

8. SOURCE SURVEILLANCE

8.1 INTRODUCTION

Section 420.19 Source Surveillance. of the Requirements for Preparation, Adoption, and Submittal of Implementation Plans sets forth requirements that the procedures to be used by the State for source surveillance throughout the State must include or provide.

The requirements of Section 420.19 are:

- (a) Each plan shall provide for monitoring the status of compliance with any rules and regulations which set forth any portion of the control strategy. Specifically, each plan shall, as a minimum, provide for:
 - (1) Legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amount of emissions from such stationary sources and/or such other information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.
 - (2) Periodic testing and inspection of stationary sources.
 - (3) Establishment of a system for detecting violations of any rules and regulations through the enforcement of appropriate visible emission limitations and for investigating complaints.
- (b) As used in this section, "stationary sources" means sources of a class or category which, for purposes of construction or modification, would be subject to procedures established pursuant to g 420.18.

This section of the Implementation Plan describes the procedures to be used throughout the State of North Dakota for source surveillance according to the format of Section 420.19.

The North Dakota State Department of Health has the responsibility and the authority for source surveillance throughout the State. The Department conducts all source surveillance throughout the State with the exception of open burning, visible emissions, nuisances, and complaint investigations. In these areas of surveillance, the Department is assisted by district, county, and city health departments.

8.2 420.19(a)

Source surveillance starts with the Department's permit system. All existing installations or sources are required within one year of effective date of Regulation No. 23-25, the North Dakota Air Pollution Control Regulations (formerly Regulation No. 82) either to submit application for a permit to operate in accordance with R23-25-01, Section 1.090, Subsection 1.092 of Regulation No. 23-25 or submit a compliance plan in accordance with R23-25-01, Section 1.130, Subsection 1.132 that will bring the installation or source into compliance. Thus, all installations or sources are expected to be registered with the Department by ~~February 1, 1978~~. The following procedures will be used to monitor compliance with applicable rules and Regulations:

(1) The owners or operators of stationary installations or sources must, if required to by the Department, in accordance with R23-25-01, Section 1.100 of Regulation No. R23-25 install, maintain and use monitoring equipment of a type acceptable to the Department. The results of tests, emission data and other information specified by the Department shall be recorded and maintained by the operator of the installation or source. This information will be available to the Department for inspection at reasonable times. Reports of summaries of emission data, including monitor tapes, correlated with appropriate standards and explaining any emissions above regulatory limits must be submitted to the Department. Emission data from these reports as correlated with applicable emission limitations will be furnished to the public upon request. Specific monitoring, recording and reporting requirements will be included as a condition of an operating permit for each installation or source affected. Installations or sources which will be subject to monitoring and reporting requirements will be designated by the Department after appropriate study to determine the necessity of such monitoring and reporting.

(2) The Department will establish a system of scheduled inspection of all major stationary installations or sources. The following installations or sources are expected to be inspected on a periodic basis:

1. Chemical Process Industries
 - (a) Charcoal
2. Food and Agricultural Industries
 - (a) Alfalfa Dehydrating
 - (b) Feed and Grain
 - (c) Fertilizers

- (d) Meat Smokehouses
- (e) Starch Manufacturing
3. Metallurgical Industries
 - (a) Gray Iron Foundries
4. Mineral Products Industries
 - (a) Asphalt Roofing
 - (b) Asphaltic Concrete Batching
 - (c) Bricks and Related Clay Refractories
 - (d) Clay and Flyash Sintering
 - (e) Coal Cleaning and Drying
 - (f) Concrete Batching
 - (g) Rock, Gravel, and Sandquarrying, and Processing
5. Petroleum Refining and Petrochemical Operations
6. Petroleum Storage (bulk terminals)
7. Fossil Fuel Steam Electric Power Plants
8. Refuse Disposal Sites
9. Incinerators

Other sources will be inspected periodically if the Department determines the necessity of such inspection. Inspections may be made either announced or unannounced at the discretion of the Department.

The purposes of these inspections include the following functions:

1. Inventory and register sources of air pollution.
2. Check compliance with permit system, including conditional permits.
3. Check compliance with conditions of variances.
4. Inspect monitoring devices and checks records for accuracy.
5. Take samples of fuel, raw materials or air contaminants as appropriate.

If violations are discovered in the course of inspection, notices of violation will be issued for all offenses. If more detailed source testing appears necessary to confirm violations, the Department will require the owner or operator of the installation or source to have necessary tests made as per R23-25-01, Section 1.110, Subsection 1.112 of Regulation No. 23-25 or the Department will hire a certified testing laboratory to conduct necessary tests for the Department.

- (3) The system for detecting violations of any rules and regulations through the enforcement of the visible emissions limitations of R23-25-03 of Regulation No. 23-25 and for investigating complaints consists of the entire professional air pollution control program staff of the Department assisted by district, county, and city health department personnel.

District, county, and city health department personnel have been authorized to perform and are presently responsible for the following functions within their areas of jurisdiction:

1. Enforcement of the open burning restrictions of R23-25-04 of Regulation No. 23-25.
2. Investigation of citizen complaints and citing violations, if any.
3. Investigation of public nuisances and citing violations, if any.
4. Investigation of equipment breakdowns and upsets.
5. Inspection of incinerators.
6. Observing of other sources within their areas of jurisdiction and reporting violations to the Department.

District, county, and city health department personnel will be trained for the detection and citation of visible emissions violations and enforcement of emergency regulations during air pollution episodes. They will be capable of these functions by ~~May 30, 1973.~~ *the summer of 1973*

The professional staff of the Department is responsible for the enforcement of all other regulations throughout the State and are responsible for the enforcement of all regulations where the district, county, or city health department has insufficient personnel to perform the functions authorized.

All installations in violation of applicable rules and regulations are presented a verbal notice of violation and cease and desist order. All verbal notices of violation and cease and desist orders are followed up by a written notice of violation and cease and desist order. In the event that a follow-up investigation reveals that the violation has not been corrected, the violator is prosecuted in court. Violation of rules and regulations is punishable by a criminal penalty as a misdemeanor as per Section 23-25-10 of Chapter 23-25 of the North Dakota Century Code. If violations continue, the Department will obtain an injunction or initiate proceedings to revoke the permit to operate for the installation or source. The above procedure is followed by the Department and the district, county, and city health departments.