



OFFICE OF THE ADMINISTRATOR

WASHINGTON, D.C. 20460

May 9, 2025

Mr. L. David Glatt, P.E.
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, North Dakota 58503-1324

Re: North Dakota Coal Combustion Residuals Permit Program Application

Dear Director Glatt:

The U.S. Environmental Protection Agency (EPA) is notifying you that we consider the North Dakota Coal Combustion Residuals (CCR) Permit Program Application, initially submitted on September 21, 2020, and re-submitted on May 21, 2021, and March 10, 2023, pursuant to 42 U.S.C. § 6945(d)(1), to be complete. The application contains the necessary elements of 40 CFR Part 257, Subpart D, and the elements of a permitting program, that will allow the EPA to make a preliminary determination on the adequacy of North Dakota's CCR permit program. For the specific reasons stated in North Dakota's application, the state is seeking partial program approval.

The North Dakota Department of Environmental Quality (NDDEQ) adopted CCR-related amendments to the North Dakota's Solid Waste Management and Land Protection Rules on April 24, 2020. The amendments are included in a new chapter of the North Dakota Administrative Code (NDAC) at Chapter 33.1-20-08. North Dakota's amended rules pertaining to the regulation of CCR became effective on July 1, 2020.

The EPA is proposing to approve North Dakota's partial program. The EPA will begin the formal process of soliciting public comment and making a final determination on whether to approve North Dakota's partial CCR permit program. In accordance with 42 U.S.C. § 6945(d)(1)(B), the EPA will finalize this determination within 180 days of this letter. The EPA will soon publish a notice in the *Federal Register* announcing and soliciting public comment on its proposed

determination. The EPA looks forward to continuing to work with NDDEQ during the program review process.

If you have questions or concerns on the completeness determination of the NDDEQ's CCR permit program application or next steps in the process, please me or contact Carolyn Hoskinson, Director of the EPA's Office of Resource Conservation and Recovery, at (202) 236-3619 or *hoskinson.carolyn@epa.gov*.

Sincerely,

Lee Zeldin
Administrator