

40 C.F.R. § 52.1820

Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for North Dakota under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of August 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 8 Office, Office of Partnerships and Regulatory Assistance (OPRA), Air Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

(c) *EPA-approved regulations.*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
33.1-15-01. General Provisions					
33.1-15-01-01	Purpose	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-01-02	Scope	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-02 on 5/12/1989, 54 FR 20574.
33.1-15-01-03	Authority	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-03 on 4/2/2004, 69 FR 17302.

33.1-15-01-04	Definitions	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-01-05	Abbreviations	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-01-06	Entry onto Premises—Authority	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-06 on 5/12/1989, 54 FR 20574.
33.1-15-01-07	Variances	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-07 on 6/26/1992, 57 FR 28619.
33.1-15-01-08	Circumvention	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-08 on 6/26/1992, 57 FR 28619.
33.1-15-01-09	Severability	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-09 on 5/12/1989, 54 FR 20574.
33.1-15-01-10	Land use plans and zoning regulations	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-10 on 5/12/1989, 54 FR 20574.
33.1-15-01-12	Measurement of emissions of air contaminants	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-12 on 2/28/2003, 68 FR 9565.
33.1-15-01-13	Shutdown and malfunction of an installation—Requirement for notification	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-13 on 10/21/2016, 81 FR 72718.
33.1-15-01-14	Time schedule for compliance	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-14 on 5/12/1989, 54 FR 20574.
33.1-15-01-15	Prohibition of air pollution	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-15 on 2/28/2003, 68 FR 9565.
33.1-15-01-16	Confidentiality of records	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-16 on 5/12/1989, 54 FR 20574.

33.1-15-01-17	Enforcement	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-17 on 10/21/2004, 69 FR 61762.
33.1-15-01-18	Compliance Certifications	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-01-18 on 10/21/2004, 69 FR 61762.
33.1-15-02. Ambient Air Quality Standards					
33.1-15-02-01	Scope	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-01 on 5/12/1989, 54 FR 20574.
33.1-15-02-02	Purpose	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-02 on 5/12/1989, 54 FR 20574.
33.1-15-02-03	Air quality guidelines	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-03 on 5/12/1989, 54 FR 20574.
33.1-15-02-04	Ambient air quality standards	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-04 on 5/2/2014, 79 FR 25021.
33.1-15-02-05	Method of sampling and analysis	1/1/2019	4/30/2019	84 FR 1610, 2/5/19	Originally approved as 33-15-02-05 on 10/8/1996, 61 FR 52865.
33.1-15-02-06	Reference conditions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-06 on 5/12/1989, 54 FR 20574.
33.1-15-02-07	Concentration of air contaminants in the ambient air restricted	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-02-07 on 5/2/2014, 79 FR 25021.
Table 1	Ambient Air Quality Standards	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
Table 2	National Ambient Air Quality Standards	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as Table 2 on 5/2/2014, 79 FR 25021.
33.1-15-03. Restriction of Emission of Visible Air Contaminants					
33.1-15-03-01	Restrictions applicable to existing installations	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-03-01 on 5/12/1989, 54 FR 20574.

33.1-15-03-02	Restrictions applicable to new installations and all incinerators	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-03-02 on 5/12/1989, 54 FR 20574.
33.1-15-03-03	Restrictions applicable to fugitive emissions	1/1/2019	4/30/2019	84 FR 1610, 2/5/19	Originally approved as 33-15-03-03 on 5/12/1989, 54 FR 20574.
33.1-15-03-03.1	Restrictions applicable to flares	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-03-03.1 on 5/12/1989, 54 FR 20574.
33.1-15-03-04	Exceptions	7/1/2016	9/1/2022	87 FR 47101, 8/2/2022	This revision removes provision "33.1-15-03-04.3".
33.1-15-03-05	Method of measurement	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-03-05 on 10/10/2017, 82 FR 46919.
33.1-15-04. Open Burning Restrictions					
33.1-15-04-01	Refuse burning restrictions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-04-01 on 5/27/2008, 73 FR 30308.
33.1-15-04-02	Permissible open burning	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-04-02 on 10/21/2016, 81 FR 72718.
33.1-15-05. Emissions of Particulate Matter Restricted					
33.1-15-05-01	Restriction of emission of particulate matter from industrial processes	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-05-01 on 11/21/2014, 79 FR 63045.
33.1-15-05-02	Maximum allowable emission of particulate matter from fuel burning equipment used for indirect heating	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-05-02 on 10/21/2004, 69 FR 61762.
33.1-15-05-03.2	Refuse incinerators	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-05-03.2 on 11/4/2011, 76 FR 68317.
33.1-15-05-03.3	Other waste incinerators	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-05-03.3 on 10/21/2004, 69 FR 61762.
33.1-15-05-04	Methods of measurement	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-05-04 on 10/21/2016, 81 FR 72718.

33.1-15-06. Emissions of Sulfur Compounds Restricted					
33.1-15-06-01	Restriction of emissions of sulfur dioxide from use of fuel	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-06-01 on 10/21/2004, 69 FR 61762 See 63 FR 45722 (8/27/98) for additional material.
33.1-15-06-02	Restriction of emissions of sulfur oxides from industrial processes	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-06-02 on 10/20/1993, 58 FR 54041.
33.1-15-06-03	Methods of measurement	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-06-03 on 10/21/2004, 69 FR 61762.
33.1-15-06-04	Continuous emission monitoring requirements	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-06-04 on 10/20/1993, 58 FR 54041.
33.1-15-06-05	Reporting and recordkeeping requirements	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-06-05 on 10/21/2016, 81 FR 72718.
33.1-15-07. Control of Organic Compounds Emissions					
33.1-15-07-01	Requirements for construction of organic compounds facilities	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-07-01 on 8/31/1999, 64 FR 47395.
33.1-15-07-02	Requirements for organic compounds gas disposal	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-07-02 on 8/21/1995, 60 FR 43396.
33.1-15-08. Control of Air Pollution From Vehicles and Other Internal Combustion Engines					
33.1-15-08-01	Internal combustion engine emissions restricted	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-08-01 on 11/2/1979, 44 FR 63102.
33.1-15-08-02	Removal and/or disabling of motor vehicle pollution control devices prohibited	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-08-02 on 11/2/1979, 44 FR 63102.
33.1-15-10. Control of Pesticides					
33.1-15-10-01	Pesticide use restricted	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-10-01 on 8/9/1990, 55 FR 32403.

33.1-15-10-02	Restrictions on the disposal of surplus pesticides and empty pesticide containers	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-10-02 on 6/26/1992, 57 FR 28619.
33.1-15-11. Prevention of Air Pollution Emergency Episodes					
33.1-15-11-01	Air pollution emergency	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-11-01 on 5/12/1989, 54 FR 20574.
33.1-15-11-02	Air pollution episode criteria	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-11-02 on 5/12/1989, 54 FR 20574.
33.1-15-11-03	Abatement strategies emission reduction plans	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-11-03 on 5/12/1989, 54 FR 20574.
33.1-15-11-04	Preplanned abatement strategies plans	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-11-04 on 8/9/1990, 55 FR 32403.
Table 6	Air pollution episode criteria	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as Table 6 on 4/21/1997, 62 FR 19224.
Table 7	Abatement strategies emission reduction plans	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as Table 7 on 4/21/1997, 62 FR 19224.
33.1-15-14. Designated Air Contaminant Sources, Permit To Construct, Minor Source Permit To Operate, Title V Permit To Operate					
33.1-15-14-01	Designated air contaminant sources	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-14-01 on 5/2/2014, 79 FR 25021.
33.1-15-14-01.1	Definitions	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-14-02	Permit to Construct	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-14-03	Minor source permit to operate	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-14-03 on 5/2/2014, 79 FR 25021.
33.1-15-14-07	Source exclusion from title V permit to operate requirements	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-14-07 on 2/28/2003, 68 FR 9565.

33.1-15-15. Prevention of Significant Deterioration of Air Quality					
33.1-15-15-01.1	Purpose	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-15-01 on 7/19/2007, 72 FR 39564.
33.1-15-15-01.2	Scope	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-15-02	Reclassification	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-15-02 on 7/19/2007, 72 FR 39564.
33.1-15-17. Restriction of Fugitive Emissions					
33.1-15-17-01	General provisions—applicability and designation of affected facilities	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-17-01 on 2/28/2003, 68 FR 9565.
33.1-15-17-02	Restriction of fugitive particulate emissions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-17-02 on 10/21/2016, 81 FR 72718.
33.1-15-17-03	Reasonable precautions for abating and preventing fugitive particulate emissions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-17-03 on 11/2/1979, 44 FR 63102.
33.1-15-17-04	Restriction of fugitive gaseous emissions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-17-04 on 11/2/1979, 44 FR 63102.
33.1-15-18. Stack Heights					
33.1-15-18-01	General provisions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-18-01 on 11/14/1988, 53 FR 45763.
33.1-15-18-02	Good engineering practice demonstrations	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-18-02 on 11/14/1988, 53 FR 45763.
33.1-15-18-03	Exemptions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-18-03 on 11/14/1988, 53 FR 45763.
33.1-15-19. Visibility Protection					
33.1-15-19-01	General Provisions	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	

33.1-15-19-02	Review of new major stationary sources and major modifications	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-19-02 on 9/28/88, 53 FR 37757.
33.1-15-19-03	Visibility monitoring	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-19-03 on 9/28/88, 53 FR 37757.
33.1-15-20. Control of Emissions From Oil and Gas Well Production Facilities					
33.1-15-20-01	General provisions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-20-01 on 8/21/95, 60 FR 43396.
33.1-15-20-02	Registration and reporting requirements	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-20-02 on 8/21/95, 60 FR 43396.
33.1-15-20-03	Prevention of significant deterioration applicability and source information requirements	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-20-03 on 8/21/95, 60 FR 43396.
33.1-15-20-04	Requirements for control of production facility emissions	7/1/2020	4/6/2023	88 FR 14049, 3/7/2023.	
33.1-15-23. Fees					
33.1-15-23-01	Definitions	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-23-01 on 4/21/97, 62 FR 19224.
33.1-15-23-02	Permit to construct fees	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-23-02 on 10/21/16, 81 FR 72718.
33.1-15-23-03	Minor source permit to operate fees	1/1/2019	4/30/2019	84 FR 1610, 2/5/2019	Originally approved as 33-15-23-03 on 10/21/16, 81 FR 72718.
33.1-15-25. Regional Haze Requirements					
33.1-15-25-01	Definitions	7/1/2020	7/8/2021	86 FR 30387, 6/8/2021	
33.1-15-25-02	Best available retrofit technology	7/1/2016	7/8/2021	86 FR 30387, 6/8/2021	

33.1-15-25-03	Emission reduction measures required to make reasonable progress toward the national visibility goal	7/1/2020	7/8/2021	86 FR 30387, 6/8/2021	
33.1-15-25-04	Monitoring, recordkeeping, and reporting	7/1/2020	7/8/2021	86 FR 30387, 6/8/2021	

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