



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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MAR 18 2016

Ref: 8P-AR

David Glatt, Chief  
State Department of Health  
Environmental Health Section  
918 E. Divide Avenue, 4<sup>th</sup> Floor  
Bismarck, North Dakota 58501-1947

Dear Mr. Glatt:

On behalf of the U.S. Environmental Protection Agency, I would like to thank you for the North Dakota Department of Health's December 21, 2015 submittal identifying sources to be characterized under the sulfur dioxide (SO<sub>2</sub>) Data Requirements Rule (DRR).<sup>1</sup> I am writing to respond to that submittal and provide additional information about the next steps in this source characterization effort, which will result in important data that states and the EPA will use to protect public health.

On August 21, 2015, the EPA finalized the DRR, which requires state air agencies to characterize ambient SO<sub>2</sub> levels in areas with large sources of SO<sub>2</sub> emissions to help implement the 1-hour SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS). Under the DRR, state air agencies must, at a minimum, model or monitor air quality around sources that emit 2,000 tons per year (tpy) or more of SO<sub>2</sub> and that are not located in an area already designated nonattainment. An air agency may avoid this requirement by adopting federally enforceable emission limits by January 13, 2017, that ensure that a source will emit less than 2,000 tpy of SO<sub>2</sub>.

Under the DRR implementation schedule, state air agencies were required to submit to the EPA by January 15, 2016, a list that identifies all sources within its jurisdiction with SO<sub>2</sub> emissions of 2,000 tpy or more during the most recent year for which emissions data are available. Air agencies or the EPA may also include additional sources on a state's source list with SO<sub>2</sub> emissions below 2,000 tpy to ensure that air quality around such sources is appropriately characterized.

The EPA has reviewed your agency's submittal and is identifying an additional source that the DRR requires to be characterized (i.e., "applicable sources").

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<sup>1</sup> "Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide (SO<sub>2</sub>) Primary National Ambient Air Quality Standard (NAAQS); Final Rule," 80 *Federal Register* 51052, August 21, 2015.

The DRR requires characterization of certain sources with annual emissions below 2,000 tpy as applicable sources. The EPA has identified and is adding the following such sources to your state's list of applicable sources under the DRR:

Source	County	Most recent emissions data
Tioga Gas Plant	Williams	1,178 tpy (2011)

The EPA considers it appropriate to add the Tioga Gas Plant based on monitoring data collected at a non-regulatory monitor near the source which recorded values exceeding the 2010 SO<sub>2</sub> NAAQS from 2012-2014. This monitoring data, though non-regulatory, indicates that the ambient SO<sub>2</sub> levels around the source should be evaluated further. Additional information on the monitoring data near the source which warrants further evaluation is provided in the enclosure to this letter.

The next key milestone for purposes of DRR implementation is July 1, 2016, the date by which each air agency must identify, for each listed source, the approach it will use to characterize air quality in the respective area (air quality modeling, ambient monitoring, or establishment of a federally enforceable emission limit).

For sources that an air agency decides to evaluate through air quality modeling, the DRR requires the air agency to submit to the EPA Regional Administrator a modeling protocol by July 1, 2016, and the completed modeling analysis by January 13, 2017. For sources that an air agency decides to evaluate through ambient monitoring, the air agency will need to identify appropriate sites to characterize peak 1-hour SO<sub>2</sub> concentrations, and may need to relocate existing monitors or install new monitors at such sites. As further required under the DRR, the air agency must submit information about monitoring sites to the EPA Regional Administrator by July 1, 2016, as part of its annual monitoring network plan and in accordance with the EPA's monitoring requirements specified in 40 CFR part 58. The air agency must also ensure that ambient monitors will be operational by January 1, 2017.

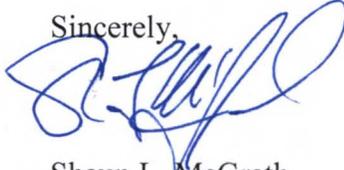
As noted earlier, in lieu of characterizing air quality around a source with SO<sub>2</sub> emissions that is at or above 2,000 tpy, air agencies may indicate by the July 1, 2016, deadline that they will adopt federally enforceable emissions limitations that will limit the SO<sub>2</sub> emissions of a source to below 2,000 tpy. Such limits must be adopted and effective by January 13, 2017. The DRR requires that an air agency provide a description of the requirements and emission limits that the air agency intends to apply for the affected sources in their July 1, 2016, submittal.

We look forward to a continued dialogue with you and your staff as you prepare the required submittals that are due on July 1, 2016. To assist in this process, we are available to discuss any technical issues that you may have concerning either modeling or monitoring in order to assist you in meeting this requirement.

Please note that a copy of each state air agency's submittal and a compiled national list of sources subject to DRR requirements are posted on EPA's SO<sub>2</sub> implementation website at [www3.epa.gov/airquality/sulfurdioxide/implement.html](http://www3.epa.gov/airquality/sulfurdioxide/implement.html). We also plan to post this letter on that site and to update the compiled national list with the source added by this letter as described above in the near future.

Again, thank you for North Dakota's letter and for your efforts to implement this important standard. For additional information concerning the DRR, please visit our SO<sub>2</sub> implementation website listed above. For additional information regarding designations under the SO<sub>2</sub> standard, please visit our website at [www.epa.gov/so2designations](http://www.epa.gov/so2designations). Should you have any questions, please do not hesitate to call me, or have your staff contact Adam Clark of my staff at (303) 312-7104 or [clark.adam@epa.gov](mailto:clark.adam@epa.gov).

Sincerely,



Shaun L. McGrath  
Regional Administrator

Enclosure

## ENCLOSURE

### North Dakota DRR List Response

The table below shows the elevated levels of SO<sub>2</sub> at the Amerada Hess #3 monitor from 2012 – 2014. During this period, the monitor was non-regulatory, which made its values inappropriate for comparison to the NAAQS. Regardless, the high levels of SO<sub>2</sub> at the monitor lead the EPA to determine that the lone source impacting the monitor (Tioga Gas Plant) warrants further evaluation.

**Monitor Values at the Amerada Hess #3 (Site ID 381050105)**

<b>Year</b>	2012	2013	2014	<b>12-14 avg.</b>
<b>SO<sub>2</sub> 4<sup>th</sup> Max</b>	161	264	180	202