
MEMO TO : Interested Parties

FROM : James L. Semerad
Director
Division of Air Quality

RE : North Dakota Prevention of Significant Deterioration (PSD) Minor
Source Baseline Dates

DATE : May 13, 2022

The Prevention of Significant Deterioration (PSD) rules (40 CFR 52.21) established the PSD Increments. PSD Increments are different than the National Ambient Air Quality Standards (NAAQS). Where the NAAQS is a “ceiling” of air pollution, and a health-based standard, the PSD Increments are the maximum allowable increase in the concentration of regulated air pollutants allowed to occur above a given baseline concentration of that pollutant. The intent of PSD Increment is to prevent the air quality in areas from being degraded up to the NAAQS. The baseline concentration of a regulated pollutant is set as the ambient concentration of that pollutant existing at the time the baseline date was established; this is set independently for each regulated pollutant and independently for each area/region.

North Dakota has had two PSD baseline date systems. The first system was a part of the PSD regulations adopted in 1978. The first system established the baseline date for the entire State as January 1, 1975, for both sulfur dioxide (SO₂) and particulate matter (PM). These PSD regulations were based on the requirements listed in *Clean Air Act Prevention of Significant Air Quality Deterioration*, 43 Fed. Reg. 26380 (Final Rule, Monday, June 18, 1978)¹.

The second baseline date system is a part of the present PSD regulations. Present PSD regulations were adopted by the Department on July 1, 1982, and established the minor source baseline dates. Minor source baseline dates are the earliest date after the trigger date on which the first complete application is submitted by a major stationary source or major modification in the baseline area, subject to the requirements of the State PSD regulations (NDAC 33.1-15-15). These present PSD regulations are based on the requirements listed in *Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans* 45 Fed. Reg. 52676 (Final Rule, August 7, 1980)², and EPA PSD regulations and revisions thereafter.

The minor source baseline dates listed in this memo are the dates the Department received the last documentation which made the PSD application administratively complete. A project need not get a permit nor be built to the minor source baseline date.

¹ See https://archives.federalregister.gov/issue_slice/1978/6/19/26374-26388.pdf#page=6

² See https://archives.federalregister.gov/issue_slice/1980/8/7/52546-52684.pdf#page=54

North Dakota is divided into two areas under Section 107(d)(1)(D) or (E) of the Federal Clean Air Act (Public Law 9595)³:

- The Cass County portion of Region No. 130, the Metropolitan Fargo-Moorhead Interstate Air Quality Control Region; and
- Region No. 172, the North Dakota Intrastate Air Quality Control Region (the remaining 52 counties).

Under the present PSD regulations, North Dakota is divided into two baseline areas (the same two areas listed above).

THE MINOR SOURCE BASELINE DATES

REGION NO. 130 (CASS COUNTY PORTION ONLY):

Pollutant	Date	Established by	By Project
SO ₂	November 30, 1979	Cargill, Inc.	Sun Flower Seed Processing Plant (G81005)
NO ₂	September 13, 2007	Tharaldson Ethanol Plant I, LLC	Tharaldson Ethanol Plant I, LLC (PTC07039/ACP-18106)
PM ₁₀	November 30, 1979	Cargill, Inc.	Sun Flower Seed Processing Plant (G81005)
PM _{2.5}	April 28, 2022	North Dakota Soybean Processors, LLC	North Dakota Soybean Processors, LLC (initial)

REGION NO. 172 (ALL NORTH DAKOTA EXCLUDING CASS COUNTY):

Pollutant	Date	Established by	By Project
SO ₂	December 19, 1977	Warren Petroleum Company	Little Knife Natural Gas Processing Plant (Billings County)
NO ₂	October 31, 1989	Dakota Gasification Company	Great Plains Synfuels Plant Application for an amended Permit to Construct (Mercer County)
PM ₁₀	January 13, 1978	Basin Electric Power Cooperative	Antelope Valley Station Units No. 1 and 2 (PTC 2/23/1978) (Mercer County)
PM _{2.5}	August 23, 2012	Minn-Dak Farmers Cooperative	Wahpeton Plant, Application for the molasses desugarization system (PTC12079/ACP-17485) (Richland County)

³ See <https://www.govinfo.gov/content/pkg/STATUTE-91/pdf/STATUTE-91-Pg685.pdf>