

February 7, 2022

Ms. Jill Grossman
Legal Counsel
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Grossman:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,



David Stradinger, Manager
Radiation and Indoor Air Quality Control Program
Department of Environmental Quality

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FULL NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES
RELATING TO AIR POLLUTION CONTROL

TAKE NOTICE that the North Dakota Department of Environmental Quality (“Department”) will hold a public hearing to address proposed amendments to North Dakota Administrative Code Article 33.1-15 at the following time and location:

2nd Floor Meeting Room 223
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
March 22, 2022
1:00 pm CST

The purpose of the proposed rule amendments is to comply with federal law. As a requirement of North Dakota maintaining an EPA-authorized Lead-Based Paint Program, the State of North Dakota is required to adopt rules that are compatible with the U.S. Environmental Protection Agency (EPA) rules.

On June 21, 2019, the EPA finalized a rule revising the Dust-Lead Hazard Standards (DLHS) from 40 ug/ft² for floors and 250 ug/ft² for window sills, to 10 ug/ft² and 100 ug/ft² respectively.

On January 7, 2021, the EPA published a final rule revising the dust-lead post-abatement clearance levels (DLCL) from 40 ug/ft² to 10 ug/ft² for floors and from 250 ug/ft² to 100 ug/ft² for window sills.

As a result of these changes to the EPA rules, there are some changes/updates required to certain chapters of North Dakota Administrative Code Article 33.1-15. The proposed amendments address the following:

<u>EPA Section</u>	<u>Title</u>	<u>State Section</u>
§ 40 CFR 745.65	Dust-Lead Hazard Standards Rule	33.1-15-24-01
§ 40 CFR 745.227	Dust-Lead Clearance Standards Rule	33.1-15-24-01

The proposed rule amendments are not expected to have an impact on the regulated community in the excess of \$50,000.

The proposed rules may be reviewed at the Department’s office located at 4201 Normandy Street, Bismarck, ND 58503-1324 or on the Department’s website at:

<https://deq.nd.gov/PublicNotice.aspx>. A copy of the proposed rule amendments may be requested by writing to the North Dakota Department of Environmental Quality, Indoor Air Quality Control Program at the above address, emailing waste@nd.gov or calling (701)328-5166. Written or oral comments on the proposed rule amendments sent to the above mailing address, email address or telephone number and received by April 4, 2022 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number at least two days prior to the public hearing.

DUE TO COVID-19 and the limited number of people that can be accommodated due to limited capacity, we encourage written or oral comments be submitted as set forth above. There will be real time public streaming of the public hearing through a Microsoft Teams meeting. No testimony will be accepted through the Microsoft Teams meeting. Information concerning listening access by telephone or through Microsoft Teams can be obtained by calling (701)328-5166 or can be found on the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>.

Dated this 7th day of February, 2022.

David Stradinger
Manager
Indoor Air Quality Control Program