

1.8 Revisions, Public Hearing - November 20, 1973

The U.S. Environmental Protection Agency amended the Requirements for Preparation, Adoption, and Submittal of Implementation Plans on June 18, 1973 (38 Federal Register 15834). The purpose of these amendments is to expand the scope of review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources, but also of pollution arising from mobile source activity (indirect sources) associated with such buildings, facilities, and installations. The amendments further require the analysis of the general growth of population, industrial activity, and mobile sources in relation to the impact on regional air quality. Included in the amendments to the new and modified source review procedures is a requirement for the provision of opportunity for public comment on the information submitted by the owner or operator and on the State Department of Health's analysis of the effect of such construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the construction or modification of the facility, building, structure, or installation.

It has been determined that the North Dakota Air Pollution Control Law, Chapter 23-25 of the North Dakota Century Code, does not provide

sufficient legal authority to exercise the type of control required over indirect sources of air pollution under the amendments of June 18, 1973. (See Section 2, Legal Authority of the Plan) Hence, the U.S. Environmental Protection Agency will promulgate, by December 15, 1973, regulations for the control of indirect sources in North Dakota as revisions to this Implementation Plan.

The North Dakota State Department of Health has revised Section 1.091(4) of Regulation No. 23-25, the North Dakota Air Pollution Control Regulations (Appendix C of this Implementation Plan) and Section 7. Review of New Sources and Modifications, of this Implementation Plan to provide opportunity for public comment as part of the administrative review procedures for new and modified stationary (direct) sources used by the Department.

The North Dakota State Department of Health has, prior to the revision of the Implementation Plan and after reasonable notice thereof, conducted a public hearing on the Plan as required by Section 51.4 of Requirements for Preparation, Adoption and Submittal of Implementation Plans.

One public hearing on the revisions to the Implementation Plan; the revisions to Regulation No. 23-25, the North Dakota Air Pollution Control Regulations, which is included in the Plan; and the revisions to the Conditional Permit to Operate and Compliance Schedule, No. 730012 for the Consolidation Coal Company, Inc., Thermal Lignite Dryer, Velva, Mine, Ward County, which is a part of the Plan; was held on November 20, 1973, in the Hearing Room, State Capitol, Bismarck.

Notice of the public hearing was given by two publications of a notice of the hearing in each of the official county newspapers within the State, one week apart, the last publication being 30 days prior to the hearing. The Administrator of the Environmental Protection Agency and the Director of the State of Minnesota Pollution Control Agency were notified of the public hearing at the same time by registered mail. In addition, radio and television stations received notices of the hearing as well as approximately 650 groups and individuals included on the State Department of Health's air pollution mailing list.

The revisions to the Implementation Plan, the revisions to Regulation No. 23-25, and the revisions to the Conditional Permit to Operate and Compliance Schedule No. 730012 were available for public inspection.

tion as of October 20, 1973, until November 20, 1973, during normal working hours at the offices of the State Department of Health at the State Capitol in Bismarck and at the offices of the Fargo City Health Department, 204 North 4th Street in Fargo. Copies of the proposed revisions to the Implementation Plan, to Regulation No. 23-25, and to Conditional Permit to Operate and Compliance Schedule No. 730012 were furnished upon request to the public as of October 20, 1973, to November 20, 1973.

The North Dakota State Department of Health has prepared and retained a complete record of the public hearing for submission to the Administrator of the Environmental Protection Agency upon his request. Copies of the record of the hearing will be furnished to the public upon request.

Copies of the notice of the public hearing and a certification that the hearing was held in accordance with the notice required by Section 51.4 of the Requirements for Preparation, Adoption, and Submittal of Implementation Plans are attached in Appendix A.