact the Department's Indoor Air Quality Control Program:

**Mail:** North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324
**Email:** waste@nd.gov
**Phone:** 701-328-5166

Written or oral comments must be received by October 26, 2026 to be fully considered. Comments may be submitted by mail, email or phone using the contact information above.

The hearing will also be streamed live through Microsoft Teams. Public testimony will **not** be accepted through Microsoft Teams. Information about how to listen by phone or join through Microsoft Teams is available by calling **701-328-5166** or visiting: https://deq.nd.gov/PublicNotice.aspx

Anyone who plans to attend the hearing and needs accommodations related to a disability should contact the Department at least two days before the hearing.

The Department will consider requests for reasonable accommodation, including accessible meeting facilities, other accommodations for people with disabilities, language interpretation for people with limited English proficiency, and translation of written materials needed to access programs or information. Language assistance services are available free of charge.

To request accommodations or language assistance, contact the Department's Nondiscrimination/EJ Coordinator:

**Phone:** 701-328-5150
**Email:** deqEJ@nd.gov

TTY users may use Relay North Dakota at **711** or **1-800-366-6888**.

Dated this 27th day of August, 2026.

Charles R. Hyatt, Director
Division of Waste Management