

**Environmental Protection Agency**

**§ 49.4162**

§§ 49.472–49.680 [Reserved]

**Subpart F—Implementation Plans for Tribes—Region III**

§§ 49.681–49.710 [Reserved]

**Subpart G—Implementation Plans for Tribes—Region IV**

§§ 49.711–49.920 [Reserved]

**Subpart H—Implementation Plans for Tribes—Region V**

§§ 49.921–49.1970 [Reserved]

**Subpart I—Implementation Plans for Tribes—Region VI**

§§ 49.1971–49.3920 [Reserved]

**Subpart J—Implementation Plans for Tribes—Region VII**

§§ 49.3921–49.4160 [Reserved]

**Subpart K—Implementation Plans for Tribes—Region VIII**

FEDERAL IMPLEMENTATION PLAN FOR OIL AND NATURAL GAS WELL PRODUCTION FACILITIES; FORT BERTHOLD INDIAN RESERVATION (MANDAN, HIDATSA AND ARIKARA NATION), NORTH DAKOTA

SOURCE: 78 FR 17858, Mar. 22, 2013, unless otherwise noted.

**§ 49.4161 Introduction.**

(a) *What is the purpose of §§ 49.4161 through 49.4168?* Sections 49.4161 through 49.4168 establish legally and practicably enforceable requirements to control and reduce VOC emissions from well completion operations, well recompletion operations, production operations, and storage operations at existing, new and modified oil and natural gas production facilities.

(b) *Am I subject to §§ 49.4161 through 49.4168?* Sections 49.4161 through 49.4168 apply to each owner or operator constructing, modifying or operating an oil and natural gas production facility producing from the Bakken Pool with one or more oil and natural gas wells,

for any one of which completion or recompletion operations are/were performed on or after August 12, 2007, that is located on the Fort Berthold Indian Reservation, which is defined by the Act of March 3, 1891 (26 Statute 1032) and which includes all lands added to the Reservation by Executive Order of June 17, 1892 (the “Fort Berthold Indian Reservation”). For the purposes of this subpart, the date that the first well completion operation at a new oil and natural gas production facility was initiated is the date that initial construction has commenced. For the purposes of this subpart, the date that a new well completion operation or the date that an existing well recompletion operation at an existing oil and natural gas production facility is initiated is the date that a modification has commenced.

(c) *When must I comply with §§ 49.4161 through 49.4168?* Compliance with §§ 49.4161 through 49.4168 is required no later than June 20, 2013 or upon initiation of well completion operations or well recompletion operations, whichever is later.

**§ 49.4162 Delegation of authority of administration to the tribes.**

(a) *What is the purpose of this section?* The purpose of this section is to establish the process by which the Regional Administrator may delegate to the Mandan, Hidatsa and Arikara Nation the authority to assist the EPA with administration of this Federal Implementation Plan (FIP). This section provides for administrative delegation and does not affect the eligibility criteria under 40 CFR 49.6 for treatment in the same manner as a state.

(b) *How does the Tribe request delegation?* In order to be delegated authority to assist us with administration of this FIP, the authorized representative of the Mandan, Hidatsa and Arikara Nation must submit a request to the Regional Administrator that:

(1) Identifies the specific provisions for which delegation is requested;

(2) Includes a statement by the Mandan, Hidatsa and Arikara Nation’s legal counsel (or equivalent official) that includes the following information: