



REGION 8 ADMINISTRATOR

DENVER, CO 80202

The Honorable Kelly Armstrong
Governor of North Dakota
600 East Boulevard Avenue
Department 101
Bismarck, North Dakota 58505

Dear Governor Armstrong:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's (EPA or the Agency) intended approach for finalizing area designations for North Dakota for the 2024 primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS or standard).

On February 7, 2024, the EPA promulgated a revised primary annual PM_{2.5} NAAQS of 9.0 micrograms per cubic meter (µg/m³).¹ The EPA's promulgation initiated the designations process in accordance with Clean Air Act (CAA) section 107, which is intended to identify areas of the country as either meeting or not meeting the NAAQS.² Under CAA section 107(d)(1)(A), the Governor of each State was required to submit a list of initial designations for all areas in their State by February 7, 2025. The EPA received a letter dated February 7, 2025 containing the list of initial area designations for North Dakota. North Dakota submitted to the EPA an initial designation of attainment for the entire state of North Dakota.

On July 17, 2026, the Northern District Court of California ordered the EPA to publish final designations for all areas of the country no later than February 6, 2027.³ The EPA is appealing that court order. On November 24, 2025, the EPA filed a motion asking the U.S. Court of Appeals for the D.C. Circuit to vacate the 2024 PM_{2.5} NAAQS thereby relieving the EPA of the obligation to make designations in furtherance of an unlawful standard. The D.C. Circuit subsequently upheld the 2024 PM_{2.5} NAAQS, but on August 28, 2026, State and industry

¹ 89 FR 16202 (Mar. 6, 2024).

² CAA section 107(d)(1)(A)(i)–(iii) defines: (i) nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS, (ii) attainment, any area (other than an area identified in clause (i)) that meets the NAAQS, or (iii) unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the NAAQS. The EPA uses the category of attainment/unclassifiable for an area that is meeting the NAAQS and does not contribute to ambient air quality in a nearby area that does not meet the NAAQS.

³ *All. of Nurses for Healthy Env'ts v. Zeldin*, No. 26-cv-03118-HSG.

petitioners filed two petitions with the United States Supreme Court for writ of certiorari, seeking to appeal that decision. Absent relevant action from the judiciary, the EPA intends to finalize designations for the 2024 annual PM_{2.5} NAAQS based on the most recent monitoring data (2023-2025 data) and any other relevant information available at that time. The majority of Governors' initial designations were based on 2021-2023 data. That being the case, we recognize that the EPA is evaluating two additional years of data beyond those that Governors had available at the time of their initial area designations submissions.

Our preliminary review of the 2023-2025 monitoring data indicates that your State has no monitors with design values that do not meet the 2024 annual PM_{2.5} NAAQS nor does your State include portions of multi-State Core-Based Statistical Areas or Combined Statistical Areas that have monitors with design values that may not meet the 2024 annual PM_{2.5} NAAQS. As such, the EPA intends to designate the entire State of North Dakota as "attainment/unclassifiable" for the 2024 annual PM_{2.5} NAAQS. This outcome would be a modification of the State's initial area designation submitted February 7, 2025.

If you have additional information that you would like the EPA to consider for final designations, please submit it to the public docket for these designations, EPA-HQ-OAR-2024-0078, located at www.regulations.gov. Submission of additional information no later than November 1, 2026, will help ensure the EPA has sufficient time to take this information into account in the Agency's final designation decision.

Should you have any questions, please contact me at (303) 312-6312. Alternatively, you may have a member of your staff reach out to Adrienne Sandoval at (720) 391-2147.

Sincerely,

MARK SMITH

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for Cyrus M. Western

cc: Aaron Weber, Policy Director, Office of Governor
Roz Leighton, Chief of Staff, Office of Governor
Jennifer Turnbow, Director, North Dakota Department of Environmental Quality
Jim Semerad, Director, Division of Air Quality, North Dakota Department of Environmental Quality
Adrienne Sandoval, Director, Region 8 Air and Radiation Division, U.S. EPA

Enclosure 1:

**North Dakota's Initial Area Designation Submission for the 2024 Annual PM_{2.5} NAAQS
and Counties that Contain Violating Monitors**

Identified Counties	Identified CBSA	State Initial Designation Category	State Initial Designation Boundary	Does the county contain a valid monitor with a DV that may not meet the NAAQS?	Is the county part of a CBSA that has a monitor located in another State that may not meet the NAAQS?
Entire State*	N/A	Attainment	Entire State	N/A	N/A

*The EPA intends to designate the entire State attainment/unclassifiable.