

4. COMPLIANCE SCHEDULES

Section 420.15 Compliance Schedules. of the Requirements for Preparation, Adoption and Submittal of Implementation Plans requires that each Implementation Plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources or categories of such sources must be in compliance with any applicable portions of the control strategy set forth in such plan. A plan may also provide that a legally enforceable compliance schedule will be negotiated with the owner or operator of an individual source following submittal of the plan.

Legally enforceable compliance schedules are set forth in Regulation No. 23-25, the North Dakota Air Pollution Control Regulations (formerly Regulation No. 82), R23-25-01, Section 1.130, Time Schedule for Compliance. Section 1.130 of Regulation No. 23-25 is as follows:

1.130 TIME SCHEDULE FOR COMPLIANCE

Except as otherwise specified, compliance with the provisions of these regulations shall be according to the following time schedule:

1.131 New Installations

All new installations shall comply as of going into continuous routine operation for its intended purpose.

1.132 Existing Installations

All existing installations not in compliance as of the effective date of these regulations shall be in compliance within one year of the effective date of these regulations unless the owner or person responsible for the operation of the installation shall have submitted to the Department in a form and manner satisfactory to it, a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained, and such other information as the Department may require. If approved by the Department, such date will be the date on which the person shall comply. The Department may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance. In no event shall the program and schedule prescribe a compliance date later than three years from the effective date of these regulations.

In Summary, Section 1.130 provides that all new installations must be in compliance with the provisions of Regulation No. 23-25 as of going into operation for its intended purpose and that all existing installations must be in compliance by February 1, 1973, one year from the effective date of the revised Regulation No. 23-25, unless they have negotiated an individual compliance schedule with the State Department of Health setting forth a date for achieving compliance after February 1, 1973, but no later than February 1, 1975.

The State Department of Health will submit all individual negotiated compliance schedules to the Administrator of the Environmental Protection Agency no later than ~~June 15, 1973~~ ~~date for submittal of the first semi-annual report required by Section 420.7 of the Requirements for Preparation, Adoption, and Submittal of Implementation Plans which is February 15, 1975.~~ Such individual negotiated compliance schedules, unless disapproved by the Administrator, will be part of the State Implementation Plan.

The State Department of Health will require that any individual negotiated compliance schedule extending over a period of 18 or more months from the date of its adoption shall provide for periodic increments of progress toward compliance.

The State Department of Health will not grant nor permit a local agency to grant any variance of, or exception to, any compliance schedule included in the State Implementation Plan if such variance or exception will prevent, or interfere with, attainment or maintenance of a national standard within the time(s) specified pursuant to Section 420.10(b) and (c) of the Requirements for Preparation, Adoption and Submittal of Implementation Plans.

All sources must be in compliance with the provisions of Regulation No. 23-25 by February 1, 1975. Therefore, suspended particulate matter air quality in both Region No. 130 and Region No. 172 in the State of North Dakota will attain the national secondary ambient air quality standards for suspended particulate matter no later than February 1, 1975.

Existing air quality for sulfur oxides, carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide are already below the national secondary ambient air quality standards in both Region No. 130 and Region No. 172 in the State of North Dakota.

Copies of any individual negotiated compliance schedule and any variance of, or exception to, any compliance schedule included in the State Implementation Plan will be furnished to the public upon request.

Add new fourth paragraph:

If the Department finds, that by reason of exceptional circumstances, that meeting the final compliance date of February 1, 1975 would not be possible, would be unreasonable, impractical or not feasible under the circumstances, the Department may permit a variance from this date upon such conditions and within such time limitations it may prescribe, but not to exceed the time(s) specified pursuant to Section 420.10(b) and (c) of the Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

1975---Add: except in the immediate vicinity of any source which may be unable to be in final compliance by February 1, 1975. The final compliance date for any such individual source will be a part of the approved negotiated compliance schedule for that source and will not exceed the time specified pursuant to Section 420.10(c) of the Requirements for the Preparation, Adoption, and Submittal of Implementation Plans.

No. 23-25 by February 1, 1975---Add: except for any individual source which may be unable to achieve final compliance by February 1, 1975 due to exceptional circumstances and may be granted a variance from this date by the Department.

The North Dakota State Department of Health requests approval from the U. S. Environmental Protection Agency to extend the final compliance date of the William J. Neal Station, Basin Electric Power Cooperative, McHenry County, North Dakota. The State Department of Health has amended the W. J. Neal Conditional Permit to Operate and Compliance Schedule No. 730005, allowing the Basin Electric Power Cooperative to bring the plant into full compliance with the North Dakota Air Pollution Control Regulations by December 31, 1978.

The William J. Neal Station is located on 295 acres of the Southwest $\frac{1}{4}$ of Section 31 and the Southeast $\frac{1}{4}$ of Section 36, Township 153 N, Range 79 W, of McHenry County, North Dakota.

The power plant has two (2) 21,000 Kilowatt Combustion Engineering pulverized coal-fired boilers which exhaust through two (2) 139 foot stacks. North Dakota lignite coal is burned at the plant which is mined by the Consolidation Coal Company at the Velva Mine and is shipped approximately 12 kilometers (7.5 miles) to the plant site by rail.

The William J. Neal Station is located in a rural area of low population in McHenry County, North Dakota. As indicated by the map in Appendix F, there are no residences for at least 2 kilometers (1.25 miles) in any direction. There are two (2) communities in the vicinity of the plant, Voltaire located 2.4 kilometers (1½ miles) to the east and Velva located 4.8 kilometers (3 miles) to the northwest. There is little or no population or industrial growth expected for the area in the future.

The William J. Neal Power Plant is specifically controlled for visible emissions by Section 3.100 of Regulation R23-25-03, for particulate emissions by Section 5.221 of Regulation R23-25-05 and for sulfur dioxide emissions by Section 6.100 of Regulation R23-25-06 of the North Dakota Air Pollution Control Regulations. The plant is presently in violation of the visible emission and particulate emission rate and is to achieve compliance with these regulations by December 31, 1978 by installing an electrostatic precipitator on each of the two boilers.

In a compliance schedule submitted to the North Dakota State Department of Health on April 5, 1973, the Basin Electric Power Cooperative presented plans for shutting down the William J. Neal Station when Unit #2 at the Leland Olds Station, Stanton, North Dakota began power production. At that time, Basin Electric was granted a variance to continue operating the plant until the proposed shutdown date of November 1, 1975. As the shutdown date approached, it became apparent to Basin Electric that the increasing consumer demand for power would necessitate continuing the operation of the William J. Neal Station. Under a letter dated August 8, 1975, the Basin Electric Power Cooperative submitted a new proposal whereby the William J. Neal Station would continue operations beyond the scheduled shutdown date and bring the power plant into full compliance with the North Dakota Air Pollution Control Regulations. A final compliance schedule was submitted to the State Department of Health on August 30, 1976 stating that the William J. Neal Station would be in full compliance by December 31, 1978.

As set forth in Amendment 01 of Conditional Permit to Operate and Compliance Schedule No. 730005, two (2) of the compliance dates under Condition 7 have already passed. In meeting part (i), Basin Electric submitted a contract draft prepared by Stearns-Roger on August 17, 1976 and to meet part (ii) the Basin Electric Power Cooperative signed a contract with Air Correction Division/UOP, Inc., on September 16, 1976 for the purchase of the necessary air pollution control equipment.

The North Dakota State Department of Health has determined that extending the compliance dates would not violate the National Primary and Secondary Standards for Ambient Air Quality. Diffusion modeling conducted by the Department, contained in Appendix F, indicates that there will be no significant increase in the ambient air pollutant levels by the uncontrolled operation of the power plant as compared to the present background pollutant levels. A combination of the background levels and the predicted emissions from the power plant fall far below the National Standards for Ambient Air Quality. The following is a summary of the diffusion modeling, standards and background levels:

<u>Air Contaminant</u>	<u>Time Span</u>	<u>State Standard</u> ($\mu\text{g}/\text{m}^3$)	<u>National Secondary Standards</u> ($\mu\text{g}/\text{m}^3$)	<u>General (a) Background Levels (1974-1976)</u> ($\mu\text{g}/\text{m}^3$)	<u>Predicted Maximum Concentrations From Power Plant</u> ($\mu\text{g}/\text{m}^3$)	<u>Estimated Air Quality in Plant Vicinity (b)</u> ($\mu\text{g}/\text{m}^3$)
Particulate	Annual Geometric Mean	60	60	22	3	25
	24-hour	150	150		50	
Sulfur Dioxide	Annual Arithmetic Mean	60	80	7	2	9
	24-hour	260	365		28	
	1-hour	715			115	
Nitrogen Dioxide	Annual Arithmetic Mean	100	100	5	2	7
	1-hour	200			154	

(a) Background pollutant levels were estimated from data obtained from rural sampling sites which were within a 72 kilometer (45 mile) radius of the power plant for 1974 - 1976.

(b) Combined plant emissions and background levels.