

Before the North Dakota Department of Health

Re: Periodic Review Hearing relating to North Dakota's Sulfur Dioxide (SO<sub>2</sub>) Prevention of Significant Deterioration (PSD) Air Quality Modeling Report to the United States Environmental Protection Agency (DRAFT FINAL October 29, 2004)

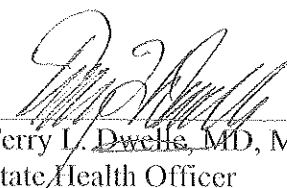
Order

I hereby appoint Environmental Chief L. David Glatt to serve as hearing officer in the above matter. I order that he and the air quality division of the department review and revise the draft PSD Modeling Report based on oral and written comments received in the hearing process and make a recommendation to me regarding finalization of the report and any action or determination he recommends at the close of the investigatory hearing relating to the adequacy of and compliance with the PSD provisions of North Dakota's State Implementation Plan.<sup>1</sup>

I request that the Attorney General appoint either Solicitor General Doug Bahr or Assistant Attorney General Charles Carvell to assist me in making a final determination and order based on the recommendations I receive from the hearing officer after the close of the hearing.

Dated this 4<sup>th</sup> day of April, 2005.

North Dakota Department of Health

  
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Terry L. Dwelle, MD, MPHTM  
State Health Officer

<sup>1</sup> This is an investigatory hearing to determine policy and compliance status under 40 C.F.R. § 51.166(a)(4) and North Dakota's State Implementation Plan under the federal Clean Air Act. See also N.D.C.C. §§ 23-01-23; 23-25-03(9). It is not an adjudicative proceeding under N.D.C.C. ch. 28-32 to determine either a complaint against a specific respondent, or an application seeking a right, privilege, or authorization, or a hearing on an appeal.