

Chapter 1 - Section 1.10 REVISIONS, PUBLIC HEARING - NOVEMBER 17, 1975. ADOPTION OF REGULATIONS PURSUANT TO REQUEST FOR DELEGATION OF AUTHORITY TO IMPLEMENT AND ENFORCE FEDERAL NSPS, NESHAPS AND PSD PROGRAMS.

In addition to the State Implementation Plan process, the Federal Clean Air Act, as amended, required the establishment of Federal emission standards in two spheres: new stationary sources and hazardous pollutants. Accordingly, the U.S. Environmental Protection Agency has promulgated Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) as Title 40 Code of Federal Regulations Part 60 and Part 61, respectively.

In response to a preliminary injunction issued by the District Court for the District of Columbia Circuit, the U.S. Environmental Protection Agency disapproved all State Implementation Plans in so far as they failed to provide for the prevention of significant deterioration of existing air quality and promulgated national regulations for Prevention of Significant Deterioration of Air Quality (PSD).

Sections 111(c) and 112(d) of the Federal Clean Air Act and Section 52.21(f) of Title 40 Code of Federal Regulations Part 52 provide for delegation of authority to the State to implement and enforce the Federal NSPS, NESHAPS and PSD programs, respectively; if the State develops and submits to the U.S. Environmental Protection Agency adequate procedures for doing so.

In order to provide legal authority to implement and enforce the Federal NSPS, NESHAPS, and PSD programs; the State Legislature amended Chapter 23-25 of the North Dakota Century Code, Air Pollution Control, to a large degree in 1975. A new section has been added to Chapter 2. Legal Authority of this Implementation Plan which discusses these amendments to the law. This new section is entitled Section 2.10 LEGAL AUTHORITY TO IMPLEMENT AND ENFORCE FEDERAL NSPS, NESHAPS, AND PSD PROGRAMS.

In order to adequately implement the Federal NSPS, NESHAPS, and PSD programs, the State Department of Health has adopted certain amendments to Regulation No. 23-25, the Air Pollution Control Regulations of the State of North Dakota (Appendix C of this Implementation Plan). A new section has been added to Chapter 11. Rules and Regulations of this Implementation Plan which discusses these amendments to Regulation No. 23-25. This new section is entitled Section 11.2 REGULATION AMENDMENTS TO IMPLEMENT AND ENFORCE FEDERAL NSPS, NESHAPS AND PSD PROGRAMS.

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 1.4 of Requirements for Preparation, Adoption and Submittal of Implementation Plans.

public hearing on the revisions to the Implementation Plan amendments to Regulation No.23-25, the Air Pollution Control Acts of the State of North Dakota, which is included in the hearing held on November 17, 1975, in the Hearing Room, State Capitol,

The hearing was held open and written testimony was until November 27, 1975.

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

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The revisions to the Implementation Plan, and the amendments to Regulation No.23-25, were available for public inspection as of November 17, 1975, until November 27, 1975, 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, 401 3rd Avenue North in Fargo.

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The North Dakota State Department of Health has prepared and maintained 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 Implementation of Implementation Plans are attached in Appendix A.