



Board of Minerals and Environment

523 East Capitol Avenue
Pierre, South Dakota 57501-3182
(605)773-3151 Fax: (605)773-4068

AGENDA

Live audio of the meeting is available at <http://www.sd.net/mtc>

TELEPHONE CONFERENCE CALL

Board of Minerals and Environment
Matthew Environmental Education and Training Center
523 East Capitol Avenue
Pierre, South Dakota

October 17, 2019
10:00 a.m. Central Time

10:00 a.m. Call to order and roll call

Approval of minutes from September 18-19, 2019, meeting

Mining issues

- Consent Calendar – Tom Cline

Public hearing to consider amendments to ARSD 74:36:01, 74:36:02, 74:36:03, 74:36:05, chapter 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, and 74:36:21, Air Pollution Control Program – Ashley Brakke

Update on Spyglass Cedar Creek litigation

Public comment period

Next meeting

Adjourn

Interested parties who wish to participate in the telephone conference call should contact DENR at (605)773-3886 no later than 3:00 p.m. Central Time on Wednesday, October 16, 2019. Interested parties may also participate in person at the Department of Environment and Natural Resources, Joe Foss Building Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, SD. Please access the Joe Foss Building at the front entrance on Capitol Avenue.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources by calling (605) 773-5559 at least 48 hours prior to the meeting if you have a disability for which special arrangements are required.

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>

Minutes of the
Board of Minerals and Environment
Mineral Palace Hotel – Gem Theater Room
604 Main Street
Deadwood, South Dakota

September 18-19, 2019
10:00 a.m. MDT

SEPTEMBER 18, 2019

CALL TO ORDER: The meeting was called to order by Chairman Rex Hagg. The roll was called, and a quorum was present.

BOARD MEMBERS PRESENT: Rex Hagg, Glenn Blumhardt, Daryl Englund, Gregg Greenfield, Doyle Karpen, Jessica Peterson, and John Scheetz.

BOARD MEMBERS ABSENT: Dennis Landguth and Bob Morris.

OTHERS PRESENT: See attached attendance sheets.

APPROVAL OF MINUTES FROM AUGUST 15, 2019, MEETING: Motion by Karpen, seconded by Blumhardt, to approve the minutes from the August 15, 2019, Board of Minerals and Environment meeting. A roll call vote was taken, and the motion carried unanimously.

MINING ISSUES

Consent Calendar: Prior to the meeting, the board received a table listing the department recommendations for releases of liability and surety, transfers of liability, and releases of liability (see attachment).

Bret Graves answered questions from the board regarding the transfer of liability from Boyden Construction to Duane Strand and the release of liability for Myrl & Roy's Paving, Inc.

Motion by Greenfield, seconded by Englund, to accept the department recommendations for releases of liability and surety, transfers of liability, and releases of liability, as shown on the consent calendar. A roll call vote was taken, and the motion carried unanimously.

SPYGLASS CEDAR CREEK, LP – UPDATE ON LITIGATION AND CONTACT WITH LAND/MINERAL OWNERS: Steve Blair, Assistant Attorney General, reported that he would be taking over as counsel on this matter since Mr. Williams resigned from the Attorney General's Office.

The pleadings have been filed and everyone has been served. The state received a \$20,000 check from Spyglass Cedar Creek, LP to replace the bond Spyglass cashed out of a Texas Bank. The check has cleared the bank and is in the custody of the state.

Mr. Blair noted that an amended complaint will be filed. In serving Mr. Kimmel and Mr. Sellers, new information was learned about their status with the company, so an amendment to the pleadings is needed, which will be filed in the near future.

Mike Lees, Administrator of the Minerals and Mining Program, stated that the board previously asked the department to send a letter to property owners affected by Spyglass Cedar Creek's 40 orphaned wells in Harding County. The department sent the letter via certified mail to all known property owners on August 21, 2019. Property owners contacted included the Bureau of Land Management and South Dakota School and Public Lands. The letter informed property owners of the board's action pertaining to Spyglass Cedar Creek and solicited input from the property owners. Mr. Lees noted that a copy of the survey sent to the property owners was included in the board packet. The property owners were asked to complete the survey and return it to the department by September 30, 2019.

Lucy Blocker, geologist with the Minerals and Mining Program, is the department's main point of contact regarding Spyglass matters and communicating with affected property owners. Ms. Blocker reported that of the 10 letters sent to affected property owners on August 21 and September 10, 2019, five responses have been received. With one exception, all responding property owners indicated their greatest concerns were getting the wells plugged so they are not a potential environmental threat and cleaning up the well sites. The responses were received from both surface and mineral owners.

Mr. Lees noted that the survey asked which wells the property owner has an interest in and what is the nature of the interest. The survey was sent to all known surface and mineral interest owners, however, there are undoubtedly many unknown mineral owners who were not notified.

Ms. Blocker stated that in one case a follow-up letter was sent because a recipient informed DENR about an additional owner and asked the department to contact him.

Chairman Hagg asked who was buying the gas when the Spyglass operation was active. Mr. Lees answered that Montana Dakota Utilities (MDU) was buying the gas.

Chairman Hagg asked if anyone has checked with MDU or anyone through Spyglass to see if they have identified all the owners through a division order where they pay out based on their research of the mineral owners in their leases. He said they usually will send out a division order to sign to be paid for the gas taken. This would help the department identify some of those mineral owners.

Mr. Lees stated that Spyglass Cedar Creek leased the minerals from mineral interest owners, and paid owners under the terms of each lease.

Chairman Hagg asked if the department has ever received copies of division orders.

Ms. Blocker stated that the department does not regulate leasing activity and does not typically receive copies of division orders.

Chairman Hagg noted that maybe that information could be obtained through the litigation. Getting copies of the division orders would help the department's effort to contact those people.

Mr. Karpen asked how many of the 40 wells are located on State land. Mr. Lees answered that 40 percent of the wells are located on State surface.

Chairman Hagg asked if there are areas where the State owns the surface but not the minerals.

Mr. Lees stated that there are split-estate properties where the state owns either only the surface or only the minerals

In response to a question from Mr. Scheetz, Mr. Lees stated that the first step in addressing the wells is to get funding. Under the next agenda item, Mr. Lees said he will be discussing a bill the department is working on that would create a clear path in statute to use forfeited bond money to address the Spyglass wells.

Regarding contact with land/mineral owners, Ms. Blocker reported that the department received input from the Bureau of Land Management, who has a financial interest in some of the wells.

Chairman Hagg asked if the department got any sense that the Bureau of Land Management might be willing to contribute to plugging the wells.

Ms. Blocker stated that the BLM has indicated since none of the wells penetrate federal mineral property, the wells do not qualify for federal orphaned well funding.

Mr. Greenfield asked if the department has thought about making a request to the legislature for an appropriation to address the wells.

Mr. Lees said that request was made during the 2019 legislative session, but it wasn't the department that made the request. That bill was opposed by the Bureau of Finance and Management and the Governor's Office. A question underlying the 2019 opposition to the proposed bill was, whose responsibility is it to plug the wells? He said the department is not going to request an appropriation based on direction from the last legislative session. The department is drafting a bill designed to reconcile environmental surety spending authority under SDCL 34A-10 with the oil & gas bonding provisions under SDCL 45-9 to make a clear path for use of forfeited oil and gas bonds are not needed, like the Quartz bond, for situations this the Spyglass wells. The department does not plan to request an appropriation.

Chairman Hagg stated that if a realistic targeted amount can be determined and consensus from the landowners, that might bear more weight with the legislature. Whether it comes from the department, the Governor's Office, or even an individual legislator from that area, maybe an

appropriation would be appropriate then. It is all part of the process of why this information is being gathered and determining what the alternatives are because the board and the department are stymied without money to do much of anything else on the plugging side. Chairman Hagg said it is not uncommon to make a second request after more information is obtained and more of a specific solution is found; instead of asking for \$1,000,000 maybe it only takes \$300,000. He said he believes there is still hope that this can be done, but more information than what was presented last year is needed.

Mr. Blumhardt stated that there is still the possibility of a settlement with Mr. Kimmel and Mr. Sellers.

Mr. Karpen said it may be feasible to request funding from the legislature to plug the wells in two phases, that way not all of the funding would be required at the same time. He recommended someone move forward with legislation.

Chairman Hagg suggested that School and Public Lands should take the lead in requesting an appropriation to at least plug the wells on their land.

Chairman Hagg said he believes the board has done everything it can do.

DISCUSSION ON OIL AND GAS BOND CHANGE RECOMMENDATIONS: Mr. Lees reported that the department has been developing potential oil and gas bond changes that would preclude future situations like Spyglass. He discussed the following proposed changes to SDCL 45-9-15:

- Eliminate tiered bonding by depth.
- New bonding requirement based on original bond increase proposed in 2013 (Senate Bill 1):
 - \$50,000 per well, or total estimated plugging/reclamation cost if less, or;
 - \$100,000 statewide blanket bond.
- Additional bond requirement for idle wells (two proposed options conceptually based on Wyoming and Colorado requirements):
 - \$10/ft, or total estimated plugging/reclamation cost if less than \$10/ft.
 - \$20,000 per idle well.

Chairman Hagg said it doesn't make logical sense that a company could have 40 wells under one \$100,000 blanket bond. He questioned why each well wouldn't have an individual bond.

Mr. Lees stated that industry is accustomed to blanket bonds throughout the region.

Chairman Hagg said he doesn't think it is a problem when there are only five wells, but when there are 40 wells it should be more.

Mr. Lees said some states have a cap on the number of wells covered under a blanket bond.

Chairman Hagg suggested the department consider placing a cap on the number of wells covered under a blanket bond.

Mr. Karpen suggested that the board set the bond amounts for each well. Then, if a company believes the amount set by the board is too high, the company would have to provide information to the board proving why that large of a bond is not required.

Chairman Hagg noted that the board does have the authority to require a larger bond amount.

Mr. Scheetz stated that if Spyglass were required to post a \$100,000 blanket bond, that amount would not be enough to cover the cost of plugging all 40 of the wells.

Mr. Lees noted that the proposed bill also includes a \$20,000 bond for each idle well, which would have addressed the Spyglass situation.

Mr. Lees stated that the department sent letters to all oil and gas companies operating in SD, explaining proposed changes to the bond requirement under SDCL 45-9-15. In addition to explaining the proposed changes, the letter requested input from operators. Fourteen industry contact letters were sent via certified mail, and the department requested responses by August 30. Responses were submitted by Peter K. Roosevelt, Citation Oil & Gas, and Continental Resources.

Citation Oil & Gas and Continental Resources both responded in support of the proposed changes, however, both companies want the board and the department to have discretion in requiring additional idle well surety on a case-by-case basis.

Mr. Lees read the following comment that was submitted by Peter K. Roosevelt, who operates approximately 15 shallow oil wells in Fall River County.

“Raising the bonding requirements will punish the good operators as well as the bad operators. It is akin to throwing the baby out with the bathwater. It will certainly discourage future exploration in Fall River County where cost of operations needs to be kept low to match the risk of exploration... Proposed changes to SD’s oil and gas bonding stature are not wise.”

Mr. Greenfield said wildcat developers may not be the best operations to encourage with the blanket bond requirement. He said the problem he has with the allocation of risk with Mr. Roosevelt is that we “shouldn’t throw the baby out with the bathwater” but when the wildcat developer actually hits oil, the state does not get a bigger share. When something goes wrong, the state gets all of it, which is wrong. Mr. Greenfield said he is not in favor of requiring a blanket bond.

Mr. Blumhardt stated that the board must work within the guidelines that the legislature sets.

Chairman Hagg asked when the draft legislation will be ready. Mr. Lees stated that the proposed legislation is still being drafted.

Board of Minerals and Environment
September 18-19, 2019, Meeting Minutes

The board discussed the idea of contacting local legislators and testifying during the legislative session regarding the legislation. Chairman Hagg stated that he will ask Charlie McGuigan, Chief Deputy Attorney General, for direction regarding the board members testifying during the legislative session.

Mr. Lees stated that the department is also developing a second draft bill that involves changing SDCL 34A-10 to provide the board the authority to spend certain forfeited oil and gas bonds for reclamation of any activity or resources regulated under SDCL 45-9, Oil and Gas Conservation.

PUBLIC COMMENT PERIOD: No public comments.

NEXT MEETING: The next meeting is October 17, 2019, in Pierre.

Chairman Hagg called a recess. He departed the meeting to attend to a prior commitment.

At 1:00 p.m. the board members, DENR staff, and several members of the public met at the Homestake Office in Central City and proceeded to tour the Grizzly Gulch Tailings Impoundment and the Gilt Edge Mine.

Vice Chairman Glenn Blumhardt declared a recess following the tour of the Gilt Edge Mine.

SEPTEMBER 19, 2019

Vice Chairman Blumhardt called the meeting back to order at 8:30 a.m. A quorum was present.

BOARD MEMBERS PRESENT: Glenn Blumhardt, Daryl Englund, Gregg Greenfield, Doyle Karpen, Bob Morris, Jessica Peterson, and John Scheetz.

BOARD MEMBERS ABSENT: Dennis Landguth and Rex Hagg.

OTHERS PRESENT: See attached attendance sheets.

The board, DENR staff, and several members of the public toured the Wharf Resources Mine, the Golden Reward mine, and the VMC project area.

ADJOURN: At the end of the tour, a motion was made by Karpen and seconded by Morris, to adjourn the meeting. The motion carried unanimously.

Secretary Date

Witness Date

SEPTEMBER 18, 2019

BME

ATTENDANCE SHEET

BOARD OF MINERALS AND ENVIRONMENT
SEPTEMBER 18-19, 2019 TOUR

18

NAME (PLEASE PRINT)	ADDRESS	REPRESENTING
Julie Santella	Rapid City, SD	myself
TALLI NAYMAN	talli.nayman@gmail.com	myself
Jeram y	Rapid City SD	myself
John Nelson	Rapid City SD	self
Aaron McLean	Piedmont SD	SELF
Elvyn D. Bissonette	Pine Ridge SD	Cyala Sioux Tribe
Lindsey McLean	Piedmont, SD	self
Thomas L. Briggs	Pine Ridge, SD	Cyala Sioux Tribe
Carol Haysse	Nemo, SD	self
M. Teller	Reno, NV	self
Daryl England	Brookings	DENR - BME
Greg Grantfield	South Falls, SD	BME
Dale Kasper	Jefferson, SD	BME
Jessica Peterson	Aberdeen, SD	BME
Steve Blair	ZCSO	ATG
MARK KENNEDY	DT RMO	DENR

ATTENDANCE SHEET

BOARD OF MINERALS AND ENVIRONMENT
SEPTEMBER 18-19, 2019 TOUR

NAME (PLEASE PRINT)	ADDRESS	REPRESENTING
Mike Lees	Pierre, SD	SD DENR
Seth Tupper	Rapid City	RC Journal
Doyle Karper	Jefferson SD	BME
Jessica Peterson	Aberdeen, SD	BME
Gregg Grantick	Sioux Falls, SD	BME
Steve Blair	RCSD	ATG
Bob Morris	Bellevue, SD	BME
Daryl England	Brookings	BME
Julie Santella	Rapid City	-
Jeremy	Rapid city	N/A
John Scheetz	Lead SD	BME
Adam Forder	Rapid City, SD	RC Journal
MORIK KEENIHAN	RC	DENR
Glen Plunhard	Bonville	BME
Don Valentine	Starbuck Eng Co	VMC
Amber Vogt	Deadwood SD	VMC

Consent Calendar

South Dakota Board of Minerals & Environment

September 18, 2019

September 18, 2019

License Holder	License No.	Site No.	Surety Amount	Surety Company or Bank	DENR Recommendation
<u>Releases of Liability & Surety:</u>					
Schenkel Demolition LLC Tyndall, SD	09-867	867001	\$5,000	Security State Bank, Tyndall	Release liability and \$5,000.
		E1/2 SE1/4 Section 1; T94N-R61W, Bon Homme County			
Gary Van Zee Franklin, TN	18-1045	1045001	\$1,500	BankWest, Armour	Release liability and \$1,500.
		W1/2 Section 12; T100N-R65W, Douglas County			
<u>Transfers of Liability:</u>					
Boyden Construction Platte, SD	85-313	313002	\$20,000	Bank of the West, Platte	Transfer liability.
		SE1/4 Section 34; T101N-R66W, Aurora County			
Transfer to:					
Duane Strand Platte, SD	18-1037		\$1,000	First Fidelity Bank, Platte	

Consent Calendar
South Dakota Board of Minerals & Environment

September 18, 2019

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Transfers of Liability:</u>					
Jackson County Highway Department Kadoka, SD	83-79		EXEMPT	NA	Transfer liability.
		79043	Section 30; T44N-R33W, Jackson County		
Transfer to:					
Western Construction Inc. Rapid City, SD	09-880		\$20,000	Travelers Casualty & Surety Company of America	
Meade County Highway Department Sturgis, SD	83-113		EXEMPT	NA	Transfer liability.
		113061	NW1/4 Section 21; T13N-R10E, Perkins County		
Transfer to:					
Perkins County Highway Department Bison, SD	83-91		EXEMPT	NA	
<u>Releases of Liability:</u>					
Myrl & Roy's Paving, Inc. Sioux Falls, SD	83-95		\$20,000	Great American Insurance Company	Release liability.
		95025	W1/2 N1/2 Section 30 & SE1/4 SE1/4 SW1/4 Section 19; T102N-R50W, Minnehaha County		

Consent Calendar

South Dakota Board of Minerals & Environment

September 18, 2019

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Releases of Liability:</u>					
Rogers Construction, Inc. Sturgis, SD	15-988	988006	\$20,000 S1/2 Section 1; T3N-R3E, Lawrence County	United Fire & Casualty Company	Release liability.
Dina Shefner Plankinton, SD	89-392	392003	\$3,000 Section 24; T105N-R64W, Aurora County	American Bank & Trust, Alpena	Release liability.
DOT – Aberdeen Region Aberdeen, SD	83-10	10072	EXEMPT SW1/4 Section 26; T116N-R70W, Hand County	NA	Release liability.
Hyde County Highway Department Highmore, SD	83-88	88008 88015	EXEMPT NE1/4 Section 30; T111N-R73W, Hyde County SW1/4 Section 23; T116N-R72W, Hyde County	NA	Release liability.

Consent Calendar
South Dakota Board of Minerals & Environment

September 18, 2019

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<u>Releases of Liability:</u>					
Moody County Highway Department Flandreau, SD	83-182		EXEMPT	NA	Release liability.
		182013	NW1/4 Section 21; T107N-R47W, Moody County		

Consent Calendar

South Dakota Board of Minerals & Environment

October 17, 2019

October 17, 2019					
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<u>Releases of Liability & Surety:</u>					
James Gary Green Golden, CO	18-1043		\$1,500	Dacotah Bank, Sioux Falls	Release liability and \$1,500.
		1043001	Section 29; T93N-R51W, Clay County		
Thunderbird Realty, LLC Rapid City, SD	07-847		\$20,000	Sun Surety Insurance Company	Release liability and \$20,000.
		847001	N1/2 Section 24; T2N-R8E, Pennington County		
<u>Transfers of Liability & Release of Surety:</u>					
Arthur E. Argo, Jr. Wilmot, SD	09-876		\$7,000	Minnwest Bank of Wilmot	Transfer liability and release \$7,000.
		876001	S1/2 NE1/4 Section 25; T123N-R51W, Roberts County		
		876002	E1/2 SW1/4 Section 24; T124N-R51W, Roberts County		
		876004	W1/2 Section 9; T120N-R51W, Grant County		
		876006	SW1/4 Section 26; T126N-R53W, Marshall County		
Transfer to:					
CT Sibson Gravel & Crushing Inc. Beardsley, MN	19-1054		\$10,000	Frandsen Bank & Trust, Clinton, MN	

Consent Calendar
South Dakota Board of Minerals & Environment

October 17, 2019

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Transfers of Liability & Release of Surety:</u>					
Benchmark Enterprises LLC Rapid City, SD	13-953		\$2,500	First Interstate Bank, Custer	Transfer liability and release \$2,500.
		953001	SW1/4 Section 19; T5N-R1E, Lawrence County		
Transfer to:					
Cody Schad Rapid City, SD	19-1047		\$2,500	Pioneer Bank, Rapid City	
<u>Transfers of Liability:</u>					
Schladweiler Construction Mitchell, SD	83-167		\$10,000	Fulton State Bank, Mitchell Farmers State Bank, Mitchell	Transfer liability.
		167034	SE1/4 SW1/4 Section 1; T95N-R65W, Charles Mix County		
Transfer to:					
Schultz Redi-Mix LLC Avon, SD	15-985		\$3,500	Commercial State Bank, Wagner	

Consent Calendar
South Dakota Board of Minerals & Environment

October 17, 2019

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Transfers of Liability:</u>					
Dina Shefner Plankinton, SD	89-392		\$3,000	American Bank & Trust, Alpena	Transfer liability.
		392001	Section 8; T105N-R63W, Aurora County		
Transfer to:					
Aurora County Highway Department Plankinton, SD	83-87		EXEMPT	NA	
<u>Releases of Liability:</u>					
Bowes Construction, Inc. Brookings, SD	83-164		\$20,000	Hudson Insurance Company	Release liability.
		164023	SE1/4 Section 27; T101N-R66W, Aurora County		

Consent Calendar
South Dakota Board of Minerals & Environment

October 17, 2019

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<u>Releases of Liability:</u>					
Fisher Sand & Gravel Company Dickinson, ND	83-54		\$20,000	Liberty Mutual Insurance Company	Release liability.
		54005	E1/2 NW1/4 Section 9; T102N-R59W, Hanson County		
		54010	W1/2 Section 9; T102N-R59W, Hanson County		
		54074	W1/2 SE1/4 Section 10; T2N-R7E, Meade County		
		54075	W1/2 NE1/4 Section 36; T116N-R72W, Hyde County		
		54087	SW1/4 Section 23; T116N-R72W, Hyde County		
		54123	SE1/4 Section 26; T116N-R70W, Hand County		
		54128	N1/2 Section 31 & W1/2 NW1/4 Section 32; T8N-R3E, Butte County		

Consent Calendar
South Dakota Board of Minerals & Environment

October 17, 2019

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<u>Releases of Liability:</u>					
Lien Transportation Company Aberdeen, SD	84-257		\$20,000	Western Surety Company	Release liability.
		257002	E1/2 SW1/4 Section 29; T124N-R63W, Brown County		
		257003	NW1/4 Section 16; T124N-R63W, Brown County		
		257012	NE1/4 SE1/4 Section 26; T123N-R64W, Brown County		
		257016	S1/2 Section 18; T121N-R64W, Brown County		
		257017	S1/2 NE1/4 & NE1/4 NE1/4 Section 5; T127N-R67W, McPherson County		
		257019	SW1/4 Section 12; T125N-R73W, McPherson County		
Opperman, Inc. Gregory, SD	83-4		\$20,000	Sun Surety Insurance Company	Release liability.
		4015	SW1/4 Section 36; T100N-R70W, Charles Mix County		

Consent Calendar
South Dakota Board of Minerals & Environment

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<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DENR Recommendation</u>
<u>Releases of Liability:</u>					
Van Zee Gravel & Construction Platte, SD	83-223		\$8,000	Bank of the West, Platte	Release liability.
		223011	NE1/4 Section 21; T100N-R67W, Charles Mix County		
Butte County Highway Department Belle Fourche, SD	83-6		EXEMPT	NA	Release liability.
		6013	NE1/4 Section 12; T16N-R1E, Harding County		
<u>Release of Surety:</u>					
Schladweiler Construction Mitchell, SD	83-167		\$10,000	Fulton State Bank, Mitchell Farmers State Bank, Mitchell	Release \$10,000.


IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service on Secretary Hunter Roberts of

- (1) Department of Environment and Natural Resources' proposed amendments to article 74:36 by revising all or several sections in chapters 74:36:01, 74:36:02, 74:36:03, 74:36:05, 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, 74:36:21; and
- (2) all materials incorporated by reference

is admitted at Pierre, South Dakota, this 6th day of September, 2019.



Secretary of Department of Environment and Natural Resources

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AUTHORIZATION TO PROCEED

In accordance with SDCL 1-26-4(2), I, Hunter Roberts, Secretary of the Department of Environment and Natural Resources, authorize the Department of Environment and Natural Resources to proceed with the promulgation of the proposed amendments to article 74:36 by revising all or several sections in chapters 74:36:01, 74:36:02, 74:36:03, 74:36:05, 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, and 74:36:21.

Dated this 6th day of September, 2019.



Secretary of Department of Environment and Natural Resources

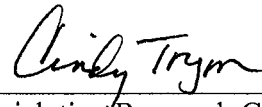
**IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES**

ADMISSION OF SERVICE

Personal service on the Legislative Research Council of:

- 1) Department of Environment and Natural Resources' proposed amendments to article 74:36 by revising all or several sections in chapters 74:36:01, 74:36:02, 74:36:03, 74:36:05, 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, and 74:36:21,
- 2) the Notice of Public Hearing,
- 3) the Fiscal Note,
- 4) the Small Business Impact Statement,
- 5) a copy of the Admission of Service on Department Secretary,
- 6) a copy of the Authorization to Proceed, and
- 7) all materials incorporated by reference

is admitted at Pierre, South Dakota, this 9th day of September, 2019.



Legislative Research Council

Agency contact person: Ashley Brakke
Phone Number: 605-773-4209
Email Address: Ashley.Brakke@state.sd.us

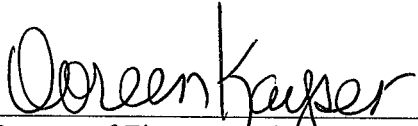
**IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES**

ADMISSION OF SERVICE

Personal service on the Bureau of Finance and Management of:

- (1) Department of Environment and Natural Resources' proposed amendments to article 74:36 by revising all or several sections in chapters 74:36:01, 74:36:02, 74:36:03, 74:36:05, 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, and 74:36:21,
- (2) the Notice of Public Hearing,
- (3) the Fiscal Note, and
- (4) the Small Business Impact Statement Form

is hereby admitted at Pierre, South Dakota, this 9 day of September 2019.


Bureau of Finance and Management

Agency contact person: Ashley Brakke
Phone Number: 605-773-4209
Email Address: Ashley.Brakke@state.sd.us

September 9, 2019

MEMO TO: Bureau of Finance and Management

FROM: Ashley Brakke, Engineer III
Air Quality Program

SUBJECT: Negative Fiscal Impact Request

The proposed revisions to ARSD 74:36 – Air Pollution Control Program impacts the following local political subdivisions as noted in the fiscal note:

1. South Dakota School of Mines and Technology
2. South Dakota State University
3. University of South Dakota
4. South Dakota Veterans Home (Michael J. Fitzmaurice)
5. Brookings Regional Landfill
6. Brown County Regional Landfill
7. City/School Common Energy Plant (Associated with Rapid City Central High School)
8. City of Sioux Falls (Landfill)
9. City of Sioux Falls (Water Reclamation)
10. City of Watertown Landfill
11. Fort Pierre Power and Light Plant
12. Madison Generation Plant
13. Mitchell Regional Landfill
14. Pierre Regional Landfill
15. Rapid City Regional Landfill
16. City of Yankton (Asphalt Plant)
17. City of Vermillion Landfill

The Department of Environment and Natural Resources (DENR) has notified each of these entities about the proposed changes. However, as noted in South Dakota Codified Law 1-26-4.2, If the Bureau of Finance and Management agrees these proposed revisions have a negative fiscal impact on a local subdivision, please send your fiscal note to the South Dakota Municipal League, Associated School Boards of South Dakota, and South Dakota County Commissioners Association

If you have any concerns or questions, please contact me at (605) 773-3151.

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE**

	CODE	NAME
DEPARTMENT	20	Environment and Natural Resources
DIVISION	2	Environmental Services
PROGRAM		Air Quality

*PROPOSED RULE: Revisions to ARSD 74:36
Hearing Date: October 17, 2019*

FISCAL IMPACT STATEMENT:

Brief description of fiscal impact: No impact. These are updated federal requirements that must be met with or without the state rules. No additional staffing is needed.

FISCAL NOTE SUMMARY:


List state agencies of local governmental subdivisions affected: None.

COST INCREASES (DECREASES)

State Agencies:	First Year Impact	Continuous-Yearly Impact
TOTAL	\$0	\$0
Local Subdivisions:		
TOTAL	\$0	\$0
Small Business Increases (Decreases)		
TOTAL	\$0	\$0

REVENUE INCREASES (DECREASES)

Revenue Increases (Decreases) State, Local & Small Business:	First Year Impact	Continuous-Yearly Impact
TOTAL	\$0	\$0

APPROVED  DATE 9-6-2019
Signature Department Secretary

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of effect (i.e. procedures, schedules, activities, etc. will change with adoption), 2) source and use of any statistics, 3) assumptions for fiscal impact, 4) computations, and 5) Small Business Impact Statement.

A copy of this form may be obtained from the Bureau of Finance and Management. If proposed rules have a negative fiscal impact on a local government, the Bureau of Finance and Management must send a copy of its fiscal note to the organizations listed in SDCL 1-26-4.2.

ARTICLE 74:36 – AIR POLLUTION CONTROL PROGRAM FEES

NOTICE OF PUBLIC HEARING TO REVISE RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

§§ 74:36:01; 74:36:02; 74:36:03; 74:36:05; 74:36:07; 74:36:08; 74:36:09; 74:36:10; 74:36:11; 74:36:12; 74:36:13; 74:36:16; 74:36:18; 74:36:20; and 74:36:21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mtc>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.



Hunter Roberts, Secretary

Department of Environment and Natural Resources

From: Williams, Teresa
To: "aan-legals@aberdeennews.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:25:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

American News
P. O. Box 4430
Aberdeen, SD 57402-4430

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

A new state law (effective July 1, 2009) now requires that our public notices include additional language regarding the cost to publish the public notice. The line that must be completed with a dollar amount will now appear at the bottom of the public notice. Please indicate the dollar amount before publishing in your newspaper.

If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: [registerclassifieds \(registerclassifieds@brookingsregister.com\)](mailto:registerclassifieds@brookingsregister.com)
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:26:00 AM
Attachments: FEE FORM 6 2019_public notice.docx

September 9, 2019

Brookings Register
312 Fifth Street
P.O. Box 177
Brookings, SD 57006-0177

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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If you should have any questions, please contact me at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "rcrandall@plainsman.com"
Subject: public notice - rules
Date: Monday, September 9, 2019 10:28:00 AM.
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

The Plainsman
49 3rd Street SE
P. O. Box 1278
Huron, SD 57350-1278

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed Legal Notice in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, SD 57501

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If you should have any questions, please contact me at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "ann@madisondailyleader.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:30:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Madison Daily Leader
214 S. Egan Avenue
P. O. Box 348
Madison, SD 57042-0348

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed Legal Notice in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

**Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 E. Capitol Avenue, Joe Foss Building
Pierre, South Dakota 57501**

A new state law (effective July 1, 2009) now requires that our public notices include additional language regarding the cost to publish the public notice. The line that must be completed with a dollar amount will now appear at the bottom of the public notice. Please indicate the dollar amount before publishing in your newspaper.

If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

*Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278*

From: Williams, Teresa
To: "dailyclass@mitchellrepublic.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:31:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

The Daily Republic
120 South Lawler
PO Box 1288
Mitchell, SD 57301-1288

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

A new state law (effective July 1, 2009) now requires that our public notices include additional language regarding the cost to publish the public notice. The line that must be completed with a dollar amount will now appear at the bottom of the public notice. Please indicate the dollar amount before publishing in your newspaper.

If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "legals@capjournal.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:32:00 AM.
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Capital Journal
333 West Dakota
P. O. Box 878
Pierre, SD 57501-0878

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

**Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501**

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If you should have any questions, please contact me at 773-3151.

Sincerely,

*Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278*

From: Williams, Teresa
To: "legals@rapidcityjournal.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:34:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Rapid City Journal
P. O. Box 450
Rapid City, SD 57709-0450

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

A new state law (effective July 1, 2009) now requires that our public notices include additional language regarding the cost to publish the public notice. The line that must be completed with a dollar amount will now appear at the bottom of the public notice. Please indicate the dollar amount before publishing in your newspaper.

If you have any questions, please contact this office at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "legals@argusleader.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:35:00 AM
Attachments: FEE FORM-6 2019 public notice.docx

September 9, 2019

Argus Leader
200 South Minnesota
P. O. Box 5034
Sioux Falls, SD 57117-5034

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed **Legal Notice** in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 E. Capitol Avenue, Joe Foss Building
Pierre, South Dakota 57501

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If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "legals@bhpioneer.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:37:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Black Hills Pioneer
315 Seaton Circle
P.O. Box 7
Spearfish, SD 57783-0007

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed **Legal Notice** in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 E. Capitol, Joe Foss Building
Pierre, South Dakota 57501

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Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

From: Williams, Teresa
To: "legals@thepublicopinion.com"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:38:00 AM
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Public Opinion
120 3rd Ave NW
PO Box 10
Watertown SD 57201-0010

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a Legal Line Ad on the 12th day of September, 2019.

For payment, submit an affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

**Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501**

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If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

*Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278*

From: Williams, Teresa
To: "classifieds@yankton.net"
Subject: Public Notice - Rules
Date: Monday, September 9, 2019 10:39:00 AM.
Attachments: FEE FORM 6 2019 public notice.docx

September 9, 2019

Daily Press & Dakotan
319 Walnut
P. O. Box 56
Yankton, SD 57078-0056

Attention: Legal Advertising Manager

Dear Sir or Madam:

Please publish the enclosed *Legal Notice* in your paper as a legal line ad on the 12th day of September, 2019.

For payment, submit an Affidavit of publication along with a bill indicating the rate charged per line or inch to the following address:

Teresa Williams
Department of Environment and Natural Resources
Division of Environmental Services - Air Quality Program
523 E. Capitol, Joe Foss Building
Pierre, South Dakota 57501

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If you should have any questions, please contact this office at (605) 773-3151.

Sincerely,

Teresa Williams
Program Assistant
DENR - Air Quality
605-773-2278

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA}

§

SEP 16 2019

COUNTY OF BROWN}

AIR QUALITY
PROGRAM

Conla Rorvig being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 734786

Article 74:36 - Air Pollution

Control Program Fees

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day.
The first publication being made on the 12th day of Sept., 2019.
The second publication being made on the _____ day of _____, 2019.
The third publication being made on the _____ day of _____, 2019.
The fourth publication being made on the _____ day of _____, 2019.
The fifth publication being made on the _____ day of _____, 2019.
The sixth publication being made on the _____ day of _____, 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 58.31, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 12th day of Sept., 2019.

Daily Circulation 10,000

Ami Wolf

Notary Public, Brown County, SD

My commission expires March 20, 2025

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

Hunter Roberts, Secretary
Department of Environment and Natural Resources

Published once at the total approximate cost of \$58.31.

(No. 734786)

(September 12, 2019 - 17)

ARTICLE 74:36 - AIR POLLUTION CONTROL PROGRAM FEES

NOTICE OF PUBLIC HEARING TO REVISE RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

55 74:36:01; 74:36:02; 74:36:03; 74:36:05; 74:36:07; 74:36:08; 74:36:09; 74:36:10; 74:36:11; 74:36:12; 74:36:13; 74:36:16; 74:36:18; 74:36:20; and 74:36:21.

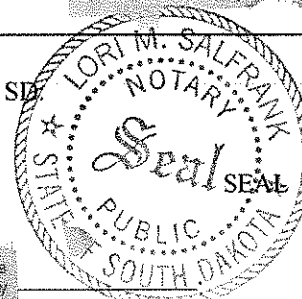
The public may listen to the live audio of the hearing at <http://www.sd.net/mic>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.



RECEIVED

OCT 04 2019

AIR QUALITY
PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

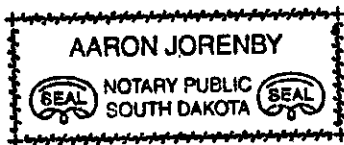
Leg#228 Notice of Public Hearing to Revise Rules

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

September 12, 2019

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Thirty-Seven Dollars and Nine Cents \$37.09



KmFcho

13 day of

September

2019

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 228, 1X, 9/12
ARTICLE 74:36 -
AIR POLLUTION
CONTROL PROGRAM
FEES
NOTICE OF PUBLIC
HEARING TO REVISE
RULES

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§§ 74:36:01;
74:36:02; 74:36:03;
74:36:05; 74:36:07;
74:36:08; 74:36:09;
74:36:10; 74:36:11;
74:36:12; 74:36:13;
74:36:16; 74:36:18;
74:36:20; and 74:36:21.

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Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

Hunter Roberts, Secretary
Department of Environment and Natural Resources

Published 1X at the total approximate cost of \$37.09.

SEP 18 2019

AIR QUALITY AFFIDAVIT OF PUBLICATION
PROGRAM

STATE OF SOUTH DAKOTA }
County of Lake } ss.

necessary arrangements.
Copies of the proposed rules
may be obtained without charge
by calling Ashley Brakke at (605)
773-3151 or from the following
website: [http://denr.sd.gov/
public/default.aspx](http://denr.sd.gov/public/default.aspx).
HUNTER ROBERTS,
Secretary
Department of Environment
and Natural Resources
Published once at the total
approximate cost of \$31.54

Friday, Sept. 13

in Daily Leader 1M

ARTICLE 74:36 - AIR
POLLUTION CONTROL
PROGRAM FEES
NOTICE OF PUBLIC
HEARING TO REVISE RULES

The Board of Minerals and
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10:00 a.m. central time, to consider
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Program by revising all or several
sections in the following Chapters:
§§ 74:36:01; 74:36:02; 74:36:03;
74:36:05; 74:36:07; 74:36:08; 74:36:09;
74:36:10; 74:36:11; 74:36:12; 74:36:13;
74:36:16; 74:36:18; 74:36:20; and
74:36:21.

The public may listen to the live
audio of the hearing at
<http://www.sd.net/mtc>.

The effect of the proposed
amendments will be to update
South Dakota's existing air quality
rules by incorporating updated,
codified federal regulations,
incorporating by reference the
revised federal National Ambient
Air Quality Standards, and
incorporating federal
requirements for municipal solid
waste landfills. The proposed
amendments primarily reflect
changes made to the federal air
quality regulations up to July 1,
2018. The reason for adopting the
proposed amendments is to
continue to have South Dakota's
air pollution control program rules
comply with the federal
regulations and to allow South
Dakota to maintain approval of its
air quality program.

Persons interested in
presenting data, opinions, and
arguments for or against the
proposed amendments may do so
by appearing in person at the
hearing or by submitting written
comments to the South Dakota
Department of Environment and
Natural Resources, Air Quality
Program, Joe Foss Building, 523
East Capitol Avenue, Pierre, South
Dakota 57501-3182. Electronic
comments and those comments
submitted by mail must reach the
Department by the close of
business on October 14, 2019, to be
considered.

At the hearing, the board will
consider all written and oral
comments it receives on the
proposed amendments. The board
may modify or amend a proposed
rule at that time to include or
exclude matters that are
described in this notice.

Notice is further given to
individuals with disabilities that
this hearing is being held in a
physically accessible place.
Individuals needing assistance,
pursuant to the Americans with
Disabilities Act, should contact the
Department of Environment and
Natural Resources at (605) 773-
3151 at least 48 hours before the
public hearing to make any

Aubrey Larsen

of the City of Madison, County of Lake,
State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation,
printed and published in the City of Madison, in said County of Lake, by Hunter
Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper
during the times hereinafter mentioned; that the said Madison Daily Leader has
been in existence as such legal newspaper for more than one year prior to the
publication of the notice hereunto attached, and has during all of said time had, and
how has, more than 200 bona fide subscribers; that the undersigned, the affiant,
is the Secretary of the said newspaper, in charge of the advertising
department thereof and has personal knowledge of all the facts stated in this
affidavit and the advertisement headed

Department of Environment & Natural Resources

Hearing to Revise Rules - Air Pollution Control Program Fees

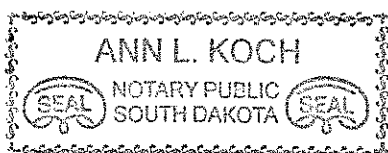
printed copy of which hereunto attached, was printed and published in the said
newspaper for One successive weeks, once each week and on the
same day of the week, on the following dates, to-wit:

On Friday, the 13th day of September, 2019;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;

That \$ 31.54 being the full amount of the fees for publication of the
attached notice inures solely for the benefit of the publisher of the said newspaper;
that no arrangement or understanding for a division thereof has been made with
any other person and that no part thereof has been agreed to be paid to any other
person whomsoever.

Aubrey Larsen

Subscribed and sworn to before me this 16th day of
September, 2019



Ann L. Koch
Notary Public, Lake County, South Dakota
Exp. 11-14-19

RECEIVED

SEP 18 2019

AIR QUALITY
PROGRAM

AFFIDAVIT OF PUBLICATION

ARTICLE 74:36 - AIR
POLLUTION CONTROL
PROGRAM FEES

NOTICE OF PUBLIC
HEARING TO REVISE
RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

74:36:01;	74:36:01;
74:36:02;	74:36:03;
74:36:05;	74:36:07;
74:36:08;	74:36:09;
74:36:10;	74:36:11;
74:36:12;	74:36:13;
74:36:16;	74:36:18;
74:36:20;	and 74:36:21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mtc>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment

and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

Hunter Roberts,
Secretary
Department of Environment and Natural Resources

Published once at the total approximate cost of \$75.61.

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Thursday, September 12, 2019

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$75.61

Signed: Penny Hohbach

Subscribed and sworn to before me this 13th day of September 2019.

Melina Seppala

Notary Public
County of Davison

My Commission Expires: 4-15-20

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515



Affidavit of Publication

RECEIVED

SEP 18 2019

AIR QUALITY
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Sept 12 L21125587
ARTICLE 74:36 - AIR
POLLUTION CONTROL
PROGRAM FEES
NOTICE OF PUBLIC HEARING
TO REVISE RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

65 74:36:01; 74:36:02; 74:36:03;
74:36:05; 74:36:07; 74:36:08;
74:36:09; 74:36:10; 74:36:11;
74:36:12; 74:36:13; 74:36:16;
74:36:18; 74:36:20; and 74:36:21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mfc>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2016. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

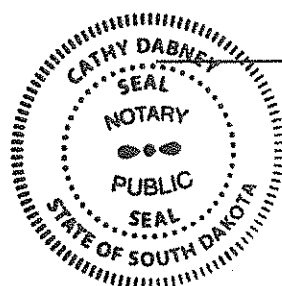
Hunter Roberts, Secretary
Department of Environment and
Natural Resources

(Published once at the total approximate cost of \$39.98)

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 12th day of Sept 2019 that the fees charged for the publication there of are 59 dollars and 98 cents.

Sheri Sponder

Subscribed and sworn to before me this 16th day of September, 2019.



Cathy Dabney
Notary public

4-110-2024
My commission expires

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

RECEIVED

SEP 23 2019

AIR QUALITY
PROGRAM

Account No.: SFA-078340

Ad No.: 0003782526

PO #:

Lines : 111

Ad Total: \$72.87

SD DEPT OF ENVIRONMENT & NATUR
523 E CAPITOL AVE
PIERRE, SD 57501

of Affidavits: 1

Account No.: SFA-078340

Ad No.: 0003782526

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

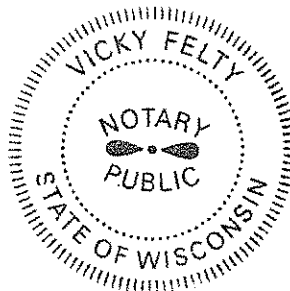
Thursday, September 12, 2019

Sworn to and subscribed before me this 12 day of September, 2019.

Kathleen Allen
Legal Clerk

Vicky Felty
Notary Public, State of Wisconsin, County of Brown

9-19-21
My Commission expires



ARTICLE 74:36 - AIR
POLLUTION CONTROL
PROGRAM FEES
NOTICE OF PUBLIC
HEARING TO REVISE
RULES

The Board of Minerals and Environment will hold a public hearing in the Mat thew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

74:36:01; 74:36:02; 74:36:03; 74:36:05; 74:36:07; 74:36:08; 74:36:09; 74:36:10; 74:36:11; 74:36:12; 74:36:13; 74:36:14; 74:36:18; 74:36:20; and 74:36:21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mic>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed

amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: [http://denr.sd.gov/publicdef](http://denr.sd.gov/publicdefault.aspx)

auth.aspx
Hunter Roberts, Secretary
Department of Environment
and Natural Resources

Published once at the total
approximate cost of \$72.87.
3782526 Sept 12, 2019

RECEIVED

SEP 18 2019

AIR QUALITY
PROGRAMARTICLE 74:36 - AIR
POLLUTION
CONTROL
PROGRAM FEES
NOTICE OF PUBLIC
HEARING TO REVISE
RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

§§ 74:36:01; 74:36:02;
74:36:03; 74:36:05;
74:36:07; 74:36:08;
74:36:09; 74:36:10;
74:36:11; 74:36:12;
74:36:13; 74:36:16;
74:36:18; 74:36:20;
and 74:36:21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mte>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those com-

ments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

Hunter Roberts,
Secretary
Department of
Environment and
Natural Resources

Published once at the
total approximate cost of
\$30.49.

#660
Sep 12

Affidavit of Publication

STATE OF SOUTH DAKOTA:
COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Article 74:36

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 12th day of Sept, 2019, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$30.03, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 16th day of Sept, 2019

Notary Public, Butte County, South Dakota
My commission expires: 3-21-2023

RECEIVED

SEP 16 2019

AIR QUALITY
PROGRAM

Watertown Public Opinion AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF CODINGTON } :

Kevin Shaw being duly sworn says: That Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that affiant is and during all of said times was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper upon:

Thursday the 12th day of September 2019,

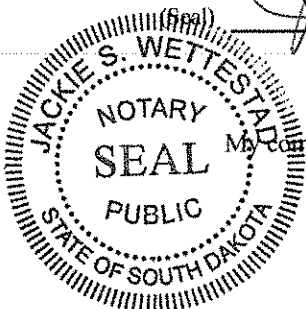
that the full amount of the fee charged for publishing the same, including a \$5.00 affidavit fee, to-wit, the sum of \$50.96 insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Kevin Shaw

Subscribed and sworn to before me this 12th day of September A.D. 2019.

Jackie S. Wettestad
Notary Public, South Dakota

My commission expires October 20, 2022.



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

ARTICLE 74:36 - AIR POLLUTION CONTROL PROGRAM FEES NOTICE OF PUBLIC HEARING TO REVISE RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 17, 2019, at 10:00 a.m. central time, to consider proposed amendments to article 74:36 Air Pollution Control Program by revising all or several sections in the following Chapters:

SS 74:36-01; 74:36-02; 74:36-03;
74:36-05; 74:36-07; 74:36-08;
74:36-09; 74:36-10; 74:36-11;
74:36-12; 74:36-13; 74:36-16;
74:36-18; 74:36-20; and 74:36-21.

The public may listen to the live audio of the hearing at <http://www.sd.net/mlc>.

The effect of the proposed amendments will be to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations, incorporating by reference the revised federal National Ambient Air Quality Standards, and incorporating federal requirements for municipal solid waste landfills. The proposed amendments primarily reflect changes made to the federal air quality regulations up to July 1, 2018. The reason for adopting the proposed amendments is to continue to have South Dakota's air pollution control program rules comply with the federal regulations and to allow South Dakota to maintain approval of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 14, 2019, to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed amendments. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at (605) 773-3151 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or from the following website: <http://denr.sd.gov/public/default.aspx>.

Hunter Roberts, Secretary
Department of Environment and Natural Resources

Published once at the approximate cost of \$45.96
50.96 (September 12, 2019)

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

SEP 16 2019

AIR QUALITY
PROGRAM

DENR
523 E CAPITOL AVE
PIERRE SD 57501-3182


STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

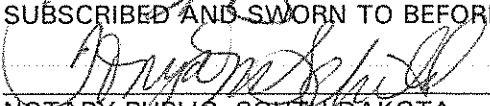
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
9 + 12 ARTICLE 74:36 AIR PO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF September, 2019
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$32.59 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 09/12/2019

FILED ON: 09/12/2019


SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF September, 2019


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

Ad text : 9+12

ARTICLE 74:36 AIR
POLLUTION CONTROL
PROGRAM FEES

RECEIVED
SEP 16 2019
AIR QUALITY
PROGRAM

NOTICE OF PUBLIC HEARING TO REVISE RULES

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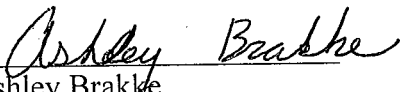
Hunter Roberts, Secretary
Department of Environment and Natural Resources
Published once at the total approximate cost of \$32.59

**IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES**

AFFIDAVIT OF MAILING NOTICE

I, Ashley Brakke, under oath, do swear, that on September 9, 2019, I mailed a copy of the notice attached to this affidavit to the list of persons attached to this affidavit.

I further swear that the attached list is a true and correct list of all persons who have requested advance notice of rule-making proceedings by the Department of Environment and Natural Resources.


Ashley Brakke

Subscribed and sworn to before me this 13 day of September, 2019.


Notary Public - South Dakota

(Seal)

My Commission expires
_____, 20____.

**Brenda Anderson, Notary Public
My Commission Expires
October 26, 2022**

Salutation	FNAME_LC	LNAME_LC	OFFICE1_LC	ADDRESS_LC	CITY_LC	STATE	ZIP
	Dale	Cockrell		PO Box 7370	Kalispell	MT	59904
Mr.	Paul	Jansen		RR #3 Box 62	Madison	SD	57042
	Donald	Pay		517 N Midvale Blvd Apt B	Madison	WI	53705-3223
Ms.	Jenny	Conger		621 8th Street	Brookings	SD	57006
	Peter	Bullene		301 20th Avenue SE	Watertown	SD	57201
Mr.	Max	Barnett	Ace Ready Mix, Inc.	2001 N Bahnson	Sioux Falls	SD	57103-4419
	Delvin	Deboer	AE2S	1300 W 57th St #200	Sioux Falls	SD	57108
Mr.	Bob	Cogdill	Aggregate Construction Inc	4100 Hwy 52S	Minot	ND	58701-7878
Mr.	John	Erickson	Anderson Western Inc	PO Box 2319	Bismarck	ND	58502-2319
Mr.	William	Bartholow	Asphalt Paving & Materials Company	1836 US Hwy 14E	Huron	SD	57350
Mr.	Toby	Crow	Associated General Contractors of SD	300 East Capitol	Pierre	SD	57501
Mr.	Eric	Brunnemann	Badlands National Park	25216 Ben Reifel Rd	Interior	SD	57750
Mr.	David	Nelson	BAE Systems	PO Box 1947	Aberdeen	SD	57401
Mr.	Jerry	Menge	Basin Electric Power Company	1717 Interstate Avenue	Bismarck	ND	58501
Mr.	Mitch	Mahrer	Bernard Mahrer Construction	PO Box 57	Rutland	ND	58067
			BH Council of Local Govts	730 E Watertown Suite 102	Rapid City	SD	57701
Mr.	Jerry	Bajari	Bituminuous Paving Inc	PO Box 6	Ortonville	MN	56278
Mr.	Tim	Rogers	Black Hills Corporation	PO Box 1400	Rapid City	SD	57709-1400
Sir or Madam			Black Hills Corporation	PO Box 1400	Rapid City	SD	57709-1400
Sir or Madam			Black Hills Group - Sierra Club	PO Box 1624	Rapid City	SD	57709-1624
Mr.	Dean	Berger	Black Hills National Forest	1019 North 5th Street	Custer	SD	57730-8214
Ms.	Nancy	Hilding,	Black Hills Regional Multiple Use Coalit	PO Box 788	Black Hawk	SD	57718
Mr.	Darrel	Hoyer	Black Top Paving Company	4500 W 58th Street	Sioux Falls	SD	57108-6523
	Rexford	Hagg	Board of Minerals and Environment	PO Box 8008	Rapid City	SD	57709
	Jessica	Peterson	Board of Minerals and Environment	38469 133rd Street	Aberdeen	SD	57401
	Bob	Morris	Board of Minerals and Environment	PO Box 370	Belle Fourche	SD	57717
	Gregg S	Greenfield	Board of Minerals and Environment	609 E. Tan Tara Circle Suite 102	Sioux Falls	SD	57108
Mr.	Glenn	Blumhardt	Board of Minerals and Environment	2014 6th Ave Box 134	Bowdle	SD	57428-0134
	Doyle	Karpen	Board of Minerals and Environment	47946 332nd Street	Jefferson	SD	57038
	Dennis	Landguth	Board of Minerals and Environment	613 Alta Vista Court	Rapid City	SD	57701
	John	Scheetz	Board of Minerals and Environment	153 Pinecone Avenue	Spearfish	SD	57783
	Daryl	Englund	Board of Minerals and Environment	1200 Telluride Lane	Brookings	SD	57006
Mr.	Keith	Brokke	Border States Paving Inc	PO Box 2586	Fargo	ND	58108-2586
Mr.	Jeff	Broin	Broin Enterprises	PO Box 330 Washington Street	Scotland	SD	57059
Mr.	Dennis	Bucher	Bureau of Land Management	309 Bonanza Street	Belle Fourche	SD	57717-6251
	Lisa	Haskins	c/o Denver Federal Center	PO Box 25546 Bldg 41 Rm 240	Lakewood	CO	80226
Mr.	John	Carlson	Carlson Construction	PO Box 1832	Winner	SD	57580
Mr.			City of Yankton	PO Box 176	Yankton	SD	57078

Mr.	Jon	Mulloy	Concrete Materials Company	PO Box 84140	Sioux Falls	SD	57118
Mr.	Bradley	Cundy	Cundy Asphalt Paving Construction Inc	PO Box 2469	Gillette	WY	82717-2469
Mr.	Dan	Odegard	Dakota Milling & Grain	PO Box 2340	Rapid City	SD	57709-2340
Ms.	Dixie	Hendricks	Dakota Rural Action	PO Box 549	Brookings	SD	57006
Mr.	Alex	Huff	Dakota Southern Railroad	PO Box 612	Richmond	MO	64085-0612
Mr.	Chris	Duininck	Duininck Brothers Inc	PO Box 208	Prinsburg	MN	56281
Mr.	Larry	Johnson	Dustcoating	4463 50th St NE	Buffalo	MN	55313-3722
Mr.	John	Mulloy	Ellis & Eastern Railroad	1201 W Russell	Sioux Falls	SD	57104
Mr.	William	McCollam	Ellsworth AFB	28 CES/CEV 2125 Scott Drive	Ellsworth AFB	SD	57706
	Cathy	Atkins	EPA Region VIII	721 19th Street, 4th Floor Rm. 427	Denver	CO	80202-2500
	Carl	Daly	EPA Region VIII	1595 Wynkoop Street	Denver	CO	80202
Mr.	Rich	Schruger	Fisher Industries	PO Box 1120	Spearfish	SD	57783-7120
Mr.	Scott	LaFond	Fisher Industries	PO Box 1034	Dickinson	ND	58602
	Brenda	Binegar	Foss Building	Inter-office			
Mr.	Jim	Anderson	GCC Dacotah Inc	PO Box 360	Rapid City	SD	57709-0360
Ms.	Terese	Hruska	Golden Reward Mining Co	10928 Wharf Road	Lead	SD	57754-9704
	Dell	Majure	Graphic Packaging International	100 Graphic Pkg. Int. Way	Macon	GA	31206
Ms.	Kathy	Glines	Harding County Auditor	PO Box 26	Buffalo	SD	57720-0026
Mr.	Dave	Ohlen	Hills Materials Company	PO Box 2320	Rapid City	SD	57709
Mr.	Eric	Leverson	Hodgman W & Sons Inc	PO Box 3069	Mankato	MN	56002-3069
	Mark	Tieszen	Homestake Mining Company	11457 Bobtail Gulch Street	Central City	SD	57754
Mr.	Philip	Mitzel	Hub City	PO Box 1089	Aberdeen	SD	57402-1089
Mr.	Tim	Kinsley	Hydro Extusion USA, LLC.	2500 Alumax Road	Yankton	SD	57078-9399
Mr.	Jerry	Wagner	J&J Asphalt Company	PO Box 7105	Rapid City	SD	57709
Ms.	Marcia	Bowes	Jamir Reclamation Inc	2915 22nd Avenue S	Brookings	SD	57006
Mr.	John	Fraser	JD Concrete Products	RR #5 Box 467C	Mitchell	SD	57301
Mr.	Kenneth	Jensen	Jensen Rock & Sand Inc	PO Box 609	Mobridge	SD	57601
			Koch Industries Inc	PO Box 2256	Wichita	KS	67201-2256
Mr.	Donald	Thomson	Lake County LEPC	200 E Center	Madison	SD	57042
Mr.	Chris	Klein	LG Everist Inc	350 S Main Ave., STE 400	Sioux Falls	SD	57104-6551
Ms.	Edith	Lien	Lien Transportation	PO Box 40	Aberdeen	SD	57401
Mr.	Don	Stella	McLaughlin & Schulz Inc	705 N 7th Street	Marshall	MN	56258-1119
			Mereen-Johnson Machine Company	10 Park Lane	Webster	SD	57274
	Mike	Brownfield	Midwest Assistance Program	303 N Market St. #2	Maryville	MO	64468-1645
Ms.	Mrg	Simon	Missouri River Energy Services	3724 W Avera DR	Sioux Falls	SD	57108-5750
Ms.	Andrea	Stomberg	Montana Dakota Utilities Company	400 N 4th Street	Bismarck	ND	58501
Mr.	Milt	Morris	Morris Inc	PO Box 1162	Pierre	SD	57501
Mr.	Myrl	Unzelman	Myrl & Roys Paving Inc	1300 N Bahnson	Sioux Falls	SD	57103
Mr.	Ron	Ness	ND Petroleum Council	100 W Broadway Ave Ste 200	Bismarck	ND	57501-3996
Mr.	Sara	Greff Dannen	NorthWestern Energy	3010 West 69th Street	Sioux Falls	SD	57108

Mr.	Marc	Thoma	Otter Tail Power Company	PO Box 496	Fergus Falls	MN	56538-0496
Mr.	George	Kruse	Pacer Corporation Company	25429 US Hwy 385	Custer	SD	57730-9147
Mr.	Joel	Brannan	Pete Lien and Sons Inc	PO Box 440	Rapid City	SD	57709-0440
Mr.	Jerry	Holsapple	PSI	2361 S Plaza Drive	Rapid City	SD	57702
			Public Works-Environmental	1017 East Chambers Street	Sioux Falls	SD	57104
Mr.	Hugh	Dodson	Raven Industries	1813 NE Avenue	Sioux Falls	SD	57104-0359
Mr.	James	Rogers	Rogers Construction Inc.	1871 Lazelle St.	Sturgis	SD	57785-1135
Mr.	Travis	Mass	Royal C Johnson Veterans Hospital	2501 W 22nd St.	Sioux Falls	SD	57105
Ms.	Rebecca	Craddock	SD Assoc of Health Care Organizations	3708 Brooks Place Suite 1	Sioux Falls	SD	57106
Mr.	Steve	Hasenohrl	SD Dept of Ag Div of Wildlife Fire Supp	3305 W South Street	Rapid City	SD	57703
Mr.	Steve	Willard	SD Electric Utility Companies	PO Box 247	Pierre	SD	57501-0247
Ms.	Yvonne	Taylor	SD Municipal League	208 Island Dr	Ft Pierre	SD	57532
Ms.	Dawna	Leitzke	SD Petroleum Marketers Assoc	PO Box 1058	Pierre	SD	57501-1058
Ms.			SD Rural Electric Assoc	PO Box 1138	Pierre	SD	57501-1138
Mr.	Richard	Waldner	SD State University	Box 2201	Brookings	SD	57007
Mr.	Chris	Hesla,	SD Wildlife Federation	PO Box 7075	Pierre	SD	57501
Ms.	Ann	Phillips	SEMA	1575 S Valley Vista Drive	Diamond Bar	CA	91765
Mr.	Tim	Gossman	Simons Construction Company	2391 Commerce Rd.	Rapid City	SD	57702
Ms.	Lynne	Keller-Forbes	Southeastern Council of Governments	500 N. Western Avenue, Suite 100	Sioux Falls	SD	57104
Mr.	Richard	Waldera	Spencer Quarries Inc	PO Box 198	Spencer	SD	57374
Mr.	Mike	Lipp	St Lukes Midland Regional Medical Center	305 South State Street	Aberdeen	SD	57401
Mr.	Pete	Bendix	Starmark	700 E 48th St N	Sioux Falls	SD	57104
	Misty	Siedschlaw	State of South Dakota (DOT)	700 E Broadway Avenue	Pierre	SD	57501-2586
Mr.	Mark	Stomseth	Stromseth Construction	16708 451st Avenue	Watertown	SD	57201-7560
Mr.	Wayne	Hoeke	T & R Electric Supply Company Inc.	PO Box 180	Colman	SD	57017-0180
Mr.	Steven	Vold	Toshiba	901 North Foster	Mitchell	SD	57301
Ms	Katherine	Edwards	Trinity Consultants	12445 55th St N Ste A	Lake Elmo	MN	55042-7402
Dr.	Ali	Farnoud PhD	Trinity Consultants	12445 55th St N Ste A	Lake Elmo	MN	55042-7402
Mr.	Norm	Siler	Union Pacific Railroad	1400 Douglas Street	Omaha	NE	68179
Mr.	Mike	Opitz	Weatheron Contracting Company Inc	307 N 16th Street	Beresford	SD	57004
			Wharf Resources Mining Co	10928 Wharf Road	Lead	SD	57754
Sir or Madam		Superintendent	Wind Cave National Park	26611 US Highway 385	Hot Springs	SD	57747-9430
Mr.	John	Chelstrom	Xcel Energy	414 Nicollet Mall	Minneapolis	MN	55401
Mr.	Brian	Gustad	Yankton County Highway Department	3302 W City Limits Rd.	Yankton	SD	57078-5963
Mr.	Scott	Ridgley	Ziegler	8050 State Hwy 101	Shakopee	MN	55379



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 9, 2019

Dale Cockrell
PO Box 7370
Kalispell, MT 59904

Dear Dale Cockrell:

The South Dakota Department of Environment and Natural Resources (DENR) is proposing revisions to the Administrative Rules of South Dakota (ARSD) Article 74:36 – Air Pollution Control Program. The effect of the proposed amendments will be to update the reference date to the most current version of the federal regulation, eliminate obsolete standards and ensure the current standard is equivalent to the federal standard, and adopt the federal emission guidelines and compliance time for municipal solid waste landfills.

Enclosed is the public notice for the public hearing that will be held by the Board of Minerals and Environment on October 17, 2019, in the Matthew Environmental Education and Training Center, Joe Foss Building, Pierre, South Dakota at 10:00 a.m, central time. The purpose of the public hearing is to receive and consider testimony on the adoption of amendments to Administrative Rules of South Dakota, Article 74:36 - Air Pollution Control Program.

Copies of the proposed amendments may be obtained, without charge, by contacting Teresa Williams at (605) 773-3151. You can also access the rule changes through the department's web page at <http://denr.sd.gov/public/default.aspx>.

Please feel free to call me at (605) 773-3151 with any comments, opinions, or suggestions you may have on the proposed revisions.

Sincerely,

Ashley Brakke
Engineer III
Air Quality Program

Enclosure

Brakke, Ashley

From: Brakke, Ashley
Sent: Monday, September 9, 2019 3:45 PM
To: Brakke, Ashley
Subject: Proposed Amendments to Air Quality Administrative Rules
Attachments: ARSD 74_36 proposed_20190903.pdf

Tracking:	Recipient	Delivery
	Brakke, Ashley	Delivered: 09/09/2019 3:45 PM
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Recipient**Delivery**

Gustafson, Brian

Delivered: 09/09/2019 3:45 PM

Rombough, Kyrik

Delivered: 09/09/2019 3:45 PM

Williams, Teresa

Delivered: 09/09/2019 3:45 PM

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/aq/airprogr.aspx> and are also attached to this email. The proposed additions are in bold, blue underlined with deletions in red, overstrike.

Please respond by **October 14, 2019** to indicate if your facility is in agreement with the proposed rule changes or if your facility would like to submit any comments for us to consider before the rule hearing in front of the Board of Minerals and Environment on **October 17, 2019**. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

If DENR does not receive a response by the date listed above, DENR will make additional attempts to reach you for concurrence on the drafted rule changes. Thank you for assisting us in this rule making process.

Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

Facility	Contact	Salutation	First Name	Last Name	Email Address	Mailing Address	City	State	Zip Code		
3M Company Aberdeen	Megan Acker	Ms.	Megan	Acker	macker@mmm.com	610 N. County Road 19	Aberdeen	SD	57401-3334		
3M Company Brookings	Jill Blissenbach	Ms.	Jill	Blissenbach	jblissenbach@mmm.com	3M Center, BLDG 224-SW-03	St. Paul	MN	55144		
ABE South Dakota LLC	Jessica Peterson	Ms.	Jessica	Peterson	Jessica.Peterson@advancedbioenergy.com	3601 Brown County 12W	Aberdeen	SD	57401		
Aberdeen Energy LLC	Pete Bullene	Mr.	Pete	Bullene	PBullene@glaciallakesenergy.com	13435 370TH AVE	Mina	SD	57451-6504		
Avera Saint Lukes Hospital	Jeff Goreham	Mr.	Jeff	Goreham	jeff.goreham@avera.org	305 South State Street	Aberdeen	SD	57401		
Basin Electric Power Cooperative	Erin Fox	Ms.	Erin	Fox	edukart@becp.com	1717 East Interstate Avenue	Bismarck	ND	58503-0564		
Benchmark Foam Inc.	Brenda Hanson	Ms.	Brenda	Hanson	brendah@benchmarkfoam.com	401 Pheasant Ridge Dr.	Watertown	SD	57201-9103		
Black Hills Corporation	Steve Finley	Mr.	Steve	Finley	Steve.Finley@blackhillscorp.com	P.O. Box 1400	Rapid City	SD	57709		
Black Hills Health Care System VA Medical Center	Mark Tupper	Mr.	Mark	Tupper	Mark.tupper2@va.gov	Facility Management, 500 North 5th Street	Hot Springs	SD	57747		
Broin Enterprises Inc. d.b.a POET Research Center	Adam Wirt	Mr.	Adam	Wirt	Adam.Wirt@POET.com	851 Washington St.	Scotland	SD	57059-2036		
Brookings Regional Landfill	Todd Langland	Mr.	Todd	Langland	tlangland@cityofbrookings.org	520 3rd st ste 230	Brookings	SD	57006		
Brown County Solid Waste Landfill	Mike Scott	Mr.	Mike	Scott	mike.scott@browncounty.sd.gov	PO Box 2137	Aberdeen	SD	57401-8680		
CCL Label Inc	Christian Link	Mr.	Christian	Link	clink@cclind.com	PO Box 5037	Sioux Falls	SD	57117		
City of Rapid City Landfill	Dale Tech	Mr.	Dale	Tech	dale.tech@rcgov.org	300 Sixth Street	Rapid City	SD	57702-8409		
City of Vermillion Landfill	Tim Taggert	Mr.	Tim	Taggert	timt@cityofvermillion.com	25 Center Street	Vermillion	SD	57069		
City of Watertown Regional Landfill	Michael Boerger	Mr.	Michael	Boerger	mboerger@watertownsd.us	PO Box 910	Watertown	SD	57201		
City/School Common Energy Plant	Chris Catlette	Mr.	Chris	Catlette	chris.catlette@rcgov.org	434 N Mount Rushmore Rd	Rapid City	SD	57701-1147		
Dakota Ethanol LLC	Alex Haag	Mr.	Alex	Haag	ahaag@dakotaethanol.com	PO Box 100	Wentworth	SD	57075-6934		
Dakota Foundry Inc	Josh Bartos	Mr.	Josh	Bartos	josh.bartos@Anderson-Industries.com	20 Park Lane	Webster	SD	57274-2207		resent
Dakota Kitchen and Bath Inc.	Paul King	Mr.	Paul	King	pking@dakotakitchen.com	4101 N Hainje Ave.	Sioux Falls	SD	57104-7024		
Daktronics Inc.	Jeff Fritz	Mr.	Jeff	Fritz	Jeff.Fritz@daktronics.com	PO Box 5128	Brookings	SD	57006-4704		
Design Tanks	Gholamreza Zahedi	Mr.	Gholamreza	Zahedi	rzahedi@designtanks.com	612 West Blackhawk Street	Sioux Falls	SD	57104		
Fort Pierre Power and Light Plant	Rick Hahn	Mr.	Rick	Hahn	r.hahn@fortpierre.com.shop@fortpierre.com	PO Box 700	Fort Pierre	SD	57532		
Fuels Reduction Services LLC	Jeff Haskell	Mr.	Jeff	Haskell	jhaskell67@gmail.com	13980 Neck Yoke Rd	Rapid City	SD	57702-7314		
GCC Dacotah	Jim Anderson	Mr.	Jim	Anderson	janderson@gcc.com	PO Box 360	Rapid City	SD	57709		
Great Plains Ethanol LLC d.b.a. POET Biorefining C	Rachel Kloos	Mr.	Rachel	Kloos	Rachel.Kloos@poet.com	27716 462ND AVE	Chancellor	SD	57015-5761		
Hydro Extrusion USA, LLC	Jeremy Basler	Mr.	Jeremy	Basler	jeremy.basler@hydro.com	2500 Alumax Rd	Yankton	SD	57078-6434		
James Valley Ethanol LLC d.b.a. POET Biorefining	Blake Gomer	Mr.	Blake	Gomer	blake.gomer@poet.com	40425 133RD ST	Groton	SD	57445-6400		
Jebro Incorporated	Sheila Gerke	Ms.	Sheila	Gerke	Sheila.Gerke@jebro.com	2303 Bridgeport Drive	Sioux City	IA	51111		
Madison Generation Plant	Brad Lawrence	Mr.	Brad	Lawrence	Brad.lawrence@cityofmadisonsd.com	116 West Center Street	Madison	SD	57042		
Magellan Pipeline Company	Teri Holmes	Ms.	Teri	Holmes	teri.holmes@magellanlp.com	One Williams Center, MD27	Tulsa	OK	74172		
Marmen Energy Company	DJ Mittan	Mr.	DJ	Mittan	Dinajo.Mittan@marmeninc.com	1820 North Plum Avenue	Brandon	SD	57005		
Midwest Manufacturing d.b.a. Dakota Panel	Wayne Bunge	Mr.	Wayne	Bunge	wbunge@dakotapanel.com	1651 Culvert St.	Rapid City	SD	57701-0143		
Midwest Railcar Repair Inc	Gary Pekas	Mr.	Gary	Pekas	gypekas@mwrail.com	25965 482nd Avenue	Corson	SD	57005		
Mitchell Regional Landfill	Kevin Roth	Mr.	Kevin	Roth	kroth@cityofmitchell.org	612 North Main Street	Mitchell	SD	57301-0278		
Molded Fiber Glass Companies	Eric Schwan	Mr.	Eric	Schwan	eschwan@mfgsouthdakota.com	1401 Brown Co 19 N.	Aberdeen	SD	57401-9466		
Norcraft Companies LP d.b.a. StarMark Cabinetry In	Pete Bendix	Mr.	Pete	Bendix	pbendix@smhq.com	700 E 48TH ST N	Sioux Falls	SD	57104-0622		
Northern Border Pipeline Company Clark Compressor	Ruth Jensen	Ms.	Ruth	Jensen	ruth_jensen@transcanada.com	13710 FNB Parkway Suite 300	Omaha	NE	68154		
Northern Lights Ethanol LLC d.b.a. POET Biorefinin	DJ Haggerty	Mr.	DJ	Haggerty	DJ.Haggerty@poet.com	PO Box 356	Big Stone City	SD	57216-5406		
Northern States Power Company	Patricia Leaf	Ms.	Patricia	Leaf	patricia.b.leaf@xcelenergy.com	414 Nicollet Mall GO-2	Minneapolis	MN	55401		
NorthWestern Energy	Cory Huber	Mr.	Cory	Huber	Cory.huber@northwestern.com	600 Market St	Huron	SD	57350		
NuGen Energy LLC	Timothy Verhey	Mr.	Timothy	Verhey	Tverhey@Nugenmarion.com	PO Box 238	Marion	SD	57043-5100		
NuStar Pipeline Operating Partnerships L.P. Wolsey	Suzanna McMillan	Ms.	Suzanna	McMillan	Suzanna.McMillan@nustarenergy.com	7340 West 21st Street North Suite 200	Wichita	KS	67205		
Otter Tail Power Company	Mark Thoma	Mr.	Mark	Thoma	mthoma@otpc.com	PO Box 496	Fergus Falls	MN	56538-0496		
Pacer Corporation White Bear Mica Plant	Steve Burns	Mr.	Steve	Burns		25429 US Hwy 385	Custer	SD	57730		
Pete Lien and Sons Inc	Clint Beck	Mr.	Clint	Beck	CBeck@petelien.com	PO Box 440	Rapid City	SD	57709		
Pierre Regional Landfill	Valerie Keller	Ms.	Valerie	Keller	valerie.keller@ci.pierre.sd.us	PO Box 1253	Pierre	SD	57501-1253		
Prairie Ethanol LLC d.b.a. POET Biorefining Mitchell	Becky Pitz	Ms.	Becky	Pitz	Becky.Pitz@poet.com	40509 247TH St	Mitchell	SD	57301-5214		
Rapid City Regional Hospital	Jason Roach	Mr.	Jason	Roach	jroach@regionalhelath.org	353 Fairmont Blvd	Rapid City	SD	57701-7393		
Red River Energy LLC	Jay Sommers	Mr.	Jay	Sommers	jsommers@redriverenergy.com	47333 104th Street	Rosholt	SD	57260-6415		
Redfield Energy LLC	Simon Appel	Mr.	Simon	Appel	sappel@redfieldenergy.com	38650 171ST ST	Redfield	SD	57469-6640		
Rushmore Forest Products Inc	Timm Comer	Mr.	Timm	Comer	tcomer@spearfishp.com	PO Box 619	Hill City	SD	57745-6517		
Sanford USD Medical Center	David Healy	Mr.	David	Healy	david.healy@sanfordhealth.org	1305 W 18TH ST	Sioux Falls	SD	57105-0401		
ShowPlace Wood Products Inc.	Bart Brost	Mr.	Bart	Brost	brostbart@showplacewood.com	1 Enterprise St	Harrisburg	SD	57032-2051		
Simon Contractors DBA Hills Materials Company	Mike Lee	Mr.	Mike	Lee	mike.lee@hillsmaterials.com	PO Box 2720	Rapid City	SD	57709		
Sioux Falls Regional Sanitary Landfill						PO Box 7402	Sioux Falls	SD	57104		resent
Sioux River Ethanol LLC d.b.a. POET Biorefining Hudson	Jeremy Halgerson	Mr.	Jeremy	Halgerson	jeremy.halgerson@poet.com	29619 Spur Avenue	Hudson	SD	57034-0439		
Siouxland Energy Cooperative	Tiffany Black	Ms.	Tiffany	Black	tblack@siouxlandenergy.com	3890 Garfield Avenue	Sioux Center	IA	51250		
Smithfield Packaged Meats Corp.	Charles Schulz	Mr.	Charles	Schulz	charles.schulz@jmf.com	1400 North Weber Avenue	Sioux Falls	SD	57117		
South Dakota School of Mines & Technology	Margaret Smallbrock	Ms.	Margaret	Smallbrock	Margaret.Smallbrock@sdsmt.edu	501 East Saint Joseph Street	Rapid City	SD	57701		
South Dakota Soybean Processors	Jason Converse	Mr.	Jason	Converse	jason.converse@sdsbp.com	PO Box 500	Volga	SD	57071		
South Dakota State University	Barry Mielke	Mr.	Barry	Mielke	barry.mielke@sdstate.edu	Facilities and Services - Box 2150	Brookings	SD	57007		
South Dakota State Veterans Home (Michael J. Fitzmaurice)	Bob Etzkorn	Mr.	Bob	Etzkorn	bob.etzkorn@state.sd.us	2500 Minnekahta Ave	Hot Springs	SD	57747-1129		
TCC Materials	Pat Bergin	Mr.	Pat	Bergin	pbergin@cemstone.com	2025 Centre Pointe Blvd., Suite 300	Mendota Heights	MN	55120		
The Bergquist Company a Henkel Company	Dave Bance	Mr.	Dave	Bance	davidba@bergquistcompany.com	18930 West 78th Street	Chanhassen	MN	55317		

Trussbilt LLC	Fernando Gonzalez	Mr.	Fernando	Gonzalez	fgonzalez@trussbilt.com	555 LINCOLN AVE NW	Huron	SD	57350-5012		
University of South Dakota	Kevin O'Kelley	Mr.	Kevin	O'Kelley	Kevin.okeley@usd.edu	414 E CLARK ST	Vermillion	SD	57069-2307		
Valero Renewable Fuels Company LLC	Molly Knutson	Ms.	Molly	Knutson	molly.knutson@valero.com	1 Valero pl	Aurora	SD	57002-6514		
WBI Energy Transmission Inc. Belle Fourche Compres	Jill Linn	Ms.	Jill	Linn	jill.linn@wbienenergy.com	2010 Montana Avenue	Glendive	MT	59330		
Western Minnesota Municipal Power Agency Watertown	Derek Bertsch	Mr.	Derek	Bertsch	derek.bertsch@mrenergy.com	P.O. Box 88920	Sioux Falls	SD	57109-8920		
Wharf Resources (USA) Inc - Coeur Wharf	Matt Zietlow	Mr.	Matt	Zietlow	mzietlow@coeur.com	10928 WHARF RD	Lead	SD	57754-3742		
Willow Lake Compressor Station	Kelly Henry	Ms.	Kelly	Henry	kelly.henry@nngco.com	1120 Centre Point Drive, Suite 400	Mendota Heights	MN	55120		
Woodland Cabinetry	Mike Tchida	Mr.	Mike	Tchida	miket@woodlandcabinetry.com	2415 SD HIGHWAY 10	Sisseton	SD	57262-2509		
13 Crushing LLC		Mr	Patrick	Hoesing		88477 Hwy 57	Hartington	NE	68739		
Aberdeen Asphalt Inc		Mr	Doug	Braa		PO Box 1007	Aberdeen	SD	57402-1007		
Aggregate Construction Inc		Mr	Brad	Harju		4100 Hwy 52 S	Minot	ND	58701-7878		
Anderson Western Inc		Mr	Tim	Visger		PO Box 2319	Bismarck	ND	58502		
Asphalt Paving & Materials		Mr	Michael	Bartholow		1836 US Highway 14E	Huron	SD	57350		
Atteberry Construction Inc		Mr	Lee	Atteberry		28709 322nd Avenue	Colome	SD	57528-0293		
Aulick Leasing Corp		Mr	Michael	McCabe		PO Box 1369	Scottsbluff	NE	69393-1369		
B&B Equipment		Mr	Darrell	Beck		28754 Western Rd	Pierre	SD	57501		
Baker Ranch DBA Badlands Sand & Gravel Inc		Mr	Gary	Baker		15199 Baker Road	Hermosa	SD	57744		
Bernard Mahrer Construction Company		Mr	Mitch	Mahrer		PO Box 57	Rutland	ND	58067		
Bituminous Paving Inc		Mr	Bill	Krkowski		PO Box 6	Ortonville	MN	56278		
Black Hills Gravel		Mr	D. Patrick	Zeimet		P O Box 194	Pringle	SD	57773		
Border States Paving Inc		Mr	Scott	Osman		PO Box 2586	Fargo	ND	58108-2586		
Bowes Construction Inc		Mr	Jason	Bowes		2915 22nd Ave S	Brookings	SD	57006-4521		
Brownlee Construction		Ms	Rita	Brownlee		1520 5th St Se	Watertown	SD	57201-5247		
CT Sibson Gravel & Crushing, Inc.		Mr	Cody	Sibson		PO Box 17	Beardsley	MN	56211-0017		
Central Specialties Inc		Mr	Levi	Hintermeister		6325 County Rd 87 SW	Alexandria	MN	56308		
Commercial Asphalt		Mr	Neil	Waldera		25254 413th Avenue	Mitchell	SD	57301-7825		
Concrete Materials Company		Mr	Billy	Pollema		PO Box 84140	Sioux Falls	SD	57118		
Croell Inc		Ms	Kristi	Chamley		PO Box 1352	Sundance	WY	82729		
Dakota Constructors Inc.		Mr	Warren	Barse		PO Box 542	Harrisburg	SD	57032		
Diesel Machinery Inc		Mr	Dan	Rude		PO Box 85825	Sioux Falls	SD	57118		
Duininck Bros Inc		Mr	Jason	Ver Steeg		PO Box 208	Prinsburg	MN	56281		
First Rate Excavate Inc		Mr	Harold	Goeden		1509 E 39th St N	Sioux Falls	SD	57104		
Fisher Sand & Gravel Company		Mr	Vent	Wallace		PO Box 1034	Dickinson	ND	58602		
General Equipment & Supplies Inc		Mr	Kurtis	Lemar		4300 Main Ave	Fargo	ND	58103		
H & S Sand & Gravel		Mr	David	Hall		11481 Brownsville Rd	Lead	SD	57754		
H F Jacobs & Sons Construction Inc		Mrs	Shirley	Jacobs		1217 N Kline St	Aberdeen	SD	57401		
Hallett Materials - OMG Midwest Inc		Mr	Joe	Pille		PO Box 3365	Des Moines	IA	50316		
Hanlon Brothers		Mr	Guy	Hanlon		40 N 3rd Street	Verdon	SD	57434		
Hutchinson County Highway Department		Mr	Joe	Baumiller		140 Euclid St Rm 134	Olivet	SD	57052		
Intex Corporation		Mr	Wade	Van Vooren		PO Box 260	Albertville	MN	55301-0260		
J & J Asphalt Company		Mr	Jerry	Wagner		PO Box 7105	Rapid City	SD	57709		
James River Construction LLC		Mr	Harold	Hofer		27709 Tschetter Ave	Olivet	SD	57052		
Jensen Rock & Sand Inc		Mr	Kyle	Jensen		PO Box 609	Mobridge	SD	57601		
Johner Gravel		Mr	Eric	Johner		415 Industrial Drive	Spearfish	SD	57783		
Knife River - North Dakota		Ms	Luci	Snowden		3305 Rock Island Place	Bismarck	ND	58504		
Knife River Midwest LLC		Ms	Brooke	Muhlack		2220 Hawkeye Drive	Sioux City	IA	51102		
Kraemer Trucking & Excavating Inc		Mr	Chad	Kraemer		PO Box 434	Cold Spring	MN	56320		
L G Everist Inc		Mr	Chris	Cline		350 S. Main, Suite 400	Sioux Falls	SD	57104		
LEC Inc.		Mr	Kevin	Logan		Box 53	Gettysburg	SD	57442		
Lien Transportation Company		Mr	Trevor	Lien		PO Box 40	Aberdeen	SD	57401		
Mark Sand & Gravel Company		Mr	Greg	Forbord		525 Kennedy Park Rd	Fergus Falls	MN	56537		
Michael Johnson Construction Inc		Mr	Michael	Johnson		PO Box 422	Madison	SD	57042		
Morris Inc		Mr	Mark	Morris		PO Box 1162	Pierre	SD	57501		
Myrl & Roys Paving Inc		Mr	Rick	Peterson		1300 N Bahnson	Sioux Falls	SD	57103		
North Central Rental & Leasing LLC (Butler Cat)		Mr	Mark	Buth		PO Box 9559	Fargo	ND	58106		
Northern Con Agg, LLP		Mr	Brad	Salman		3231 Fernbrook Ln	Plymouth	MN	55447		
Northern Plains, LLC		Mr	Doug	Osborn		1102 Iowa Street	Winner	SD	57580		
OMNI Engineering		Mr	Joe	Pille		PO Box 3365	Des Moines	IA	50316		
Oban Construction LLC		Mr	Gene	Oban		P.O. Box 705	Ipswich	SD	57451		
Opperman Inc		Mr	Jeff	Opperman		908 E 14th St	Gregory	SD	57533		
Pacer Minerals, LLC		Mr	Randy	Kramer		25429 US Hwy 385	Custer	SD	57730-9147		
Pete Lien & Sons Inc		Mr	Clint	Beck		PO Box 440	Rapid City	SD	57709-0767		
Rogers Construction, Inc.		Mr	James	Rogers		1871 Lazelle St	Sturgis	SD	57785-1135		
Rogge Excavating Inc.		Mr	Lawrence	Rogge		3065 170th Ave	Ghent	MN	56239		
Runge Enterprises Inc		Mr	Michael	Runge		PO Box 86490	Sioux Falls	SD	57118		
Sacrison Paving Inc		Mr	Nate	Jolley		PO Box 100	Whitewood	SD	57793		
Scepaniak Wm D Inc		Mr	John	Scepaniak		PO Box 299	Holdingford	MN	56340		

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Mr
Mr

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Rod
Mike
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Ross
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Joel
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Rapid City	SD	57709
Spencer	SD	57374
Gillette	WY	82718
Big Lake	MN	55309
Belle Fourche	SD	57717-0627
Webster	SD	57274
Rapid City	SD	57709
Yankton	SD	57078

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 9, 2019

Megan Acker
3M Company Aberdeen
610 N. County Road 19
Aberdeen, SD 57401-3334

Dear Ms. Acker:

The South Dakota Department of Environment and Natural Resources (DENR) is proposing revisions to the Administrative Rules of South Dakota (ARSD) Article 74:36 – Air Pollution Control Program. The effect of the proposed amendments will be to update the reference date to the most current version of the federal regulation, eliminate obsolete standards and ensure the current standard is equivalent to the federal standard, and adopt the federal emission guidelines and compliance time for municipal solid waste landfills.

Enclosed is the public notice for the public hearing that will be held by the Board of Minerals and Environment on October 17, 2019, in the Matthew Environmental Education and Training Center, Joe Foss Building, Pierre, South Dakota at 10:00 a.m, central time. The purpose of the public hearing is to receive and consider testimony on the adoption of amendments to Administrative Rules of South Dakota, Article 74:36 - Air Pollution Control Program.

Copies of the proposed amendments may be obtained, without charge, by contacting Teresa Williams at (605) 773-3151. You can also access the rule changes through the department's web page at <http://denr.sd.gov/public/default.aspx>.

Please feel free to call me at (605) 773-3151 with any comments, opinions, or suggestions you may have on the proposed revisions.

Sincerely,

Ashley Brakke
Engineer III
Air Quality Program

Enclosure

SMALL BUSINESS IMPACT STATEMENT FORM

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:

☒ Direct impact (*please complete remainder of form*)

Previously, South Dakota has adopted several federal regulations by reference. Most of the proposed rule revisions do not have a direct impact on small businesses. A few of the previously adopted rules do impact small businesses. DENR proposes to update the reference to July 1, 2018, which includes the federal regulations that will impact small businesses.

By adopting the proposed revisions, South Dakota's air pollution control program rules will continue to comply with the federal regulations and South Dakota will maintain approval of the air quality program.

☐ Indirect impact (*please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered*)

☐ No impact (*please provide a brief explanation, sign, date, and submit form - Questions 2 through 8 do not need to be answered*)

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

The federal government through the Environmental Protection Agency (EPA) has developed regulations that directly impact small businesses in South Dakota. The Clean Air Act required EPA to develop regulations to control criteria air pollutants and hazardous air pollutants from specific types of equipment and/or businesses. Over the years, South Dakota has adopted these regulations to allow South Dakota to implement the rules instead of being implemented by EPA. South Dakota has adopted and implements many of these regulations. The proposed revisions are to update the reference date to July 1, 2018. Revising the date does not establish new requirements for the small businesses. A few examples of these rules, not all inclusive, are as follows:

- A. ARSD 74:36:07:17 – Standards of performance for grain elevators. South Dakota adopted this federal regulation in 1987;
- B. ARSD 74:36:07:25 – Standards of performance for petroleum dry cleaners. South Dakota adopted this federal regulation in 1993;
- C. ARSD 74:36:07:90 – Standards of performance for stationary spark ignition internal combustion engines (e.g. gasoline fired engines). South Dakota adopted this federal regulation in 2010;
- D. ARSD 74:36:08:04 – National perchloroethylene air emission standards for dry cleaning facilities. South Dakota adopted this federal regulation in 1995;
- E. ARSD 74:36:08:40 – National emission standards for stationary reciprocating internal combustion engines (e.g. diesel fired generators). South Dakota adopted this federal regulation in 2006;

- F. ARSD 74:36:08:107 – National emission standards for gasoline dispensing facilities (e.g. gas stations). South Dakota adopted this federal regulation in 2010; and
- G. ARSD 74:36:08:108 – National emission standards for paint stripping and miscellaneous surface coating area sources (e.g. auto body shops). South Dakota adopted this federal regulation in 2010.

3. What is the basis for the enactment of the rule(s)?

- ☒ Required to meet changes in federal law
☐ Required to meet changes in state law
☐ Required solely due to changes in date (i.e. must be changed annually)
☐ Other:

4. Provide a brief discussion of the necessity of the rule(s):

DENR requests that the Board of Minerals and Environment adopt the proposed revisions to the Administrative Rules of South Dakota to allow South Dakota to implement the regulations instead of the regulations being implemented by EPA.

5. Describe the small businesses or types of small businesses that would be subject to the rule(s)?

The federal regulations are applicable to several types of small businesses. Examples of the types of small business applicable to these federal regulations include: grain elevators, gas stations, auto body shops, etc. In addition, any small business that operates a generator or a boiler may be applicable to federal regulations.

6. Estimate the number of small businesses that would be subject to the rule(s).

- ☐ 1-99 ☐ 100-499 ☐ 500-999 ☒ 1,000-4,999 ☐ More than 5,000
☐ Unknown - please explain _____

DENR reviewed its available information and identified the following small businesses that may be applicable to a federal standard. DENR's databases list approximately 600 gas stations, 100 concrete plants, 100 grain elevators, 200 auto body shops, 50 dry cleaners, and 400 businesses with generators.

DENR estimate that approximately 1,000 – 4,999 small businesses are applicable or may be applicable to a regulation it implements.

7. Are small businesses required to file or maintain any reports or records under this rule?

- ☒ Yes ☐ No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

Reporting requirements vary depending on the size of the equipment and type of raw materials (e.g. fuel) used. Most of the federal regulations require an initial compliance report and some type of periodic compliance report.

b. If "yes," how much ongoing recordkeeping within the business is necessary?

Ongoing recordkeeping varies on the requirements in the federal regulations, but generally require records of the amount of raw material use (e.g. fuel use), initial notifications and compliance certification reports, fuel analysis or stack test results (if required), monitoring records and control device maintenance records (if applicable), and an energy assessment report (if required).

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

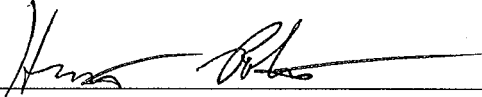
- ☒ The average owner of a small business should be able to complete the reports and/or records with no assistance
- ☐ It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
- ☐ It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
- ☐ It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
- ☐ Other _____
- ☐ Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

☒ No - please explain

These are federal regulations. Businesses covered by the regulations must comply with the requirements whether or not the rules are adopted into South Dakota's regulations.

☐ Yes - please explain _____

Approved by: 

Date: 9-6-2019

PROPOSED AMENDMENTS

ARSD 74:36

AIR POLLUTION CONTROL PROGRAM

September 2019

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1.0 Background

The Air Quality Program within the South Dakota Department of Environment and Natural Resources (DENR) implements federal air quality programs. There are several methods by which the U.S. Environmental Protection Agency (EPA) gives states approval to implement federal air quality programs. The more traditional method is for states to adopt rules and submit the state rules to EPA for implementation into what is known as a state implementation plan (SIP). For this process, EPA reviews the state's rules to determine if the rules are equivalent to the federal regulations. If the state's rules are equivalent, EPA approves the state's rules through a federal register notice.

A second method for administering a federal air quality program is to request delegation of the program. The first step in requesting delegation is to adopt state rules that are equivalent to the federal regulations. Adopting the federal regulations by reference is the simplest method DENR has found to achieve this goal.

A third method for administering a federal air quality program is to have the program approved. As with the first two methods of implementing a federal air quality program, the state must adopt rules that are equivalent to the federal program and submit the rules to EPA for approval.

Periodically, the Air Quality Program needs to go through the state regulations to ensure they are equivalent to the federal regulations. The following changes are being proposed to ensure the equivalency:

1. For federal regulations that are adopted by reference, the Air Quality Program updates the reference date to the most current version of the federal regulation which is currently July 1, 2018;
2. EPA revised the ambient air quality standards in which some of the standards were replaced by newer standards, but the regulation was not eliminated. The Air Quality Program needs to update the state's ambient air quality standards to eliminate the obsolete standards and ensure the current standard is equivalent to the federal standard;
3. EPA adopted federal emission guidelines and compliance times for municipal solid waste landfills. In this case, the Air Quality Program is required to draft state rules that are equivalent to the federal regulations and submit a section 111(d) plan under the Clean Air Act; and
4. There is some cleanup that needs to take place which if significant, will be identified in the following chapters.

DENR sent a draft of all of the revisions to Title V facilities along with several interested parties in July 2019. DENR requested that any comments be submitted by August 9, 2019 to consider any proposed changes to the draft prior to requesting permission from the Board of Minerals of Environment to public notice on August 15, 2019. Comments were received by EPA as discussed in Appendix B. DENR also received concurrence letters from the Sioux Falls Landfill, Watertown Landfill, and Rapid City Landfill (see Appendix C).

The proposed revisions to South Dakota's Air Pollution Control Program are discussed in the following chapters and may be viewed in Appendix A.

2.0 Chapter 74:36:01 – Definitions

The terms used throughout Article 74:36 – Air Pollution Control Program are defined in Chapter 74:36:01. EPA approved sections 74:36:01:01 through 74:36:01:21 of this chapter into South Dakota's SIP.

The federal regulations are periodically updated to ensure these definitions are consistent with the federal regulations. For example, the definition of a volatile organic compound is revised periodically by EPA by adding compounds to the list of organic compounds that have negligible photochemical reactivity, and therefore, are not considered a volatile organic compound. The sections in Chapter 74:36:01 that require updating the reference date to the most current version of the federal reference as of July 1, 2018, involve the following:

1. 74:36:01:01(8);
2. 74:36:01:01(29);
3. 74:36:01:01(67);
4. 74:36:01:05(1);
5. 74:36:01:20(5);
6. 74:36:01:20(7); and
7. 74:36:01:20(8).

In subsection 74:36:01:01(73), the definition of “subject to regulation,” references “subchapter C of this chapter”. The reference to “this chapter” is to a federal regulation. Therefore, this definition will be cleaned up by revising the definition to reference “40 C.F.R. Part 50 (July 1, 2018),” instead.

In the proposed revisions to adopt the federal emissions guidelines for municipal solid waste landfills, there are two terms used that need to be defined and are being added to section 74:36:01:01 as subsection (74) and (75). The two terms are “closed landfill” and “closed landfill subcategory”.

In addition, EPA is changing the date used to define an existing municipal solid waste landfill from May 30, 1991 to July 17, 2014 which impact section 74:36:01:19.

The proposed changes to Chapter 74:36:01 may be observed in Appendix A.

3.0 Chapter 74:36:02 – Ambient Air Quality

Chapter 74:36:02 establishes the air quality goals and ambient air quality standards for South Dakota. EPA approved sections 74:36:02:01 through 74:36:02:05 of this chapter into South Dakota's SIP.

The sections in Chapter 74:36:02 that require updating the reference date to the most current version of the federal reference as of July 1, 2018, involve the following:

1. 74:36:02:02;
2. 74:36:02:03;
3. 74:36:02:04; and
4. 74:36:02:05.

In addition, EPA adopted several ambient air quality standards such as ozone that made other standards within the federal regulations obsolete. EPA does not repeal these standards so DENR has inadvertently retained ambient air quality standards and not adopted the most current ambient air quality standard. DENR will revise section 74:36:02:02 and 74:36:02:03 to adopt the most up-to-date ambient air quality standards and methods of sampling and analysis.

The proposed changes to Chapter 74:36:02 may be observed in Appendix A.

4.0 Chapter 74:36:03 – Air Quality Episodes

Chapter 74:36:03 identifies the contingency plan DENR will follow during an air pollution emergency episode. EPA approved sections 74:36:03:01 and 74:36:03:02 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. These changes involve sections 74:36:03:01 and 74:36:03:02.

The proposed changes to Chapter 74:36:03 may be observed in Appendix A.

5.0 Chapter 74:36:05 – Operating Permits for Part 70 Sources

Chapter 74:36:05 is South Dakota's Title V air quality operating permit program, which is also referred to as an Operating Permit for Part 70 Sources program. Title V air quality operating permit programs are not part of South Dakota's SIP; however, EPA has approved South Dakota's program. This program is located in sections 74:36:05:01 through 74:36:05:52.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's Title V air quality operating permit program and EPA's federal regulations. These changes involve sections 74:36:05:04 and 74:36:05:16.01.

The proposed changes to Chapter 74:36:05 may be observed in Appendix A.

6.0 Chapter 74:36:07 – New Source Performance Standards

Chapter 74:36:07 includes all of the federal new source performance standards DENR has adopted by reference to maintain delegation of this program. The following three sections are not delegated, but are included in South Dakota's SIP:

1. 74:36:07:08 – Ash disposal requirements;
2. 74:36:07:29 – Operating requirements for wire reclamation furnaces; and
3. 74:36:07:30 – Monitoring requirements for wire reclamation furnaces.

The ash disposal requirements are for municipal waste combustors and reference Article 74:27, which are DENR's solid waste requirements. Currently, there are no municipal waste combustors permitted in South Dakota. The sections on wire reclamation furnaces were developed to ensure existing wire reclamation furnaces were minimizing air emissions and conducting monitoring to ensure compliance. None of these sections are being revised at this time.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's rules and EPA's federal regulations. A majority of the sections in this chapter are affected by this change.

DENR reviewed the federal regulations related to the New Source Performance Standards and determined EPA has promulgated one additional standard that DENR is proposing to adopt at this time. The standard for crude oil and natural gas facilities is not applicable to any facility in South Dakota at this time. DENR is adopting this federal regulation in case a facility applicable to this standard is constructed in the future.

In addition, EPA has promulgated emission guidelines for municipal solid waste landfills which DENR is not able to adopt by reference, but has to draft regulations equivalent to EPA's guidelines. DENR is proposing sections 74:36:07:94 through 74:36:09:145. These sections along with the definitions in subsection 74:36:01(74) and (75) will be submitted to EPA as part of DENR's section 111(d) plan under the Clean Air Act. Sections 74:36:07:34 through 74:36:07:42.01 will no longer be in effect on the effective date of EPA's approval of the state's 111(d) plan required in the Clean Air Act because these rules will be replaced by sections 74:36:07:94 through 74:36:09:145. In addition, section 74:36:07:43 is being repealed and is replaced by section 74:36:07:146. The existing municipal solid waste landfill rules may currently impact approximately eight municipal solid waste landfills in South Dakota.

The proposed changes to Chapter 74:36:07 may be observed in Appendix A.

7.0 Chapter 74:36:08 – National Emission Standards for HAPs

Chapter 74:36:08 includes the federal regulations DENR has adopted by reference to maintain delegation of federal standards applicable to hazardous air pollutants.

The revision process for chapter 74:36:08 is similar to the revision process for chapter 74:36:07. The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's rules and EPA's federal regulations.

The proposed changes to Chapter 74:36:08 may be observed in Appendix A.

8.0 Chapter 74:36:09 – Prevention of Significant Deterioration

Chapter 74:36:09 is DENR's Prevention of Significant Deterioration preconstruction permit program for large sources in areas of the state that attain the federal National Ambient Air Quality Standards identified in Chapter 74:36:02. Facilities in the past that have been subject to this type of permit are the Big Stone II coal-fired power plant project in 2008 and the Hyperion oil refinery project in 2009. EPA approved the Prevention of Significant Deterioration preconstruction permit program in South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. These changes involve sections 74:36:09:02 and 74:36:09:03.

The proposed changes to Chapter 74:36:09 may be observed in Appendix A.

9.0 Chapter 74:36:10 – New Source Review

Chapter 74:36:10 is DENR's new Source Review preconstruction permit program for large sources in areas of the state that are not attaining the federal National Ambient Air Quality Standards identified in Chapter 74:36:02. All of the state of South Dakota is in attainment with the federal National Ambient Air Quality Standards; therefore, no facilities require a preconstruction permit under this program. EPA approved sections 74:36:10:01 through 74:36:10:08 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. These changes involve the following sections:

1. 74:36:10:02;
2. 74:36:10:03.01;
3. 74:36:10:05;
4. 74:36:10:07; and
5. 74:36:10:08.

The proposed changes to Chapter 74:36:10 may be observed in Appendix A.

10.0 Chapter 74:36:11 – Performance Testing

Chapter 74:36:11 identifies the performance testing requirements used by permitted facilities to demonstrate compliance with permit limits. EPA approved sections 74:36:11:01 through 74:36:11:04 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. This change involves section 74:36:11:01.

The proposed changes to Chapter 74:36:11 may be observed in Appendix A.

11.0 Chapter 74:36:12 – Control of Visible Emissions

Chapter 74:36:12 identifies visible emission limits for units that emit air pollution. EPA approved sections 74:36:12:01 through 74:36:12:03 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. These changes involve sections 74:36:12:01 and 74:36:12:03.

The proposed changes to Chapter 74:36:12 may be observed in Appendix A.

12.0 Chapter 74:36:13 – Continuous Emission Monitoring Systems

Chapter 74:36:13 identifies the continuous emission monitoring requirements for sources required to install continuous monitoring equipment by the Secretary. EPA approved sections 74:36:13:01 through 74:36:13:07 of this chapter into South Dakota's SIP.

Section 74:36:13:08 is not part of South Dakota's SIP but was approved by EPA as part of South Dakota's Title V air quality operating permit program noted in Chapter 74:36:05.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP, approved Title V air quality operating permit program, and EPA's federal regulations. These changes involve the following sections:

1. 74:36:13:02;
2. 74:36:13:03;
3. 74:36:13:04;
4. 74:36:13:06;
5. 74:36:13:07; and
6. 74:36:13:08.

The proposed changes to Chapter 74:36:13 may be observed in Appendix A.

13.0 Chapter 74:36:16 – Acid Rain Program

South Dakota's Acid Rain Program is similar to Chapter 74:36:07 – New source performance standards and Chapter 74:36:08 – National emission standards for hazardous air pollutants. This chapter is delegated to South Dakota by EPA.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's acid rain program and EPA's federal regulations. These changes involve the following sections:

1. 74:36:16:01;
2. 74:36:16:02;
3. 74:36:16:04; and
4. 74:36:16:05.

The proposed changes to Chapter 74:36:16 may be observed in Appendix A.

14.0 Chapter 74:36:18 – State Facilities in the Rapid City Area

Chapter 74:36:18 is part of South Dakota's SIP and EPA approved sections 74:36:18:01 through 74:36:18:12 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. This change involves only section 74:36:18:10.

The proposed changes to Chapter 74:36:18 may be observed in Appendix A.

15.0 Chapter 74:36:20 – Construction Permits

Chapter 74:36:20 requires an air quality construction permit for new businesses/facilities and existing businesses/facilities that modify their operations and do not meet the requirements for obtaining a preconstruction permit in Chapters 74:36:09 and 74:36:10. DENR submitted Chapter 74:36:20 to EPA for inclusion in South Dakota's SIP. EPA approved Chapter 74:36:20 in South Dakota's SIP on June 27, 2014.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. This change involves only section 74:36:20:05.

The proposed changes to Chapter 74:36:20 may be observed in Appendix A.

16.0 Chapter 74:36:21 – Regional Haze Program

Chapter 74:36:21 contains the requirements DENR agreed to as part of South Dakota's Regional Haze Program. EPA approved sections 74:36:21:01 through 74:36:21:12 of this chapter into South Dakota's SIP.

The only changes related to this chapter deal with changing the reference date for the federal regulations. DENR is proposing to update the reference to the most current version of the federal reference of July 1, 2018. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations. The proposed changes involve the following sections:

1. 74:36:21:02;
2. 74:36:21:04;
3. 74:36:21:05; and
4. 74:36:21:09.

The proposed changes to Chapter 74:36:21 may be observed in Appendix A.

Appendix A

Proposed Rule Changes

ARTICLE 74:36

AIR POLLUTION CONTROL PROGRAM

Chapter

74:36:01	Definitions.
74:36:02	Ambient air quality.
74:36:03	Air quality episodes.
74:36:04	Operating permits for minor sources.
74:36:05	Operating permits for Part 70 sources.
74:36:06	Regulated air pollutant emissions.
74:36:07	New source performance standards.
74:36:08	National emission standards for hazardous air pollutants.
74:36:09	Prevention of significant deterioration.
74:36:10	New source review.
74:36:11	Performance testing.
74:36:12	Control of visible emissions.
74:36:13	Continuous emission monitoring systems.
74:36:14	Variances, Repealed.
74:36:15	Open burning, Transferred or Repealed.
74:36:16	Acid rain program.
74:36:17	Rapid City street sanding and deicing.

74:36:18	Regulations for state facilities in the Rapid City area.
74:36:19	Mercury budget trading program, Repealed.
74:36:20	Construction permits for new sources or modifications.
74:36:21	Regional haze program.

CHAPTER 74:36:01

DEFINITIONS

Section

74:36:01:01	Definitions.
74:36:01:02	Repealed.
74:36:01:03	Administrative permit amendment defined.
74:36:01:04	Affected states defined.
74:36:01:05	Applicable requirements of the Clean Air Act defined.
74:36:01:06	Complete application defined.
74:36:01:07	Repealed.
74:36:01:08	Major source defined.
74:36:01:09	Categories of sources defined.
74:36:01:10	Modification defined.
74:36:01:10.01	Insignificant increase in allowable emissions.

74:36:01:11	National ambient air quality standard (NAAQS).
74:36:01:12	Potential to emit defined.
74:36:01:13	Process weight rate defined.
74:36:01:14	Repealed.
74:36:01:15	Regulated air pollutant defined.
74:36:01:16	Responsible official defined.
74:36:01:17	Repealed.
74:36:01:18	Municipal solid waste landfill defined.
74:36:01:19	Existing municipal solid waste landfill defined.
74:36:01:20	Physical change in or change in the method of operation defined.
74:36:01:21	Commenced construction defined.

74:36:01:01. Definitions. Unless otherwise specified, the terms used in this article mean:

(1) "Act," chapter 34A-1 of the South Dakota Codified Laws;

(2) "Acid rain permit," a legally binding written document or portion of a document that is issued by the department and specifies the acid rain program requirements applicable to an affected source and to the owners and operators and the designated representative of the affected source;

(3) "Acid rain program," the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the Clean Air Act;

(4) "Administrator," the administrator of the Environmental Protection Agency or the secretary or their authorized representatives;

(5) "Affected source," a source that includes one or more affected units under Title IV of the Clean Air Act;

(6) "Affected unit," a unit that is subject to any of the emission reduction requirements or emission limits pursuant to Title IV of the Clean Air Act or chapter 74:36:16;

(7) "Air pollutant," one or a combination of the regulated air pollutants listed in § 74:36:01:15;

(8) "Allowable emissions," the emission rate calculated using the maximum rated capacity of a source unless the source is subject to federally enforceable limits which restrict operating rate, hours of operation, or both, and the most stringent of the following:

(a) The applicable new source performance standards in chapter 74:36:07;

(b) The applicable national emission standards in chapter 74:36:08;

(c) Any applicable emission limitations specified in this article, including those with a future compliance date;

(d) The emission rate specified as a permit condition; or

(e) The applicable standards in 40 C.F.R. Part 60, 61, or 63 (~~July 1, 2016~~ July 1, 2018);

(9) "Ambient air," that portion of the atmosphere external to buildings to which the general public has access;

(10) "ASTM," the American Society for Testing and Materials;

(11) "Board," the Board of Minerals and Environment;

(12) "Btu," British thermal unit;

(13) "CO," carbon monoxide;

(14) "Chairman," chairman of the board;

(15) "Clean Air Act," the Clean Air Act, 42 U.S.C. 7401 et seq., as amended through January 1, 2010;

(16) "Clean Air Act Amendments," the amendments to the Clean Air Act enacted in Pub. L. No. 101-549, November 15, 1990;

(17) "Control equipment," a device which prevents or reduces emissions;

(18) "Criteria pollutant," selected and specified pollutants for which limiting ambient air quality standards have been set, including sulfur dioxides, particulate matter, carbon monoxide, ozone, nitrogen oxides, and lead;

(19) "Department," the South Dakota Department of Environment and Natural Resources;

(20) "Designated representative," the responsible person or official authorized by the owner or operator of an affected unit, in accordance with the Clean Air Act, to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to the unit and the submission of and compliance with permits, permit applications, and compliance plans for the unit;

(21) "Draft permit," the version of a permit for which the department offers public participation or affected state review;

(22) "Emissions allowable under the permit," a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit, including work practice standards, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

(23) "Emission standard," the maximum amount of a pollutant legally permitted to be discharged from a single unit;

(24) "Emission unit," "Unit," any part or activity of a stationary source which emits or has the potential to emit a regulated air pollutant or any pollutant listed under section 112(b) of the Clean Air Act;

(25) "EPA," the Environmental Protection Agency;

(26) "Equivalent method," any method of sampling and analysis for an air pollutant which has a consistent and quantitatively known relationship to the reference method under specified conditions;

(27) "Existing source," a source that has an approved state-issued permit;

(28) "Facility," a building, structure, or installation of pollutant-emitting activities which belong to the same industrial grouping, located on one or more contiguous or adjacent properties and under the control of the same person or of persons under common control, except the activities of a water-borne vessel. Pollutant-emitting activities are part of the same industrial grouping if they belong to the same major group, i.e., have the same two-digit code, as described in the Standard Industrial Classification Manual, 1987;

(29) "Federally enforceable," all limits and conditions that are enforceable by the administrator of EPA pursuant to federal law. These limits and conditions include those requirements developed pursuant to this article, those appearing in 40 C.F.R. §§ 60 and 61 (~~July 1, 2016~~ July 1, 2018), requirements within the state implementation plan, and permit requirements established pursuant to this article or 40 C.F.R. § 51 Subpart I (~~July 1, 2016~~ July 1, 2018). The use of this term does not impede the department's authority under state law to enforce these limits and conditions;

(30) "Final permit" the version of an operating permit issued by the permitting authority for a source that has completed all required review procedures;

(31) "Fuel-burning unit," a furnace, boiler, apparatus, stack, or any of their components used in the process of burning fuel or other combustible material for the primary purposes of producing heat or power by indirect heat transfer;

(32) "Fugitive emissions," those air pollutants which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening;

(33) "General permit," a permit issued by the board in accordance with SDCL 34A-1-56 that may be made applicable to numerous similar sources;

(34) "Heat input," the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks, using the heat input value of the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater;

(35) "Incinerator," a furnace used to burn solid waste to reduce the volume of the waste by removing its combustible material;

(36) "Malfunction," any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner, but not a failure caused entirely or in part by poor maintenance, careless operation, preventable equipment breakdown, or any other cause within the control of the owner or operator of the source;

(37) "Minor source," a source whose potential emissions of a criteria pollutant are less than 100 tons a year and which does not meet the definition of a Part 70 source;

(38) "New source," a source that has not been constructed and does not possess a permit;

(39) "Nonattainment area," an area that does not meet or that contributes to ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard for the pollutant;

(40) "NSR," new source review;

(41) "Opacity," the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

(42) "Open burning," the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passage through a stack, duct, or chimney;

(43) "Operating permit," a written authorization issued by the board or the secretary for the operation of a source;

(44) "Owner or operator," any person who owns, leases, operates, controls, or supervises a source;

(45) Repealed;

(46) "Part 70 operating permit," any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised;

(47) "Part 70 source," any source subject to § 74:36:05:03;

(48) "Particulate matter," a broad class of chemically and physically diverse substances that exist as discrete particles, liquid droplets, or solids over a wide range of sizes;

(49) "Permit modification," a change to a source which operates under a minor source operating permit or Part 70 operating permit that meets the requirements of § 74:36:01:10;

(50) "Permit revision," a revision to a minor source operating permit or Part 70 operating permit to incorporate a permit modification, administrative permit amendment, insignificant increase in allowable emissions, or minor permit amendment;

(51) "Person," an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or state agency or any legal successor, representative, agent, or agency of the foregoing;

(52) "PM10," particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an applicable reference or equivalent method;

(53) "Proposed Part 70 operating permit," a permit that the department has forwarded to EPA for review after the closure of the public notice period and after considering any public comments, including those from affected states;

(54) "PSD," prevention of significant deterioration;

(55) Repealed;

(56) "Salvage operation," an operation conducted in whole or in part for the reclaiming of product or material;

(57) "Secretary," the secretary of the South Dakota Department of Environment and Natural Resources or an authorized representative;

(58) "Shutdown," the cessation of operation of any control equipment, process equipment, or process for any purposes;

(59) "Smoke," small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash, and other combustible material, that form a visible plume in the air;

(60) "Source," a facility that emits or may emit any air pollutant regulated under the Clean Air Act;

(61) "Start-up," the setting into operation of any control equipment, process equipment, or process for any purpose;

(62) "Title I," Title I of the Clean Air Act Amendments, provisions for attainment and maintenance of national ambient air quality standards;

(63) "Title IV," Title IV of the Clean Air Act Amendments, acid deposition control;

(64) "Title V," Title V of the Clean Air Act Amendments, permits;

(65) "Title VI," Title VI of the Clean Air Act Amendments, stratospheric ozone protection;

(66) Repealed;

(67) "VOC," "volatile organic compounds," as defined in 40 C.F.R. § 51.100(s) (~~July 1, 2016~~ July 1, 2018);

(68) "Wire reclamation furnace," a furnace that uses either direct or indirect heat transfer to salvage nonferrous metals through the thermal destruction of solid waste materials;

(69) "PM2.5," particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an applicable reference or equivalent method;

(70) "SO₂," sulfur dioxide;

(71) "NO₂," nitrogen dioxide;

(72) "Construction permit," a written authorization issued by the board or the secretary for the construction and operation of a new source or modification to an existing source; ~~and~~

(73) "Subject to regulation," subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in [40 C.F.R Part 50 \(July 1, 2018\)](#) ~~subchapter C of this chapter~~, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Greenhouse gases are not subject to regulation unless a PSD preconstruction permit is issued regulating greenhouse gases in accordance with chapter 74:36:09-~~;~~ [;](#)

(74) "Closed landfill," means a landfill in which solid waste is no longer being placed, and in which no additional solid waste will be placed without first filing a notification of modification. The notification shall include information describing the change, present and proposed emission control systems, and production capacity of the landfill before and after the change. Once a notification of modification has been filed and additional solid waste is placed in the landfill, the landfill is no longer closed; and

(75) "Closed landfill subcategory," means a closed landfill that has submitted a closure report for an existing municipal solid waste landfill as specified in § 74:36:07:142 on or before September 27, 2017.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:01, effective July 1,

1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

Reference: Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget. Copies may be obtained from National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, order no. PB 87-100012. Cost: \$31.

74:36:01:05. Applicable requirements of the Clean Air Act defined. Applicable requirements of the Clean Air Act include all of the following as they apply to emissions units in a Part 70 source, unless the context of the Clean Air Act requires otherwise:

(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Clean Air Act that

implements the relevant requirements of the Clean Air Act, including any revisions to that plan promulgated in Part 52 of 40 C.F.R. (~~July 1, 2016~~ [July 1, 2018](#));

(2) Any term or condition of any preconstruction permits issued pursuant to regulations approved through rulemaking under Title I, including Parts C or D, of the Clean Air Act;

(3) Any standard or other requirement under § 111 of the Clean Air Act, including § 111(d);

(4) Any standard or other requirement under § 112 of the Clean Air Act, including any requirement concerning accident prevention under § 112(r)(7) of the Clean Air Act;

(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated under it;

(6) Any monitoring, reporting, and certification requirements established pursuant to § 504(b) or 114(a)(3) of the Clean Air Act;

(7) Any standard or other requirement governing solid waste incineration, under § 129 of the Clean Air Act;

(8) Any standard or other requirement for consumer and commercial products, under § 183(e) of the Clean Air Act;

(9) Any standard or other requirement for tank vessels, under § 183(f) of the Clean Air Act;

(10) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under § 328 of the Clean Air Act;

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless the administrator of the EPA has determined that such requirements need not be contained in a Part 70 operating permit; and

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to § 504(e) of the Clean Air Act.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:01:19. Existing municipal solid waste landfill defined. An existing municipal solid waste landfill is a municipal solid waste landfill that commenced construction, reconstruction, or modification on or before ~~May 30, 1991~~ July 17, 2014. An existing municipal solid waste landfill may be active or closed. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with applicable emission limits are not considered a modification or reconstruction.

Source: 23 SDR 106, effective December 29, 1996.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-18.

74:36:01:20. Physical change in or change in the method of operation defined. A physical change in or change in the method of operation does not include the following:

- (1) Routine maintenance, repair, and replacement;
- (2) Use of an alternative fuel or raw material because of an order under §§ 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended and in effect on January 1, 1993, or because of a natural gas curtailment plan pursuant to the Federal Power Act as in effect on January 1, 1993;
- (3) Use of an alternative fuel because of an order or rule under § 125 of the Clean Air Act;

(4) Use at a steam generating unit of an alternative fuel that is generated from municipal solid waste;

(5) An increase in the hours of operation or in the production rate, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2016~~ [July 1, 2018](#)), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2016~~ [July 1, 2018](#));

(6) Any change of ownership at a source;

(7) The use of an alternative fuel or raw material by a source which the source was capable of accommodating before January 6, 1975, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2016~~ [July 1, 2018](#)), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2016~~ [July 1, 2018](#)); and

(8) The use of an alternative fuel or raw material which the source is approved to use under a permit issued under 40 C.F.R. § 52.21 (~~July 1, 2016~~ [July 1, 2018](#)) or under regulations approved pursuant to 40 C.F.R. § 51.165 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective

June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:02

AMBIENT AIR QUALITY

Section

- 74:36:02:01 Air quality goals.
- 74:36:02:02 Ambient air quality standards.
- 74:36:02:03 Methods of sampling and analysis.
- 74:36:02:04 Air quality monitoring network.
- 74:36:02:05 Ambient air monitoring requirements.

74:36:02:02. Ambient air quality standards. The ambient air quality standards listed in 40 C.F.R. §§ 50.1 to ~~50.5~~ 50.3, inclusive, (~~July 1, 2016~~ July 1, 2018); 40 C.F.R. § ~~§§ 50.5 and~~ 50.6 (~~July 1, 2016~~ July 1, 2018); ~~40 C.F.R. § 50.7(a)(1), (b), and (c) (July 1, 2016);~~ 40 C.F.R. § 50.8 (July 1, 2018); ~~and 40 C.F.R. §§ 50.10 to 50.12, inclusive, (July 1, 2016),~~ 40 C.F.R. §

50.11 (July 1, 2018); 40 C.F.R. § 50.13 (July 1, 2018); 40 C.F.R. § 50.14 (July 1, 2018); and 40 C.F.R. §§ 50.16 to 50.19, inclusive, (July 1, 2018), define the types and levels of air pollution above which the ambient air would limit the attainment of the goals specified in § 74:36:02:01. These standards apply to the entire state of South Dakota, and no person may cause these standards to be exceeded. The standards include normal background levels of air pollutants.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:02, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:02, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:02:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:03. Methods of sampling and analysis. Air pollutants of particulate matter, sulfur dioxide, carbon monoxide, ozone, nitrogen dioxide, and lead listed in 40 C.F.R. Part 50 (~~July 1, 2016~~ July 1, 2018) shall be measured by the reference method or methods stated in 40 C.F.R. Part 50, Appendix A to Appendix ~~N~~ U, inclusive, (~~July 1, 2016~~ July 1, 2018) or an equivalent method designated in accordance with 40 C.F.R. Part 53 (~~July 1, 2016~~ July 1, 2018).

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:11, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:09, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:02:09, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:04. Air quality monitoring network. The department shall outline ambient air monitoring goals, changes, and network design in the air quality monitoring network. The department shall revise the air quality monitoring network as required by 40 C.F.R. § 58.20 (~~July 1, 2016~~ July 1, 2018).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:05. Ambient air monitoring requirements. The operation of ambient air monitoring required by the department shall be consistent with 40 C.F.R. Part 58 (~~July 1, 2016~~ [July 1, 2018](#)). Records of monitoring activities and results shall be retained for a minimum of three years.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

CHAPTER 74:36:03

AIR QUALITY EPISODES

Section

74:36:03:01 Air pollution emergency episode.

74:36:03:02 Episode emergency contingency plan.

74:36:03:01. Air pollution emergency episode. The proclamation of an air pollution emergency episode and its extent shall be made by the secretary, using the criteria in 40 C.F.R. § 51.151 and Appendix L to Part 51 (~~July 1, 2016~~ [July 1, 2018](#)), if the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of the public.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:22, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:17, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:02:17, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:03:02. Episode emergency contingency plan. The department shall develop an episode emergency contingency plan and maintain it following the requirements in 40 C.F.R. § 51.152 (~~July 1, 2016~~ [July 1, 2018](#)). The department shall reevaluate the contingency plan in accordance with the requirements in 40 C.F.R. § 51.153 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

CHAPTER 74:36:05

OPERATING PERMITS FOR PART 70 SOURCES

Section

74:36:05:01	Applicability.
74:36:05:02	Part 70 operating permit required.
74:36:05:03	Sources required to obtain a Part 70 operating permit.
74:36:05:03.01	Repealed.
74:36:05:04	Sources exempt from obtaining a Part 70 operating permit.
74:36:05:04.01	Insignificant activities.
74:36:05:05	Transferred.
74:36:05:06	Standard for issuance of a Part 70 permit.

74:36:05:06.01	Fees required for operating permit.
74:36:05:07	Time period for operating permits and renewals.
74:36:05:08	Timely and complete application for operating permit required.
74:36:05:09	Complete application.
74:36:05:10	Transferred.
74:36:05:11	Transferred.
74:36:05:12	Required contents of complete application.
74:36:05:13	Applicant required to supplement or correct application.
74:36:05:14	Repealed.
74:36:05:15	Deadline for final action on permit application.
74:36:05:16	Statement of basis for recommended permit conditions.
74:36:05:16.01	Operating permit requirements.
74:36:05:17	Public participation in permitting process.
74:36:05:18	Public and affected state review of draft permit.
74:36:05:19	Transferred.
74:36:05:20	Repealed.
74:36:05:20.01	Final permit decision -- Notice to interested persons.
74:36:05:20.02	Petitions for contested case hearing.
74:36:05:20.03	EPA review of Part 70 operating permit.
74:36:05:21	EPA objection to issuance of operating permit.
74:36:05:21.01	Department response to EPA objection.
74:36:05:22	Department failure to meet EPA objection deadline.
74:36:05:23	Public petition to EPA on the final permit.

74:36:05:24	Repealed.
74:36:05:25	Transferred
74:36:05:26	Transferred
74:36:05:27	Transferred.
74:36:05:28	Permit expiration.
74:36:05:29	Permit renewal.
74:36:05:30	Permit flexibility.
74:36:05:31	Permit amendment -- Application required.
74:36:05:32	Administrative permit amendment required.
74:36:05:33	Procedure for administrative permit amendments.
74:36:05:34	Minor permit amendment required.
74:36:05:35	Requirements for minor permit amendments.
74:36:05:36	Application for minor permit amendment.
74:36:05:37	Notification of EPA and affected states required.
74:36:05:38	Department deadline to approve minor permit amendment.
74:36:05:39	Permit modifications.
74:36:05:39.01	Alternative permit modification procedure.
74:36:05:40	Reopening operating permit for cause.
74:36:05:41	Procedures to reopen permit.
74:36:05:42	Reopening permit for cause by EPA.
74:36:05:43	EPA review of proposed determination.
74:36:05:44	Department failure to submit proposed determination.
74:36:05:45	Repealed.
74:36:05:46	Permit termination, modification, revocation, and reissuance by department.

74:36:05:47	Notice of operating noncompliance -- Contents.
74:36:05:47.01	Circumvention of emissions not allowed.
74:36:05:48	Petition for contested case on alleged violation.
74:36:05:49	Repealed.
74:36:05:50	Federal enforceability of permit conditions.
74:36:05:51	General permits.
74:36:05:52	Secretary may require an individual permit.

74:36:05:04. Sources exempt from obtaining a Part 70 operating permit. The following sources are exempt from obtaining a Part 70 operating permit:

- (1) All sources that are not included in § 74:36:05:03;
- (2) Sources that operate a unit subject to 40 C.F.R. 60, Subpart AAA-Standards of Performance for New Residential Wood Heaters (~~July 1, 2016~~ July 1, 2018) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAA. Exempted sources must still meet the applicable requirements in Subpart AAA; or
- (3) Sources that operate a unit subject to 40 C.F.R. § 61.145, Standard for Demolition and Renovation (~~July 1, 2016~~ July 1, 2018) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason

other than the source is subject to 40 C.F.R. § 61.145 (~~July 1, 2016~~ [July 1, 2018](#)). Exempted sources must still meet the applicable requirements in 40 C.F.R. § 61.145 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-12, 34A-1-21.

74:36:05:16.01. Operating permit requirements. Each permit issued for the operation of a Part 70 source must contain:

- (1) The name of the person, company, political subdivision, agency, or institution granted a permit;
- (2) The type of operation;
- (3) The facility and mailing address;
- (4) The date the operating permit was granted and on which it will expire;

- (5) A number for administrative reference;
- (6) The name of a designated person or officer responsible for the source's operation;
- (7) A statement granting an operating permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the act and the Clean Air Act;
- (8) Emission limits and standards, including operational requirements and limits for all regulated emission units, necessary to assure compliance with applicable requirements of the act and the Clean Air Act and including the following:
 - (a) The reference of authority for each term or condition;
 - (b) The applicable requirements from the Clean Air Act and from Title IV requirements of the Clean Air Act, reviewing both requirements and distinguishing which is more stringent and incorporating both into the permit; and
 - (c) If an alternative emission limit is approved in the state implementation plan (SIP), provisions to ensure that the alternative emission limit in the permit issuance, renewal, or permit modification process has been demonstrated to be equivalent to the applicable emission limit in the state implementation plan and is quantifiable, accountable, enforceable, and based on replicable procedures;

(9) Monitoring and related record keeping and reporting requirements, consisting of at least the following:

(a) All emissions monitoring and analysis procedures, alternative approved methods or test methods required under the applicable requirements, including procedures and methods in § 504(b) or 114(a)(3) of the Clean Air Act;

(b) If the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements must assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement;

(c) As necessary, documentation of the use, maintenance, and if appropriate, installation of monitoring equipment or methods;

(d) Documentation of the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date or dates analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

- (v) The results of such analyses; and
- (vi) The operating conditions as existing at the time of sampling or measurement;

(e) Record keeping and reporting requirements that comply with the following:

- (i) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all deviations from permit requirements and conditions. All required reports must be certified by a responsible official; and

- (ii) Deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

(f) Requirements for retention of monitoring records and all supporting documentation for at least five years from the date of the monitoring sample, measurement, report, or application; and

(10) If applicable, a condition prohibiting emissions exceeding any allowances that the source lawfully holds, exceedances of applicable emission rates, and the use of any allowance prior to the year for which it was allocated under the Title IV program of the Clean Air Act;

(11) A severability clause asserting the continued validity of permit requirements if any portions of the permit are challenged;

(12) Provisions stating the following:

(a) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, permit termination, revocation and reissuance, permit revision, or denial of a permit renewal application;

(b) A permittee in an enforcement action may not use the defense that it would have been necessary to cease or reduce the permitted activity in order to maintain compliance;

(c) The permit may be revised, revoked and reissued, reopened, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition;

(d) The permit does not convey property rights of any sort or any exclusive privilege;
and

(e) The permittee must provide any information, including records, requested in writing by the department to determine whether cause exists for revising, revoking and reissuing, reopening, or terminating the permit or to determine compliance;

(13) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application and approved by the department. The terms and conditions must require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating and must ensure that the terms and conditions of each such alternative scenario meet all requirements of the Clean Air Act;

(14) Compliance requirements that contain the following:

(a) A compliance certification and testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. All documents, including reports, required by the permit must be certified by a responsible official consistent with subdivision 74:36:05:12(17). The compliance certification must be submitted annually from the date of permit issuance to the department and EPA;

(b) Inspection and entry requirements that require the permittee to allow the department or an authorized representative to perform the following:

(1) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted or where records must be kept under the conditions of the permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(3) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and

(4) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements;

(c) A compliance plan in accordance with subdivision 74:36:05:12(15), including progress reports on noncompliance indicating the dates that compliance will be achieved or the dates that compliance was achieved as referred to in a schedule of compliance. The report must state an explanation for not attaining dates of compliance and must be submitted to the department semiannually or more frequently as required by the department; and

(d) A compliance certification in accordance with subdivision 74:36:05:12(16);

(15) A condition requiring a Part 70 source to pay any required fees;

(16) A condition stating that no permit revisions are required for increases in emissions allowed through emissions trading to the extent that such trades are authorized by the applicable requirements of the Clean Air Act;

(17) Any provisions the department uses to issue general permits that are in accordance with 40 C.F.R. Part 70.6(d) (~~July 1, 2016~~ July 1, 2018);

(18) Provisions for permit emission exceedances due to emergencies that are in accordance with the requirements in 40 C.F.R. Part 70.6(g) (~~July 1, 2016~~ July 1, 2018); and

(19) All applicable requirements of the Clean Air Act.

Source: 19 SDR 157, effective April 22, 1993; transferred from § 74:36:05:27, 20 SDR 125, effective February 9, 1994; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-12, 34A-1-21.

CHAPTER 74:36:07

NEW SOURCE PERFORMANCE STANDARDS

Section

- 74:36:07:01 New source performance standards.
- 74:36:07:02 Standards of performance for fossil fuel-fired steam generators.
- 74:36:07:03 Standards of performance for electric utility steam generators.
- 74:36:07:04 Standards of performance for industrial, commercial, and institutional steam generating units.
- 74:36:07:05 Standards of performance for small industrial, commercial, and institutional steam generating units.
- 74:36:07:06 Standards of performance for incinerators.
- 74:36:07:06.01 Standards of performance for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.
- 74:36:07:06.02 Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996.
- 74:36:07:07 Standards of performance for municipal waste combustors.
- 74:36:07:07.01 Standards of performance for municipal combustors constructed after September 20, 1994.
- 74:36:07:08 Ash disposal requirements.
- 74:36:07:09 Standards of performance for portland cement plants.
- 74:36:07:10 Standards of performance for asphalt concrete plants.
- 74:36:07:11 Repealed.
- 74:36:07:12 Standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978.

- 74:36:07:13 Standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984.
- 74:36:07:14 Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984.
- 74:36:07:15 Standards of performance for sewage treatment plants.
- 74:36:07:16 Standards of performance for coal preparation plants.
- 74:36:07:17 Standards of performance for grain elevators.
- 74:36:07:18 Standards of performance for stationary gas turbines.
- 74:36:07:19 Standards of performance for lime manufacturing plants.
- 74:36:07:20 Standards of performance for metallic mineral processing plants.
- 74:36:07:21 Standards of performance for pressure-sensitive tape and label surface coating operations.
- 74:36:07:22 Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry.
- 74:36:07:22.01 Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006.
- 74:36:07:23 Standards of performance for bulk gasoline terminals.
- 74:36:07:24 Standards of performance for new residential wood heaters.
- 74:36:07:25 Standards of performance for petroleum dry cleaners.
- 74:36:07:26 Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations.

- 74:36:07:27 Standards of performance for nonmetallic mineral processing plants.
- 74:36:07:28 Standards of performance for magnetic tape coating facilities.
- 74:36:07:29 Operating requirements for wire reclamation furnaces.
- 74:36:07:30 Monitoring requirements for wire reclamation furnaces.
- 74:36:07:31 Standards of performance for graphic arts industry -- Publication rotogravure printing.
- 74:36:07:32 Standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes.
- 74:36:07:33 Standards of performance for calciners and dryers in mineral industries.
- 74:36:07:34 Existing municipal solid waste landfill.
- 74:36:07:35 Plan submittal by existing municipal solid waste landfills.
- 74:36:07:36 Collection system.
- 74:36:07:37 Control system.
- 74:36:07:38 Compliance schedule for existing municipal solid waste landfills.
- 74:36:07:39 Existing municipal solid waste landfill operational standards for collection and control systems.
- 74:36:07:40 Existing municipal solid waste landfill compliance provisions.
- 74:36:07:41 Existing municipal solid waste landfill monitoring provisions.
- 74:36:07:42 Existing municipal solid waste landfill reporting and recordkeeping.
- 74:36:07:42.01 Additional reporting for existing municipal solid waste landfills.
- 74:36:07:43 Standards of performance for new municipal solid waste landfills.
- 74:36:07:44 Standards of performance for nitric acid plants.
- 74:36:07:45 Standards of performance for sulfuric acid plants.

- 74:36:07:46 Standards of performance for petroleum refineries.
- 74:36:07:46.01 Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007.
- 74:36:07:47 Standards of performance for secondary lead smelters.
- 74:36:07:48 Standards of performance for secondary brass and bronze production plants.
- 74:36:07:49 Standards of performance for primary emissions from basic oxygen process furnaces for which construction commenced after June 11, 1973.
- 74:36:07:50 Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction commenced after January 20, 1983.
- 74:36:07:51 Standards of performance for primary copper smelter.
- 74:36:07:52 Standards of performance for primary zinc smelter.
- 74:36:07:53 Standards of performance for primary lead smelter.
- 74:36:07:54 Standards of performance for primary aluminum reduction plant.
- 74:36:07:55 Standards of performance for wet-process phosphoric acid plant.
- 74:36:07:56 Standards of performance for superphosphoric acid plant.
- 74:36:07:57 Standards of performance for diammonium phosphate plant.
- 74:36:07:58 Standards of performance for triple superphosphate plant.
- 74:36:07:59 Standards of performance for granular triple superphosphate storage facility.
- 74:36:07:60 Standards of performance for ferroalloy production plant.
- 74:36:07:61 Standards of performance for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983.
- 74:36:07:62 Standards of performance for kraft pulp mills.
- 74:36:07:63 Standards of performance for glass manufacturing plant.

- 74:36:07:64 Standards of performance for surface coating of metal furniture.
- 74:36:07:65 Standards of performance for lead-acid battery manufacturing plant.
- 74:36:07:66 Standards of performance for automobile and light duty truck surface coating operations.
- 74:36:07:67 Standards of performance for phosphate rock plants.
- 74:36:07:68 Standards of performance for ammonium sulfate manufacture.
- 74:36:07:69 Standards of performance for industrial surface coating -- Large appliances.
- 74:36:07:70 Standards of performance for metal coil surface coating.
- 74:36:07:71 Standards of performance for asphalt processing and asphalt roofing manufacture.
- 74:36:07:72 Standards of performance for beverage can surface coating industry.
- 74:36:07:73 Standards of performance for rubber tire manufacturing industry.
- 74:36:07:74 Standards of performance for volatile organic compound emissions from polymer manufacturing industry.
- 74:36:07:75 Standards of performance for flexible vinyl and urethane coating and printing.
- 74:36:07:76 Standards of performance for equipment leaks of VOC in petroleum refineries.
- 74:36:07:76.01 Standards of performance for equipment leaks of VOC in petroleum refineries.
- 74:36:07:77 Standards of performance for synthetic fiber production facility.
- 74:36:07:78 Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit process.
- 74:36:07:79 Standards of performance for equipment leaks of VOC from onshore natural gas processing plant.
- 74:36:07:80 Standards of performance for onshore natural gas processing.

- 74:36:07:81 Standards of performance for wool fiberglass insulation manufacturing plant.
- 74:36:07:82 Standards of performance for VOC emissions from petroleum refinery wastewater system.
- 74:36:07:83 Standards of performance for industrial surface coating -- Surface coating of plastic parts for business machines.
- 74:36:07:84 Standards of performance for polymeric coating of supporting substrates facility.
- 74:36:07:85 Standards of performance for small municipal waste combustion units for which construction commenced after August 30, 1999, or modification or reconstruction commenced after June 6, 2001.
- 74:36:07:86 Standards of performance for commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999, or modification or reconstruction commenced on or after June 1, 2001.
- 74:36:07:87 Standards of performance for other solid waste incineration units for which construction commenced after December 9, 2004, or modification or reconstruction commenced on or after June 16, 2006.
- 74:36:07:88 Standards of performance for stationary compression ignition internal combustion engines.
- 74:36:07:89 Standards of performance for stationary combustion turbines.
- 74:36:07:90 Standards of performance for stationary spark ignition internal combustion engines.
- 74:36:07:91 Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011.
- 74:36:07:92 Standards of performance for new sewage sludge incineration units.

74:36:07:93 Standards of performance for crude oil and natural gas production, transmission and distribution.

74:36:07:01. New source performance standards. The general provisions for new source performance standards are those in 40 C.F.R. § 60, Subpart A (~~July 1, 2016~~ [July 1, 2018](#)). For the purposes of this chapter, "administrator" means the secretary, except for those authorities that cannot be delegated to the state, in which case "administrator" means both the administrator of the Environmental Protection Agency and the secretary.

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:08:43, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:02. Standards of performance for fossil fuel-fired steam generators. The standards of performance for fossil fuel-fired steam generators are those in 40 C.F.R. § 60, Subpart D (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:09:07, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:03. Standards of performance for electric utility steam generators. The standards of performance for electric utility steam generators are those in 40 C.F.R. § 60, Subpart Da (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:10:15, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:04. Standards of performance for industrial, commercial, and institutional steam generating units. The standards of performance for industrial, commercial, and institutional steam generating units are those in 40 C.F.R. § 60, Subpart Db (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:24:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:05. Standards of performance for small industrial, commercial, and institutional steam generating units. The standards of performance for small industrial, commercial, and institutional steam generating units are those in 40 C.F.R. § 60, Subpart Dc (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to ~~40 C.F.R. § 60~~ Subpart Dc (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit, if the source burns solely natural gas or propane and is not required to obtain a Part 70 operating permit for a

reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart Dc (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart Dc (~~July 1, 2016~~).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06. Standards of performance for incinerators. The standards of performance for incinerators are those in 40 C.F.R. § 60, Subpart E (~~July 1, 2016~~ July 1, 2018).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:11:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06.01. Standards of performance for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996. 40 C.F.R. Part 60, Subpart Ce (~~July 1, 2016~~ [July 1, 2018](#)), is incorporated into this rule by reference. Designated facilities under Subpart Ce shall comply with the requirements for state plan approval in 40 C.F.R. §§ 60.32e to 60.38e, inclusive, (~~July 1, 2016~~ [July 1, 2018](#)).

The owner or operator of a hospital/medical/infectious waste incinerator constructed on or before June 20, 1996, that decides to cease operation shall notify the department within six months of EPA's approval of the state plan for hospital/medical/infectious waste incinerators. The written notification shall inform the department of when the unit will be shutdown. The shutdown date may not exceed one year after EPA's approval of the state plan for hospital/medical/infectious waste incinerators.

The owner or operator of a hospital/medical/infectious waste incinerator constructed on or before June 20, 1996, that decides to comply with the requirements of this section shall submit a compliance plan within six months of state plan approval that meets the following deadlines:

(1) Submit a Part 70 operating permit application and design drawings of the air pollution control device to the department within one year of state plan approval;

(2) Submit a copy of the purchase order or other documentation indicating an order has been placed for the major components of the air pollution control device within 15 months of state plan approval;

(3) Begin initiation of site preparation for installation of the air pollution control device within 2 years after state plan approval;

(4) Complete installation of the air pollution control device within 30 months after state plan approval; and

(5) Conduct a performance test within 33 months after state plan approval.

The owner or operator shall comply with 40 C.F.R. §§ 60.34e and 60.36e (~~July 1, 2016~~ July 1, 2018) within one year after state plan approval. The owner or operator shall comply with the remaining requirements in this section within three years after state plan approval or by September 15, 2002, whichever is earlier.

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06.02. Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996. The standards of performance for hospital/medical/infectious waste incinerators constructed after June 20, 1996, are those in 40 C.F.R. § 60, Subpart Ec (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:07. Standards of performance for municipal waste combustors. The standards of performance for municipal waste combustors are those in 40 C.F.R. § 60, Subpart Ea (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 17 SDR 69, effective November 22, 1990; 17 SDR 170, effective May 13, 1991; 18 SDR 90, effective November 24, 1991; transferred from § 74:26:26:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR

101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:07.01. Standards of performance for municipal combustors constructed after September 20, 1994. The standards of performance for municipal waste combustors constructed after September 20, 1994, or modified or reconstructed after June 19, 1996, are those in 40 C.F.R. § 60, Subpart Eb (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:09. Standards of performance for portland cement plants. The standards of performance for portland cement plants are those in 40 C.F.R. § 60, Subpart F (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:12:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:10. Standards of performance for asphalt concrete plants. The standards of performance for asphalt concrete plants are those in 40 C.F.R. § 60, Subpart I (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:13:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:12. Standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978. The standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978, are those in 40 C.F.R. § 60, Subpart K (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:14:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:13. Standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984. The standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984, are those in 40 C.F.R. § 60, Subpart Ka (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit

subject to ~~40 C.F.R. § 60~~ Subpart Ka ~~(July 1, 2016)~~ is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart Ka ~~(July 1, 2016)~~. Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart Ka ~~(July 1, 2016)~~.

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:20:19, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:14. Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984. The standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984, are those in 40 C.F.R. § 60, Subpart Kb ~~(July 1, 2016)~~ [July 1, 2018](#). A source that operates a unit subject to ~~40 C.F.R. § 60~~ Subpart Kb ~~(July 1, 2016)~~ is exempt from the obligation to obtain a Part 70 operating

permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart Kb (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart Kb (~~July 1, 2016~~).

Source: 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:25:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:15. Standards of performance for sewage treatment plants. The standards of performance for sewage treatment plants are those in 40 C.F.R. § 60, Subpart O (~~July 1, 2016~~ July 1, 2018).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:15:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR

217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:16. Standards of performance for coal preparation plants. The standards of performance for coal preparation plants are those in 40 C.F.R. § 60, Subpart Y (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:16:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:17. Standards of performance for grain elevators. The standards of performance for grain elevators are those in 40 C.F.R. § 60, Subpart DD (~~July 1, 2016~~ [July 1, 2018](#)). A source subject to ~~40 C.F.R. § 60~~ Subpart DD (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart DD (~~July~~

~~1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~
Subpart DD (~~July 1, 2016~~).

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:17:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:18. Standards of performance for stationary gas turbines. The standards of performance for stationary gas turbines are those in 40 C.F.R. § 60, Subpart GG (~~July 1, 2016~~
July 1, 2018).

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:19:07, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207,

effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:19. Standards of performance for lime manufacturing plants. The standards of performance for lime manufacturing plants are those in 40 C.F.R. § 60, Subpart HH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:18:10, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:20. Standards of performance for metallic mineral processing plants. The standards of performance for metallic mineral processing plants are those in 40 C.F.R. § 60, Subpart LL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:21:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:21. Standards of performance for pressure-sensitive tape and label surface coating operations. The standards of performance for pressure-sensitive tape and label surface coating operations are those in 40 C.F.R. § 60, Subpart RR (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:22. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry. The standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry are those in 40 C.F.R. § 60, Subpart VV (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:22.01. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006. The standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry, for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart VVa (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:23. Standards of performance for bulk gasoline terminals. The standards of performance for bulk gasoline terminals are those in 40 C.F.R. § 60, Subpart XX (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:24. Standards of performance for new residential wood heaters. The standards of performance for new residential wood heaters are those in 40 C.F.R. § 60, Subpart AAA (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June

13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:25. Standards of performance for petroleum dry cleaners. The standards of performance for petroleum dry cleaners are those in 40 C.F.R. § 60, Subpart JJJ (~~July 1, 2016~~ [July 1, 2018](#)). A source subject to ~~40 C.F.R. § 60~~ Subpart JJJ (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart JJJ (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart JJJ (~~July 1, 2016~~).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:26. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations. The standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations are those in 40 C.F.R. § 60, Subpart NNN (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:27. Standards of performance for nonmetallic mineral processing plants. The standards of performance for nonmetallic mineral processing plants are those in 40 C.F.R. § 60, Subpart OOO (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:23:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27,

2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:28. Standards of performance for magnetic tape coating facilities. The standards of performance for magnetic tape coating facilities are those in 40 C.F.R. § 60, Subpart SSS (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:31. Standards of performance for graphic arts industry -- Publication rotogravure printing. The standards of performance for publication rotogravure printing in the graphic arts industry are those in 40 C.F.R. § 60, Subpart QQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:32. Standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes. The standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes are those in 40 C.F.R. § 60, Subpart RRR (~~July 1, 2016~~ July 1, 2018).

Source: 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:33. Standards of performance for calciners and dryers in mineral industries. The standards of performance for calciners and dryers in mineral industries are those in 40 C.F.R. § 60, Subpart UUU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:34. Existing municipal solid waste landfill. The owner or operator of an existing municipal solid waste landfill that meets the following conditions shall comply with §§ 74:36:07:35 to 74:36:07:42, inclusive:

(1) The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition;

(2) The landfill has a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters. The landfill may calculate design capacity either in megagrams or cubic meters. Density conversions must be documented and submitted with the report; and

(3) The landfill has a nonmethane organic compound emission rate of 50 megagrams a year or more. The calculation of the landfill nonmethane organic compound emission rate must meet the requirements of 40 C.F.R. § 60.754 (~~July 1, 2016~~ July 1, 2018), to determine the landfill nonmethane organic compound emission rate.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 209, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:35. Plan submittal by existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall submit a plan within one year of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year. The plan must be prepared by a professional engineer and contain a collection and control system and a compliance schedule that meets § 74:36:07:38. The plan must be approved by the department in accordance with §§ 74:36:07:36 to 74:36:07:38, inclusive.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:36. Collection system. The department shall approve the collection and control system plan if it is equivalent to or meets the conditions provided in 40 C.F.R. § 60.752(b)(2)(ii) (~~July 1, 2016~~ **July 1, 2018**), and the control requirements in § 74:36:07:37.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:37. Control system. The department shall approve the control system if it is equivalent to or meets one of the following requirements:

(1) An open flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (~~July 1, 2016~~ July 1, 2018);

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:38. Compliance schedule for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 must meet the following compliance dates:

(1) Award contracts within 15 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year;

(2) Begin construction within 18 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year;

(3) Complete construction within 30 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year; and

(4) Demonstrate compliance with all applicable requirements within 180 days of completing construction.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:39. Existing municipal solid waste landfill operational standards for collection and control systems. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the operational standards for collection and control systems in 40 C.F.R. § 60.753 (~~July 1, 2016~~ [July 1, 2018](#)).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:40. Existing municipal solid waste landfill compliance provisions. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the compliance provisions in 40 C.F.R. § 60.755 (~~July 1, 2016~~ [July 1, 2018](#)).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:41. Existing municipal solid waste landfill monitoring provisions. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the monitoring provisions in 40 C.F.R. § 60.756 (~~July 1, 2016~~ July 1, 2018).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13,

2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:42. Existing municipal solid waste landfill reporting and recordkeeping.

The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the reporting and recordkeeping requirements: specified in 40 C.F.R. §§ 60.757 and 60.758 (~~July 1, 2016~~ July 1, 2018).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:42.01. Additional reporting for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of

subdivisions 74:36:07:34(1) and (2) shall submit an initial nonmethane organic compound emission rate report within 90 days of the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act and annually or every five years thereafter in accordance with 40 C.F.R. § 60.757(b) (~~July 1, 2016~~ July 1, 2018).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18

74:36:07:43. Standards of performance for new municipal solid waste landfills.

Repealed. ~~The standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 29, 1991, are those in 40 C.F.R. § 60 Subpart WWW (July 1, 2016). Physical or operational changes made to existing municipal solid waste landfills solely to comply with §§ 74:36:07:34 to 74:36:07:42, inclusive, or activities required by or conducted pursuant to a CERCLA, RCRA, or state remedial action are not considered construction, reconstruction, or modification for purposes of this section.~~

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: ~~SDCL 34A-1-6.~~

Law Implemented: ~~SDCL 34A-1-18.~~

74:36:07:44. Standards of performance for nitric acid plants. The standards of performance for nitric acid plants are those in 40 C.F.R. § 60, Subpart G (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:45. Standards of performance for sulfuric acid plants. The standards of performance for sulfuric acid plants are those in 40 C.F.R. § 60, Subpart H (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:46. Standards of performance for petroleum refineries. The standards of performance for petroleum refineries are those in 40 C.F.R. § 60, Subpart J (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:46.01. Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007. The standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007, are those in 40 C.F.R. § 60, Subpart Ja, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:47. Standards of performance for secondary lead smelters. The standards of performance for secondary lead smelters are those in 40 C.F.R. § 60, Subpart L (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:48. Standards of performance for secondary brass and bronze production plants. The standards of performance for secondary brass and bronze production plants are those in 40 C.F.R. § 60, Subpart M (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:49. Standards of performance for primary emissions from basic oxygen process furnaces for which construction commenced after June 11, 1973. The standards of performance for basic oxygen process furnaces are those in 40 C.F.R. § 60, Subpart N (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:50. Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction commenced after January 20, 1983. The standards of performance for basic oxygen process steelmaking facilities are those in 40 C.F.R. § 60, Subpart Na (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:51. Standards of performance for primary copper smelter. The standards of performance for primary copper smelters are those in 40 C.F.R. § 60, Subpart P (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:52. Standards of performance for primary zinc smelter. The standards of performance for primary zinc smelters are those in 40 C.F.R. § 60, Subpart Q (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:53. Standards of performance for primary lead smelter. The standards of performance for primary lead smelters are those in 40 C.F.R. § 60, Subpart R (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:54. Standards of performance for primary aluminum reduction plant. The standards of performance for primary aluminum reduction plants are those in 40 C.F.R. § 60, Subpart S (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:55. Standards of performance for wet-process phosphoric acid plant. The standards of performance for wet-process phosphoric acid plants are those in 40 C.F.R. § 60, Subpart T (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:56. Standards of performance for superphosphoric acid plant. The standards of performance for superphosphoric acid plants are those in 40 C.F.R. § 60, Subpart U (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:57. Standards of performance for diammonium phosphate plant. The standards of performance for diammonium phosphate plants are those in 40 C.F.R. § 60, Subpart V (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:58. Standards of performance for triple superphosphate plant. The standards of performance for triple superphosphate plants are those in 40 C.F.R. § 60, Subpart W (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:59. Standards of performance for granular triple superphosphate storage facility. The standards of performance for granular triple superphosphate storage facilities are those in 40 C.F.R. § 60, Subpart X (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:60. Standards of performance for ferroalloy production plant. The standards of performance for ferroalloy production plants are those in 40 C.F.R. § 60, Subpart Z (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:61. Standards of performance for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983. The standards of performance for electric arc furnaces and argon-oxygen decarburization vessels are those in 40 C.F.R. § 60, Subpart AAa (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:62. Standards of performance for kraft pulp mills. The standards of performance for kraft pulp mills are those in 40 C.F.R. § 60, Subpart BB (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:63. Standards of performance for glass manufacturing plant. The standards of performance for glass manufacturing plants are those in 40 C.F.R. § 60, Subpart CC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:64. Standards of performance for surface coating of metal furniture. The standards of performance for surface coating of metal furniture are those in 40 C.F.R. § 60, Subpart EE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:65. Standards of performance for lead-acid battery manufacturing plant. The standards of performance for lead-acid battery manufacturing plants are those in 40 C.F.R. § 60, Subpart KK (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:66. Standards of performance for automobile and light duty truck surface coating operations. The standards of performance for automobile and light duty truck surface coating operations are those in 40 C.F.R. § 60, Subpart MM (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 208, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:67. Standards of performance for phosphate rock plants. The standards of performance for phosphate rock plants are those in 40 C.F.R. § 60, Subpart NN (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:68. Standards of performance for ammonium sulfate manufacture. The standards of performance for ammonium sulfate manufacture are those in 40 C.F.R. § 60, Subpart PP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:69. Standards of performance for industrial surface coating -- Large appliances. The standards of performance for industrial surface coating of large appliances are those in 40 C.F.R. § 60, Subpart SS (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:70. Standards of performance for metal coil surface coating. The standards of performance for metal coil surface coating are those in 40 C.F.R. § 60, Subpart TT (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:71. Standards of performance for asphalt processing and asphalt roofing manufacture. The standards of performance for asphalt processing and asphalt roofing manufacture are those in 40 C.F.R. § 60, Subpart UU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:72. Standards of performance for beverage can surface coating industry. The standards of performance for beverage can surface coating industry are those in 40 C.F.R. § 60, Subpart WW (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:73. Standards of performance for rubber tire manufacturing industry. The standards of performance for rubber tire manufacturing industry are those in 40 C.F.R. § 60, Subpart BBB (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 1010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:74. Standards of performance for volatile organic compound emissions from polymer manufacturing industry. The standards of performance for polymer manufacturing industry are those in 40 C.F.R. § 60, Subpart DDD (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:75. Standards of performance for flexible vinyl and urethane coating and printing. The standards of performance for flexible vinyl and urethane coating and printing are those in 40 C.F.R. § 60, Subpart FFF (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:76. Standards of performance for equipment leaks of VOC in petroleum refineries. The standards of performance for equipment leaks in petroleum refineries are those in 40 C.F.R. § 60, Subpart GGG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:76.01. Standards of performance for equipment leaks of VOC in petroleum refineries. The standards of performance for equipment leaks in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart GGGa, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:77. Standards of performance for synthetic fiber production facility. The standards of performance for synthetic fiber production facilities are those in 40 C.F.R. § 60, Subpart HHH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:78. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit process. The standards of performance for synthetic organic chemical manufacturing industry air oxidation unit processes are those in 40 C.F.R. § 60, Subpart III (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:79. Standards of performance for equipment leaks of VOC from onshore natural gas processing plant. The standards of performance for equipment leaks from onshore natural gas processing plants are those in 40 C.F.R. § 60, Subpart KKK (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:80. Standards of performance for onshore natural gas processing. The standards of performance for onshore natural gas processing are those in 40 C.F.R. § 60, Subpart LLL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:81. Standards of performance for wool fiberglass insulation manufacturing plant. The standards of performance for wool fiberglass insulation manufacturing plants are those in 40 C.F.R. § 60, Subpart PPP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:82. Standards of performance for VOC emissions from petroleum refinery wastewater system. The standards of performance for petroleum refinery wastewater systems are those in 40 C.F.R. § 60, Subpart QQQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:83. Standards of performance for industrial surface coating -- Surface coating of plastic parts for business machines. The standards of performance for the surface coating of plastic parts for business machines are those in 40 C.F.R. § 60, Subpart TTT (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:84. Standards of performance for polymeric coating of supporting substrates facility. The standards of performance for polymeric coating of supporting substrates facilities are those in 40 C.F.R. § 60, Subpart VVV (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:85. Standards of performance for small municipal waste combustion units for which construction commenced after August 30, 1999, or modification or reconstruction commenced after June 6, 2001. The standards of performance for small municipal waste combustion units are those in 40 C.F.R. § 60, Subpart AAAA (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:86. Standards of performance for commercial or industrial solid waste incineration units for which construction commenced after November 30, 1999, or modification or reconstruction commenced on or after June 1, 2001. The standards of performance for commercial solid waste incineration units are those in 40 C.F.R. § 60, Subpart CCCC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:87. Standards of performance for other solid waste incineration units for which construction commenced after December 9, 2004, or modification or reconstruction commenced on or after June 16, 2006. The standards of performance for other solid waste incineration units are those in 40 C.F.R. § 60, Subpart EEEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:88. Standards of performance for stationary compression ignition internal combustion engines. The standards of performance for stationary compression ignition internal combustion engines are those in 40 C.F.R. § 60, Subpart IIII (~~July 1, 2016~~ [July 1, 2018](#)). A source subject to Subpart IIII is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart IIII. Exempted sources must still meet the applicable requirements in Subpart IIII.

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:89. Standards of performance for stationary combustion turbines. The standards of performance for stationary combustion turbines are those in 40 C.F.R. §§ 60.4300 to 60.4420, inclusive, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:90. Standards of performance for stationary spark ignition internal combustion engines. The standards of performance for stationary spark combustion engines are those in 40 C.F.R. § 60, Subpart JJJJ (~~July 1, 2016~~ [July 1, 2018](#)). A source subject to Subpart JJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:91. Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011. The standards of performance for nitric acid plants are those in 40 C.F.R. § 60, Subpart Ga (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:92. Standards of performance for new sewage sludge incineration units. The standards of performance for new sewage sludge incineration units are those in 40 C.F.R. § 60, Subpart LLLL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:93. Standards of performance for crude oil and natural gas production, transmission and distribution. The standards of performance for crude oil and natural gas production, transmission, and distribution are those in 40 C.F.R. § 60, Subpart OOOO (~~July 1, 2016~~ July 1, 2018).

Source: 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:94. Initial design capacity report for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall submit an initial design capacity report to the Secretary prior to but no later than 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial design capacity report if the owner or operator already submitted the initial design capacity report on or before July 17, 2014. The initial design capacity report shall contain the following:

(1) A map or plot of the landfill providing the size and location of the landfill and identifying all areas where solid waste may be landfilled; and

(2) Where the maximum design capacity is specified in a permit, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided along with the relevant parameters as part of the report. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation shall include a site-specific density, which shall be recalculated annually. Any density conversions shall be documented and submitted with the design capacity report. The department may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

74:36:07:95. Amended design capacity report for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall submit an amended design capacity report within 90 days of an increase in the maximum design capacity of the landfill which meets or exceeds 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in § 74:36:07:98(2)(b).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:96. Operating permits for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume is exempt from the obligation to obtain a Part 70 operating permit, if the existing municipal solid waste landfill is not required to obtain a Part 70 operating permit for a reason other than being subject to the requirements for an existing municipal solid waste landfill. For purposes of submitting a timely application for a Part 70 operating permit, the owner or operator of an existing municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, and not otherwise subject to a Part 70 operating permit, shall submit an application for a Part 70 operating permit within 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

The owner or operator is no longer subject to the requirement to maintain a Part 70 operating permit for the landfill if the landfill is closed and not otherwise subject to a Part 70 operating permit and if either of the following conditions are met:

(1) The landfill was never subject to the requirement to install and operate a gas collection and control system; or

(2) The landfill meets the conditions for control system removal criteria specified in § 74:36:07:144.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:97. Calculating Prevention of Significant Deterioration emissions for existing municipal solid waste landfills. When calculating Prevention of Significant Deterioration emissions for an existing municipal solid waste landfill, the owner or operator shall estimate the nonmethane organic compound emission rate for comparison to the Prevention of Significant Deterioration major source and significance levels in 40 C.F.R. §§ 51.166 or 52.21 (July 1, 2018) using EPA's AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources (January 1995) or other approved measurement procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:98. Nonmethane organic compound emission rate options for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that increases its maximum design capacity equal to or greater than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall comply with §§ 74:36:07:106 to 74:36:07:145, inclusive or calculate its nonmethane organic compound emission rate using the following procedures:

(1) Calculate an initial nonmethane organic compound emission rate using the procedures specified in § 74:36:07:99;

(2) If the calculated nonmethane organic compound emission rate is less than 34 megagrams per year, the owner or operator shall:

(a) Submit an annual nonmethane organic compound emission rate report according to § 74:36:07:125, except as provided in § 74:36:07:125(3); and

(b) Recalculate the nonmethane organic compound emission rate annually using the procedures specified in § 74:36:07:99 until such time as the calculated nonmethane organic compound emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed;

(3) If the calculated nonmethane organic compound emission rate, upon initial calculation or annual recalculation is equal to or greater than 34 megagrams per year, the owner or operator shall comply with §§ 74:36:07:106 to 74:36:07:145, inclusive, calculate nonmethane organic compound emissions using the next higher tier in §§ 74:36:07:101 and

74:36:07:102 or conduct a surface emission monitoring demonstration using the procedures specified in § 74:36:07:103;

(4) If the landfill is permanently closed, a closure report for an existing municipal solid waste landfill shall be submitted to the Secretary, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit a closure report if the owner or operator already submitted a closure report on or before July 17, 2014; and

(5) For the closed landfill subcategory, if the most recently calculated nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan for an existing municipal solid waste landfill, unless a collection and control system design plan has already been submitted, and install and operate a collection and control system as provided in §§ 74:36:07:106 and 74:36:07:109 within 30 months after the nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year;

(b) Calculate nonmethane organic compound emissions using the next higher tier in §§ 74:36:07:101 or 74:36:07:102; or

(c) Conduct a surface emission monitoring demonstration using the procedures specified in § 74:36:07:103.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:99. Calculate nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall calculate the nonmethane organic compound emission rate using the appropriate equation in subdivision (1) or (2) of this section:

(1) This equation shall be used if the actual year-to-year solid waste acceptance rate is known. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for mass of solid waste if documentation of the nature and amount of such wastes is maintained; and

$$M_{NMO C} = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i}) (C_{NMO C}) (3.6 \times 10^{-9})$$

(2) This equation shall be used if the actual year-to-year solid waste acceptance rate is unknown. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for the average annual acceptance rate, if documentation of the nature and amount of such wastes is maintained:

$$M_{NMO C} = 2L_o R (e^{-kc} - e^{-kt}) C_{NMO C} (3.6 \times 10^{-9}), \text{ where}$$

$M_{NMO C}$ = Mass emission rate of nonmethane organic compounds, in megagrams per year;

k = Methane generation rate constant, in year⁻¹;

L_o = Methane generation potential, in cubic meters per megagram solid waste;

M_i = Mass of solid waste in the i^{th} section, in megagrams;

R = Average annual acceptance rate, in megagrams per year;

t = Age of the landfill, years;

t_i = Age of the ith section, in years;

C_{NMOC} = Nonmethane organic compound concentration, in parts per million by volume as hexane;

c = Time since closure, years; for an active landfill c = 0 and e^{-kc} = 1; and

3.6 x 10⁻⁹ = Conversion factor.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:100. Tier 1 nonmethane organic compound emission rate for existing municipal solid waste landfills. If the nonmethane organic compound emission rate calculated in § 74:36:07:99 is:

(1) Less than 34 megagrams per year, the owner or operator shall submit a nonmethane organic compound emission rate report and recalculate the nonmethane organic compound emission rate annually as required under § 74:36:07:98;

(2) Equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109;

(b) Determine a site-specific nonmethane organic compound concentration and recalculate the nonmethane organic compound emission rate using the Tier 2 procedures provided in § 74:36:07:101; or

(c) Determine a site-specific methane generation rate constant and recalculate the nonmethane organic compound emission rate using the Tier 3 procedures provided in § 74:36:07:102.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:101. Tier 2 nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least two years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the nonmethane organic compound concentration using 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018). Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes shall be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume

measurements shall be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the nonmethane organic compound concentration from Method 25 or 25C by six to convert from nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe shall be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples shall be collected from the header pipe. The owner or operator shall determine the site-specific nonmethane organic compound concentration using the following sampling procedure:

(1) Within 60 days after the date of determining the nonmethane organic compound concentration and corresponding nonmethane organic compound emission rate, the owner or operator shall submit the results;

(2) The owner or operator shall recalculate the nonmethane organic compound mass emission rate using the appropriate equation in § 74:36:07:99 using the average site-

specific nonmethane organic compound concentration from the collected samples instead of the default value;

(3) If the resulting nonmethane organic compound mass emission rate is less than 34 megagrams per year, the owner or operator shall submit an estimate of nonmethane organic compound emissions in the annual nonmethane organic compound emission rate report. The site-specific nonmethane organic compound concentration shall be retested every five years; and

(4) If the nonmethane organic compound mass emission rate as calculated using the Tier 2 site-specific nonmethane organic compound concentration is equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109;

(b) Determine a site-specific methane generation rate constant and recalculate the nonmethane organic compound emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in § 74:36:07:102; or

(c) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in § 74:36:07:103.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:102. Tier 3 nonmethane organic compound emission rate for existing municipal solid waste landfills. The site-specific methane generation rate constant shall be determined using the procedures provided in 40 C.F.R. Part 60, Appendix A, Method 2E (July 1, 2018). The owner or operator shall estimate the nonmethane organic compound mass emission rate using the appropriate equation in § 74:36:07:99 and using a site-specific methane generation rate constant, and the site-specific nonmethane organic compound concentration as determined in § 74:36:07:101 instead of the default values. The landfill owner or operator shall compare the resulting nonmethane organic compound mass emission rate to the standard of 34 megagrams per year:

(1) If the nonmethane organic compound mass emission rate as calculated using the Tier 2 site-specific nonmethane organic compound concentration and Tier 3 site-specific methane generation rate is equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109; or

(b) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in § 74:36:07:103.

(2) If the nonmethane organic compound mass emission rate is less than 34 megagrams per year, the owner or operator shall recalculate the nonmethane organic compound mass emission rate annually using the appropriate equation in § 74:36:07:99 and using the site-specific Tier 2 nonmethane organic compound concentration and Tier 3 methane generation rate constant and submit the results in the annual nonmethane organic compound emission rate report. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual nonmethane organic compound emission rate calculations;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:103. Tier 4 nonmethane organic compound emission rate for existing municipal solid waste landfills. Tier 4 is allowed only if the owner or operator can demonstrate that nonmethane organic compound emissions are greater than or equal to 34 megagrams per year but less than 50 megagrams per year using Tier 1 or Tier 2. If both Tier 1 and Tier 2 indicate nonmethane organic compound emissions are 50 megagrams per year or greater, Tier 4 cannot be used and the owner or operator must meet the criteria in subdivision (8) of this section. If Tier 4 is being used, the owner or operator shall demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring shall be conducted on a quarterly basis using the following procedures:

(1) The owner or operator shall measure surface concentrations of methane along the entire perimeter of the landfill and along a pattern that traverses the landfill at no more than 30-meter intervals using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115;

(2) The background concentration shall be determined by moving the probe inlet upwind and downwind at least 30 meters from the waste mass boundary of the landfill;

(3) Surface emission monitoring shall be performed in accordance with 40 C.F.R. Part 60, Appendix A, Method 21, section 8.3.1 (July 1, 2018), except the probe inlet shall be placed no more than 5 centimeters above the landfill surface. The constant measurement of distance above the surface should be based on a mechanical device;

(a) The owner or operator shall use a wind barrier when onsite average wind speed exceeds four miles per hour or two meters per second or gust exceed 10 miles per hour. Average on-site wind speed shall be determined in an open area at 5-minute intervals using an on-site anemometer with a continuous recorder and data logger for the entire duration of the monitoring event. The wind barrier shall surround the surface emission monitor and placed on the ground to ensure wind turbulence is blocked. Surface emission monitoring cannot be conducted if average wind speed exceeds 25 miles per hour; and

(b) Landfill surface areas where visual observations indicate elevated concentrations of landfill gas and all cover penetrations shall be monitored using a device meeting the specifications provided in § 74:36:07:115;

(4) Each owner or operator seeking to comply with the Tier 4 provisions in subdivision (6) of this section shall maintain records of surface emission monitoring and submit a Tier 4 surface emissions report;

(5) If there is any measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall submit a gas collection and control system design plan within one year of the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill and install and operate a gas collection and control system according to §§ 74:36:07:106 and § 74:36:07:109 within 30 months of the most recent nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year based on Tier 2;

(6) If after four consecutive quarterly monitoring periods at a landfill, other than a closed landfill, there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall continue quarterly surface emission monitoring;

(7) If after four consecutive quarterly monitoring periods at a closed landfill there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall conduct annual surface emission monitoring; and

(8) If a landfill has installed and operates a collection and control system that is not required, then the collection and control system shall meet the following criteria:

(a) The gas collection and control system shall have operated for at least 6,570 out of 8,760 hours preceding the Tier 4 surface emissions monitoring demonstration; and

(b) During the Tier 4 surface emissions monitoring demonstration, the gas collection and control system shall operate as it normally would to collect and control as much landfill gas as possible.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:104. Alternative nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator may use an alternative method to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant as an alternative to the methods required in §§ 74:36:07:101 and 74:36:07:102, if the method has been approved by the Administrator.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:105. Existing municipal solid waste landfill emission guidelines. The owner or operator of an existing municipal solid waste landfill that meets the following conditions shall comply with §§ 74:36:07:106 to 74:36:07:145, inclusive:

(1) The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition;

(2) The landfill has a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume; and

(3) The landfill has a nonmethane organic compound emission rate greater than or equal to 34 megagrams per year or Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater; or

(4) The landfill is in the closed landfill subcategory and has a nonmethane organic compound emission rate greater than or equal to 50 megagrams per year or Tier 4 surface emission monitoring shows a surface concentration of 500 parts per million methane or greater.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:106 Installation of a gas collection and control system at existing municipal solid waste landfill. The owner or operator of an existing municipal solid waste landfill that meets the requirements in § 74:36:07:105 shall plan, award contracts, install and start up a collection and control system that captures the gas generated by the landfill within 30 months after:

(1) The effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act and the existing municipal solid waste landfill meets one of the requirements in subdivision (2) through (5), inclusive, of this section; and

(2) The first annual nonmethane organic compound emission report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates the nonmethane organic compound emission rate is less than 34 megagrams per year; or

(3) The first annual nonmethane organic compound emission rate report for a landfill in the closed landfill subcategory in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the nonmethane organic compound emission rate is less than 50 megagrams per year; or

(4) The first annual nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater; or

(5) The first annual nonmethane organic compound emission rate report for a landfill in the closed landfill subcategory in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:107. Existing municipal solid waste landfill active and passive collection systems. The department shall approve a collection system if it meets the following:

(1) An active collection system shall:

(a) Be designed to handle the maximum expected gas flow rate for the entire area of the landfill that warrants control over the intended use period of the gas control system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active or two years or more if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas;

(2) A passive collection system shall:

(a) Comply with the provisions specified in subdivision (1)(a), (1)(b), and (1)(d) of this section; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 C.F.R. § 258.40 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:108. Specifications for active collection systems for existing municipal solid waste landfills. An active collection system at an existing municipal solid waste landfill shall meet the following specifications:

(1) Each owner or operator shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Secretary:

(a) The collection devices within the interior shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, resistance to the refuse

decomposition heat, and ability to isolate individual components or sections for repair or troubleshooting without shutting down entire collection system;

(b) The sufficient density of gas collection devices shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior;

(c) The placement of gas collection shall control all gas producing areas, except as follows:

(i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented. The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Secretary upon request;

(ii) Any nonproductive area of the landfill may be excluded from control, provided the total of all excluded areas can be shown to contribute less than one percent of the total amount of nonmethane organic compound emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Secretary upon request. A separate nonmethane organic compound emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the nonmethane organic compound emissions estimate for the entire landfill.

(iii) The nonmethane organic compound emissions from each section proposed for exclusion shall be computed using the following equation:

$$Q_i = 2kL_oM_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9}), \text{ where}$$

Q_i = nonmethane organic compound emission rate from the i^{th} section, megagrams per year;

k = Methane generation rate constant, year^{-1} ;

L_o = Methane generation potential, cubic meters per megagram solid waste;

M_i = Mass of the degradable solid waste in the i^{th} section, megagram;

t_i = Age of the solid waste in the i^{th} section, years;

C_{NMOC} = Nonmethane organic compound concentration, parts per million by volume; and

3.6×10^{-9} = Conversion factor.

(iv) If the owner or operator is proposing to exclude, or cease gas collection and control from, nonproductive physically separated closed areas that already have gas collection systems, nonmethane organic compound emissions from each physically separated closed area shall be computed using either the equation in § 74:36:07:143 or subdivision 74:36:07:131(1)(c)(iii);

(d) The values for methane generation rate constant and nonmethane organic compound concentration determined in field testing shall be used if field testing has been performed in determining the nonmethane organic compound emission rate or the radii of influence which is the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero. If field testing has not been performed, the default values for methane generation rate constant, methane generation potential, and nonmethane organic compound concentration provided in §§ 74:36:07:99 to 74:36:07:110, inclusive, or the alternative values from §§ 74:36:07:99 to

7:36:07:110, inclusive, shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subdivision (1)(c)(i) of this section;

(2) Gas collection devices shall be constructed using the following equipment or procedures:

(a) The landfill gas extraction components shall be constructed of polyvinyl chloride, high density polyethylene pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to convey projected amounts of gases, withstand installation, static, and settlement forces, and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration;

(b) Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any

gravel used around pipe perforations shall be of a dimension so as not to penetrate or block perforations; and

(c) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of polyvinyl chloride, high density polyethylene, fiberglass, stainless steel, or other nonporous material of suitable thickness;

(3) Each owner or operator shall convey the landfill gas to a control system through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment. The maximum gas generation flow rate for an existing collection system shall be based on its flow data. The maximum gas generation flow rate for a new collection system or an existing collection system with no flow data shall be determined in accordance with subdivision 74:36:07:112(1).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets one of the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123; or

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less.

Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section. Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision.

If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the

closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:110. Initial control system performance test for existing municipal solid waste landfill. The owner or operator shall conduct an initial performance test to be completed no later than 180 days after the initial startup of the approved control system. The performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts that burns the landfill gas. The owner or operator shall use the following test methods:

(1) For a non-enclosed flare, the net heating value of the combusted landfill gas, as determined in 40 C.F.R. § 60.18(f)(3) (July 1, 2018), is calculated from the concentration of methane in the landfill gas as measured by 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018). A minimum of three 30-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under 40 C.F.R. § 60.18(4) (July 1, 2018);

(2) 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018) shall be used to determine compliance with the 98 percent by weight efficiency or the 20 parts per million

by volume outlet nonmethane organic compound concentration level, unless another method to demonstrate compliance has been approved by the Secretary. Method 25C may be used at the inlet only. 40 C.F.R. Part 60, Appendix A, Method 3, 3A, or 3C (July 1, 2018) shall be used to determine oxygen for correcting the nonmethane organic compound concentration as hexane to three percent. In cases where the outlet concentration is less than 50 parts per million nonmethane organic compound as carbon (8 parts per million nonmethane organic compound as hexane), 40 C.F.R. Part 60, Appendix A, Method 25A (July 1, 2018) should be used in place of Method 25. 40 C.F.R. Part 60, Appendix A, Method 18 (July 1, 2018) may be used in conjunction with Method 25A on a limited basis or Method 3C may be used to determine methane. The methane as carbon should be subtracted from the Method 25A total hydrocarbon value as carbon to give nonmethane organic compound concentration as carbon. The owner or operator shall divide the nonmethane organic compound concentration as carbon by six to convert the nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane. The following equation shall be used to calculate efficiency:

$$\text{Control efficiency} = (NMOC_{in} - NMOC_{out}) / NMOC_{in}, \text{ where}$$

NMOC_{in} = Mass of nonmethane organic compounds entering control device; and

NMOC_{out} = Mass of nonmethane organic compounds exiting control device;

Within 60 days after the date of completing each performance test, the owner or operator shall submit the results of the performance tests, including any associated fuel analyses.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:111. Existing municipal solid waste landfill operational standards for collection and control systems. The owner or operator of an existing municipal solid waste landfill with a gas collection and control system used to comply with §§ 74:36:07:106, 74:36:07:107, and 74:36:07:109 shall meet the following operational standards:

(1) Operate the collection system such that gas is collected from each area, cell, or group of cells in the existing municipal solid waste landfill in which solid waste has been in place for:

(a) Five years or more if active; or

(b) Two years or more if closed or at final grade;

(2) Operate the collection system with negative pressure at each wellhead except under the following conditions:

(a) During a fire or increased well temperature, the owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual report;

(b) If using a geomembrane or synthetic cover, the owner or operator shall develop acceptable pressure limits in the design plan; and

(c) A decommissioned well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Secretary;

(3) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit). The owner or operator may establish a higher operating temperature value at a particular well. A higher operating value demonstration shall be submitted to the Secretary for approval and shall include supporting data demonstrating the elevated parameter neither causes fires nor significantly inhibits anaerobic decomposition by killing methanogens. The demonstration shall satisfy both criteria in order to be approved;

(4) Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115. The owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas and all cover penetrations. Thus, the owner or operator shall monitor any openings that are within an area of the landfill where waste has been placed and a gas collection system is required. The owner or operator may establish an alternative

traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(5) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with § 74:36:07:109. In the event the collection or control system is not operating, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour of the collection or control system not operating;

(6) Operate the control system at all times when the collected gas is routed to the system; and

(7) If monitoring demonstrates the operational requirements in subdivision (2), (3), or (4) of this section are not met, corrective action shall be taken as specified in subdivision 74:36:07:112(3) and (4) or § 74:36:07:114. If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, the monitored exceedance is not a violation of the operational requirements in this section.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:112. Existing municipal solid waste landfill compliance provisions for gas collection system. The owner or operator of an existing municipal solid waste landfill that

meets the requirements of § 74:36:07:105 shall determine if the gas collection system is in compliance with subdivision 74:36:07:107(1) based on the following, except as provided in subdivision 74:36:07:126(2):

(1) For the purpose of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with subdivision 74:36:07:107(1)(a), use the appropriate equation:

(a) For sites with unknown year-to-year solid waste acceptance rate use the following equation:

$$Q_m = 2L_oR(e^{-kc} - e^{-kt}), \text{ and}$$

(b) For sites with known year-to-year solid waste acceptance rate use the following equation:

$$Q_m = \sum_{i=1}^n 2kL_oM_i(e^{-kt_i}), \text{ where}$$

Q_m = Maximum expected gas generation flow rate, cubic meters per year;

L_o = Methane generation potential, cubic meters per megagram solid waste;

R = Average annual acceptance rate, megagrams per year;

M_i = Mass of solid waste in the i^{th} section, megagrams;

k = Methane generation rate constant, year^{-1} ;

t = Age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years; and

t_i = Age of the i^{th} section, years.

The methane generation rate constant and methane generation potential kinetic factors should be those published in EPA's AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources (January 1995) or other site-specific values demonstrated to be appropriate and approved by the Secretary. If the methane generation rate constant has been determined as specified in § 74:36:07:102, the value of the methane generation rate constant determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure;

(c) If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the appropriate equation in subdivision (a) and (b) of this section. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the appropriate equation in subdivision (a) and (b) of this section or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment;

(2) For the purposes of determining sufficient density of gas collectors for compliance with subdivision 74:36:07:107(1)(b), the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Secretary,

capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards;

(3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subdivision 74:36:07:107(1)(c), the owner or operator shall measure gauge pressure in the gas collection header applied to each individual well monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five calendar days, except for the three conditions allowed under subdivision 74:36:07:111(2). Any attempted corrective measure shall not cause exceedances of other operational or performance standards. Corrective actions to achieve a negative pressure shall meet the following schedule:

(a) If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement of positive pressure, the owner or operator shall conduct a root cause analysis and correct the exceedance as soon as practicable, but not later than 60 days after positive pressure was first measured. The owner or operator shall keep records according to subdivision 74:36:07:134(3);

(b) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, the owner or operator shall also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the positive pressure measurement. The owner or operator shall submit the items listed in subdivision 74:36:07:140(7) as part of the next annual report. The owner or operator shall keep records according to subdivision 74:36:07:134(4); and

(c) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary, according to subdivision 74:36:07:140(7) and § 74:36:07:129. The owner or operator shall keep records according to subdivision 74:36:07:134(5).

(4) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature. If a well exceeds the operating parameter for temperature, action shall be initiated to correct the exceedance within 5 calendar days. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. Corrective actions to achieve the operating parameter for temperature shall meet the following schedule:

(a) If a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit) cannot be achieved within 15 calendar days of the first measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit), the owner or operator shall conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) was first measured. The owner or operator shall keep records according to subdivision 74:36:07:134(3);

(b) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, the owner or operator shall also conduct a corrective action analysis and develop an implementation

schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit). The owner or operator shall submit the items listed in subdivision 74:36:07:140(7) as part of the next annual report. The owner or operator shall keep records according to subdivision 74:36:07:134(4); and

(c) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary, according to subdivision 74:36:07:140(7) and § 74:36:07:129. The owner or operator shall keep records according to subdivision 74:36:07:134(5);

(5) An owner or operator seeking to demonstrate compliance with subdivision 74:36:07:107(1)(d) through the use of a collection system not conforming to the specifications provided in § 74:36:07:108 shall provide information satisfactory to the Secretary as specified in subdivision 74:36:07:126(3) demonstrating that off-site migration is being controlled.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:113. Existing municipal solid waste landfill compliance provisions for locating wells and design components. The owner or operator of an existing municipal solid

waste landfill that meets the requirements of § 74:36:07:105 shall place each well or design components as specified in the approved design plan as provided in § 74:36:07:126. Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:114. Existing municipal solid waste landfill compliance with surface methane operational standards. The owner or operator of an existing municipal solid waste landfill that meets the requirements of subdivision 74:36:07:111(4) shall comply with the following procedures for demonstrating compliance with the surface methane operational standards:

(1) After installation and startup of the gas collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at no more than 30 meter intervals or a site-specific established spacing for each collection area on a quarterly basis using an

organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115;

(2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells;

(3) Surface emission monitoring shall be performed in accordance with 40 C.F.R. Part 60, Appendix A, Method 21, section 8.3.1 (July 1, 2018) except the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions;

(4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance. As long as the following actions are taken, the exceedance is not a violation of the operational requirements of subdivision 74:36:07:111(4):

(a) The location of each monitored exceedance shall be marked and the location and concentration recorded. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places;

(b) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance;

(c) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of

the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in subdivision (e) of this section shall be taken, and no further monitoring of that location is required until the action specified in subdivision (e) of this section has been taken;

(d) Any location that initially showed an exceedance but has a methane concentration less than 500 parts per million methane above background at the 10-day re-monitoring specified in subdivision (b) or (c) of this section shall be re-monitored one month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in subdivision (c) or (e) of this section shall be taken; and

(e) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device must be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Secretary for approval;

(5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:115. Existing municipal solid waste landfill instrumentation specifications and procedures for surface emission monitoring devices. The owner or operator of an existing municipal solid waste landfill complying with the provisions in §§ 74:36:07:114 or 74:36:07:103 shall comply with the following procedures for demonstrating compliance with the surface methane operational standards:

(1) The portable analyzer shall meet the instrument specifications provided in 40 C.F.R. Part 60, Appendix A, Method 21, section 6 (July 1, 2018), except that methane replaces all references to VOC;

(2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air;

(3) To meet the performance evaluation requirements in 40 C.F.R. Part 60, Appendix A, Method 21, section 8.1 (July 1, 2018), the instrument evaluation procedures of section 8.1 shall be used; and

(4) The calibration procedures provided in 40 C.F.R. Part 60, Appendix A, Method 21, sections 8 and 10 (July 1, 2018) shall be followed immediately before commencing a surface monitoring survey.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:116. Existing municipal solid waste landfill compliance during startup, shutdown, or malfunction. The owner or operator of an existing municipal solid waste landfill shall comply with the provisions §§ 74:36:07:112 to 74:36:07:115, inclusive, at all times, including periods of startup, shutdown, or malfunction. During periods of startup, shutdown, or malfunction, the owner or operator shall comply with the work practice standards in subdivision 74:36:07:111(5).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:117. Existing municipal solid waste landfill active gas collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to comply with an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead. The owner or operator shall:

1. Measure the gauge pressure in the gas collection header on a monthly basis;
2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as

follows:

(a) The nitrogen level shall be determined using 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018), unless an alternative test method is established; and

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 (if the sample location is prior to combustion) except that the following apply;

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;

(c) A portable gas composition analyzer may be used to monitor the oxygen levels provided the analyzer is calibrated and meets all quality assurance and quality control requirements for 40 C.F.R. Part 60, Appendix A, Method 3A (July 1, 2018) or ASTM D6522-11.

3. Monitor the temperature of the landfill gas on a monthly basis. The temperature measuring device shall be calibrated annually using the procedure in 40 C.F.R. Part 60, Appendix A-1, Method 2, Section 10.3 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:118. Existing municipal solid waste landfill enclosed combustor monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to comply with § 74:36:07:109 using an enclosed combustor shall install, calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts; and

2. A device that records flow to the control device and bypass of the control device, if applicable, at least every 15 minutes. The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:119. Existing municipal solid waste landfill non-enclosed flare monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to comply with § 74:36:07:109 using a non-enclosed flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A heat sensing device at the pilot light or the flame itself to indicate the continuous presence of a flame; and

2. A device that records flow to the flare and bypass of the flare, if applicable, at least every 15 minutes. The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:120. Existing municipal solid waste landfill surface methane monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with the 500 parts per million surface methane operational standard shall monitor surface concentrations of methane quarterly according to the procedures provided in § 74:36:07:114 and the instrument specifications in § 74:36:07:115.

Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 parts per million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:121. Existing municipal solid waste landfill gas treatment system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with the control system requirements in § 74:36:07:109 using a landfill gas treatment system shall maintain and operate all monitoring systems associated with the treatment system in accordance with the site-specific treatment system monitoring plan required in subdivision 74:36:07:131(5) and shall calibrate, maintain, and operate according to the manufacturer's specifications a device that records flow to the treatment system and bypass of the treatment system, if applicable. The owner or operator shall:

1. Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the treatment system at least every 15 minutes; and
2. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed

at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:122. Existing municipal solid waste landfill alternative collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to monitor alternative parameters shall provide information satisfactory to the Secretary as provided in subdivision 74:36:07:126(2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Secretary may specify additional appropriate monitoring procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:123. Existing municipal solid waste landfill alternative control device monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with § 74:36:07:109 using a device other than a non-enclosed flare, an enclosed combustor, or a treatment system shall provide information satisfactory

to the Secretary describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Secretary shall review the information and approve it or request that additional information be submitted. The Secretary may specify additional appropriate monitoring procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:124. Existing municipal solid waste landfill monitoring requirements. The owner or operator of an existing municipal solid waste landfill shall monitor according to §§ 74:36:07:118 to 74:36:07:123, inclusive, and § 74:36:07:121 at all times the existing municipal solid waste landfill is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures caused in part by poor maintenance or careless operation are not malfunctions. The owner or operator is required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:125. Existing municipal solid waste landfill annual nonmethane organic compound emission rate report. The owner or operator of an existing municipal solid waste landfill with a design capacity equal to or greater than 2.5 million megagrams by mass and 2.5 million cubic meters by volume shall submit a nonmethane organic compound emission rate report prior to but no later than 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial or subsequent nonmethane organic compound emission rate report provided the most recent nonmethane organic compound emission rate report indicated the nonmethane organic compound emissions were below 50 megagrams per year.

The nonmethane organic compound emission rate report shall be submitted annually, except as provided for in subdivision (3) of this section. The Secretary may request additional information as may be necessary to verify the reported nonmethane organic compound emission rate. The nonmethane organic compound emission rate report shall:

1. Contain an annual or 5-year estimate of the nonmethane organic compound emission rate calculated using the formula and procedures provided in §§ 74:36:07:99 or 74:36:07:143, as applicable;

2. Include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions; and

3. If the estimated nonmethane organic compound emission rate as reported in the annual report is less than 34 megagrams per year in each of the next five consecutive years, the owner or operator may elect to submit an estimate of the nonmethane organic compound emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five years for which an nonmethane organic compound emission rate is estimated. All data and calculations upon which this estimate is based shall be included in the nonmethane organic compound emission rate report. This estimate shall be revised at least once every five years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Secretary. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

The owner or operator is exempt from the requirements to submit a nonmethane organic compound emission rate report after installing a collection and control system that complies with §§ 74:36:07:106 and § 74:36:07:109, during such time as the collection and control system is in operation and in compliance with §§ 74:36:07:111 to § 74:36:07:116, inclusive.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:126. Existing municipal solid waste landfill collection and control system design plan submittal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit a collection and control system design plan prepared and approved by a professional engineer. The collection and control system design plan shall:

1. The design requirements in §§ 74:36:07:106 and § 74:36:07:109;
2. Include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping, or reporting provisions proposed by the owner or operator;
3. Conform to specifications for active collection systems in § 74:36:07:108 or include a demonstration to the Secretary's satisfaction of the sufficiency of the alternative provisions;
4. Cover page that contains the engineer's seal to the Secretary within 1 year of the first nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year, except as follows;

(a) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after Tier 2 nonmethane organic compound sampling and analysis and the resulting rate is less than 34 megagrams per year, annual periodic reporting must

be resumed, using the Tier 2 determined site-specific nonmethane organic compound concentration, until the calculated nonmethane organic compound emission rate is equal to or greater than 34 megagrams per year or the landfill is closed. The revised nonmethane organic compound emission rate report, with the recalculated nonmethane organic compound emission rate based on nonmethane organic compound sampling and analysis, shall be submitted, following the procedures in § 74:36:07:138, within 180 days of the first calculated exceedance of 34 megagrams per year;

(b) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after determining a site-specific methane generation rate constant as provided in Tier 3, and the resulting nonmethane organic compound emission rate is less than 34 megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant shall be used in the nonmethane organic compound emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised nonmethane organic compound emission rate report based on the provisions of § 74:36:07:102 and the resulting site-specific methane generation rate constant shall be submitted to the Secretary within one year of the first calculated nonmethane organic compound emission rate equaling or exceeding 34 megagrams per year;

(c) If the owner or operator elects to demonstrate site-specific surface methane emissions are below 500 parts per million methane, the owner or operator shall submit annually a Tier 4 surface emissions report until a surface emissions readings of 500 parts per million methane or greater is found. If the Tier 4 surface emissions report shows no surface emissions readings of 500 parts per million methane or greater for four consecutive

quarters at a closed landfill, then the owner or operator may reduce Tier 4 monitoring from a quarterly to an annual frequency. The Secretary may request additional information as may be necessary to verify the reported instantaneous surface emission readings. The Tier 4 surface emissions report shall clearly identify the location, date and time to the nearest second, average wind speeds including wind gusts, and reading, in parts per million, of any value 500 parts per million methane or greater, other than non-repeatable, momentary readings. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places. The Tier 4 surface emission report shall also include the results of the most recent Tier 1 and Tier 2 results in order to verify the landfill does not exceed 50 megagrams per year of nonmethane organic compounds. The annual Tier 4 surface emissions report shall be submitted as follows:

(i) The initial Tier 4 surface emissions report shall be submitted annually, starting within 30 days of completing the fourth quarter of Tier 4 surface emissions monitoring that demonstrates site-specific surface methane emissions are below 500 parts per million methane; and

(ii) The Tier 4 surface emissions rate report shall be submitted within 1 year of the first measured surface exceedance of 500 parts per million methane;

(d) If the landfill is in the closed landfill subcategory, the owner or operator shall submit a collection and control system design plan to the Secretary within one year of the

first nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year, except as follows:

(i) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after Tier 2 nonmethane organic compound sampling and analysis and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific nonmethane organic compound concentration, until the calculated nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised nonmethane organic compound emission rate report, with the recalculated nonmethane organic compound emission rate based on nonmethane organic compound sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year;

(ii) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after determining a site-specific methane generation rate constant, as provided in Tier 3, and the resulting nonmethane organic compound emission rate is less than 50 megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant shall be used in the nonmethane organic compound emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised nonmethane organic compound emission rate report and the resulting site-specific methane generation rate constant must be submitted to the Secretary within one year of the first calculated nonmethane organic compound emission rate equaling or exceeding 50 megagrams per year;

(iii) The owner or operator elects to demonstrate surface emissions are low, consistent with the provisions in subdivision (4)(c) of this section.

(iv) The landfill has already submitted a gas collection and control system design plan consistent with the provisions of 40 C.F.R. Part 60, Subpart WWW (July 1, 2018); 40 C.F.R. Part 62, Subpart GGG (July 1, 2018); or § 74:36:07:35;

(e) The owner or operator shall notify the Secretary that the design plan is completed and submit a copy of the plan's signature page. The Secretary has 90 days to decide whether the design plan should be submitted for review. If the Secretary chooses to review the plan, the approval process continues as described in subdivision (4)(f) of this section. However, if the Secretary indicates that submission is not required or does not respond within 90 days, the owner or operator can continue to implement the plan with the recognition that the owner or operator is proceeding at their own risk. In the event the design plan is required to be modified to obtain approval, the owner or operator shall take any steps necessary to conform any prior actions to the approved design plan and any failure to do so could result in an enforcement action;

(f) Upon receipt of an initial or revised design plan, the Secretary shall review the information submitted under subdivision (1) to (3), inclusive, of this section and approve it, disapprove it, or request additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be proposed. If the Secretary does not approve or disapprove the design plan, or does not request additional information be submitted within 90 days of receipt, the owner or

operator may continue with implementation of the design plan, recognizing they would be proceeding at their own risk; and

(g) If the owner or operator chooses to demonstrate compliance with the emission control requirements using a treatment system, the owner or operator must prepare a site-specific treatment system monitoring plan as specified in subdivision 74:36:07:131(5)(a).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:127. Existing municipal solid waste landfill revised plan submittal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit a revised design plan to the Secretary for approval:

1. At least 90 days before expanding operations to an area not covered by the previously approved design plan; and

2. Prior to installing or expanding the gas collection system in a way that is not consistent with the previously approved design plan.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:128. Existing municipal solid waste landfill Tier 4 notification. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall provide a notification of the date(s) upon which it intends to demonstrate site-specific surface methane emissions are below 500 parts per million methane using Tier 4 surface emission monitoring. The landfill shall also include a description of the wind barrier to be used during the surface emission monitoring in the notification. Notification shall be postmarked not less than 30 days prior to such date. If there is a delay to the scheduled Tier 4 surface emission monitoring date due to weather conditions, including not meeting the wind requirements, the owner or operator shall notify the Secretary by email or telephone no later than 48 hours before any known delay in the original test date, and arrange an updated date with the Secretary by mutual agreement.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:129. Existing municipal solid waste landfill corrective action and timeline notifications. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit the following:

1. For corrective action required according to subdivision 74:36:07:112(3)(c) or (4)(c) and expected to take longer than 120 days after the initial exceedance to complete, the

owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above. The Secretary shall approve the plan for corrective action and the corresponding timeline; and

2. For corrective action required according to subdivision 74:36:07:112(3)(c) or (4)(c) and is not completed within 60 days after the initial exceedance, the owner or operator shall submit a notification to the Secretary as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:130. General recordkeeping for existing municipal solid waste landfill. Except as provided in subdivision 74:36:07:126(2), the owner or operator of an existing municipal solid waste landfill subject to the provisions of § 74:36:07:98 shall keep for at least five years, readily accessible, on-site records of the design capacity report, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:131. Recordkeeping for existing municipal solid waste landfill – Performance tests and compliance determinations. Except as provided in subdivision 74:36:07:126(2), the owner or operator of a control system at an existing municipal solid waste landfill shall maintain the control device vendor specifications and the following records, readily accessible, for the life of the control system equipment as measured during the initial performance test or compliance determination. The following records of subsequent tests or monitoring shall be maintained for a minimum of five years:

(1) Where an owner or operator seeks to demonstrate compliance with §

74:36:07:106:

(a) The maximum expected gas generation flow rate as calculated in subdivision 74:36:07:112(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Secretary; and

(b) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in subdivision

74:36:07:131(1)(a);

(2) Where an owner or operator seeks to demonstrate compliance with § 74:36:07:109 through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:

(a) The average temperature measured at least every 15 minutes and averaged over the same time period of the performance test; and

(b) The percent reduction of nonmethane organic compounds achieved by the control device;

(3) Where an owner or operator seeks to demonstrate compliance with § 74:36:07:107 through use of a boiler or process heater of any size, a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance test;

(4) Where an owner or operator seeks to demonstrate compliance with subdivision 74:36:07:109(1) through use of a non-enclosed flare, the flare type, all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test; and continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent;

(5) Where an owner or operator seeks to demonstrate compliance with subdivision 74:36:07:107(4) through use of a landfill gas treatment system:

(a) Records of the flow of landfill gas to, and bypass of, the treatment system; and

(b) Develop and maintain a site-specific treatment monitoring plan, to include:

(i) Monitoring records of parameters identified in the treatment system monitoring plan and ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, de-watering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas;

(ii) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas;

(iii) Documentation of the monitoring methods and ranges, along with justification for their use;

(iv) Identify who is responsible, by job title, for data collection;

(v) Processes and methods used to collect the necessary data; and

(vi) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:132. Recordkeeping for existing municipal solid waste landfill – Control systems and exceedances. Except as provided in subdivision 74:36:07:126(2), the owner or

operator of a control system at an existing municipal solid waste landfill shall keep for five years, readily accessible continuous records of the equipment operating parameters specified to be monitored in §§ 74:36:07:117 to 74:36:07:124, inclusive, and records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. The following records meet this requirement:

(1) The following constitute exceedances that must be recorded:

(a) For enclosed combustors, except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature during the most recent performance test at which compliance with § 74:36:07:109 was determined; and

(b) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone;

(2) The indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines;

(3) If a boiler or process heater with a design heat input capacity of 44 megawatts or greater is used to comply with § 74:36:07:109, keep records of all periods of operation of the boiler or process heater;

(4) If using a non-enclosed flare, keep continuous records of the flame or flare pilot flame monitoring, and records of all periods of operation in which the flame or flare pilot flame is absent; and

(5) If complying with § 74:36:07:98 using an active collection system, keep records of periods when the collection system or control device is not operating.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:133. Recordkeeping for existing municipal solid waste landfill -- Collection system. Except as provided in subdivision 74:36:07:126(2), the owner or operator that meets the requirements of § 74:36:07:105 must keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label on each collector that matches the labeling on the plot map. In addition, the owner or operator shall also maintain the following:

(1) Each owner or operator must keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors; and

(2) Each owner or operator must keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as well as any nonproductive areas excluded from collection.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:134. Additional collection system recordkeeping for existing municipal solid waste landfill. Except as provided in subdivision 74:36:07:126(2), each owner or operator that meets the requirements of § 74:36:07:105 must keep for at least five years up-to-date, readily accessible records of the following:

(1) All collection and control system exceedances of the operational standards in § 74:36:07:111, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance;

(2) Records of each wellhead temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above, each wellhead nitrogen level at or above 20 percent, and each wellhead oxygen level at or above five percent;

(3) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3) or (4) §60.36f(a)(3) or (5), keep a record of the root cause analysis conducted, including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed;

(4) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3)(b) or (4)(b), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates; and

(5) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3)(c) or (4)(c), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the regulatory agency.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:135. Recordkeeping for existing municipal solid waste landfill -- Converting design capacity. The owner or operator who converts design capacity from volume to mass or mass to volume to demonstrate landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters must keep readily accessible, on-site records of the

annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:136. Recordkeeping for existing municipal solid waste landfill -- Surface methane. The owner or operator seeking to demonstrate site-specific surface methane emissions are below 500 parts per million by conducting surface emission monitoring under the Tier 4 procedures must keep for at least five years up-to-date, readily accessible records of all surface emissions monitoring and information related to monitoring instrument calibrations conducted according to 40 C.F.R., Part 60, Appendix A, Method 21, sections 8 and 10 (July 1, 2018), including all of the following items:

(1) The following calibration records:

(a) Date of calibration and initials of operator performing the calibration;

(b) Calibration gas cylinder identification, certification date, and certified concentration;

(c) Instrument scale(s) used;

(d) A description of any corrective action taken if the meter readout could not be adjusted to correspond to the calibration gas value; and

(e) If an owner or operator makes their own calibration gas, a description of the procedure used;

(2) Digital photographs of the instrument setup. The photographs must be time and date-stamped and taken at the first sampling location prior to sampling and at the last sampling location after sampling at the end of each sampling day, for the duration of the Tier 4 monitoring demonstration;

(3) Timestamp of each surface scan reading. The timestamp should be detailed to the nearest second and based on when the sample collection begins. A log for the length of time each sample was taken using a stopwatch. The time each sample is take means the time the probe was held over the area.

(4) Location of each surface scan reading. The owner or operator must determine the coordinates using an instrument with an accuracy of at least four meters. Coordinates must be in decimal degrees with at least five decimal places;

(5) Monitored methane concentration, in parts per million, of each reading;

(6) Background methane concentration, in parts per million, after each instrument calibration test;

(7) Adjusted methane concentration using most recent calibration, in parts per million;

(8) For readings taken at each surface penetration, the unique identification location label matching the label specified in § 74:36:07:133; and

(9) Records of the operating hours of the gas collection system for each destruction device;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:137. Recordkeeping for existing municipal solid waste landfill -- Control system monitor. Except as provided in subdivision 74:36:07:126(2), the owner or operator shall keep for at least five years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in § 74:36:07:117. Any records required to be maintained and submitted electronically via the EPA's Central Data Exchange may be maintained in electronic format. If the owner or operator is reporting leachate or other liquids addition, keep records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:138. Existing municipal solid waste landfill submit reports electronically.

The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit reports electronically according to the following:

1. For data collected using test methods supported by the EPA's Electronic Reporting Tool as listed on the EPA's Electronic Reporting Tool Web site (https://www3.epa.gov/ttn/chief/ert/ert_info.html) at the time of the test, the owner or operator shall submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface. Compliance and Emissions Data Reporting Interface can be accessed through the EPA's Central Data Exchange (<https://cdx.epa.gov/>). Performance test data shall be submitted in a file format generated through the use of the EPA's Electronic Reporting Tool or an alternative file format consistent with the extensible markup language schema listed on the EPA's Electronic Reporting Tool Web site, once the extensible markup language schema is available. If the owner or operator claim that some of the performance test information being submitted is confidential business information, the owner or operator shall submit a complete file generated through the use of the EPA's Electronic Reporting Tool or an alternate electronic file consistent with the extensible markup language schema listed on the EPA's Electronic Reporting Tool Web site, including information claimed to be confidential business information, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media shall be clearly marked as confidential business information and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group,

MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same Electronic Reporting Tool or alternate file with the confidential business information omitted shall be submitted to the EPA via the EPA's Central Data Exchange;

2. For data collected using test methods not supported by the EPA's Electronic Reporting Tool as listed on the EPA's Electronic Reporting Tool Web site at the time of the test, the owner or operator shall submit the results of the performance test to the Secretary; and

3. The owner or operator required to submit reports shall submit reports to the EPA via the Compliance and Emissions Data Reporting Interface. Compliance and Emissions Data Reporting Interface can be accessed through the EPA's Central Data Exchange. The owner or operator shall use the appropriate electronic report in Compliance and Emissions Data Reporting Interface or an alternate electronic file format consistent with the extensible markup language schema listed on the Compliance and Emissions Data Reporting Interface Web site (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in Compliance and Emissions Data Reporting Interface at the time the report is due, the owner or operator shall submit the report to the Secretary. Once the form has been available in Compliance and Emissions Data Reporting Interface for 90 calendar days, the owner or operator shall begin submitting all subsequent reports via Compliance and Emissions Data Reporting Interface. The reports shall be submitted by the specified deadlines regardless of the method in which the reports are submitted.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:139. Report for existing municipal solid waste landfill -- Initial performance test. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and seeking to comply with § 74:36:07:109 shall submit the initial performance test report required under 40 C.F.R. §60.8 (July 1, 2018), except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial performance test report if the owner or operator already submitted the initial performance test report on or before July 17, 2014. The initial performance test report shall contain the following:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:140. Existing municipal solid waste landfill annual report. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and using an active collection system shall submit an annual report to the Secretary. The initial annual report shall be submitted within 180 days of installation and startup of the collection and control system, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial annual report if the owner or operator already submitted the initial annual report on or before July 17, 2014. The initial annual report shall include the initial performance test report required under 40 C.F.R. § 60.8 (July 1, 2018), as applicable, unless the results of the performance test has been submitted to the EPA via the EPA's Central Data Exchange. In the initial annual

report, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's Central Data Exchange. The initial performance test report shall be submitted, following the procedure specified in § 74:36:07:138, no later than the date the initial annual report is submitted. The annual report shall contain the following:

1. Value and length of time for exceedance of applicable parameters monitored under subdivision 74:36:07:117(1), §§ 74:36:07:118 to 74:36:07:123, inclusive, and § 74:36:07:121;

2. Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under §§ 74:36:07:117 to 74:36:07:124, inclusive;

3. Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating;

4. All periods when the collection system was not operating;

5. The location of each exceedance of the 500 parts per million methane concentration and the concentration recorded at each location for which an exceedance was recorded in the previous month. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places;

6. The date of installation and the location of each well or collection system expansion added pursuant to subdivision 74:36:07:112(3) and (4), § 74:36:07:113, and subdivision 74:36:07:114(4); and

7. For any corrective action analysis for which corrective actions are required and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the recommended corrective action(s), the date for corrective action(s) already completed following the positive pressure reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:141. Existing municipal solid waste landfill annual liquids report. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and has employed leachate recirculation or added liquids within the last 10 years shall submit an annual liquids report to the Secretary that includes the following information:

1. Volume of leachate recirculated, in gallons per year, and if the reported volume is based on records or engineering estimates;

2. Total volume of all other liquids added, in gallons per year, and if the reported volume is based on records or engineering estimates;

3. Surface area, in acres, over which the leachate is recirculated or otherwise applied;

4. Surface area, in acres, over which any other liquids are applied;

5. The total waste disposed, in megagrams, in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available or engineering estimates and the reported basis of the engineering estimates;

6. The annual waste acceptance rates, in megagrams per year, in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available or engineering estimates;

7. The initial liquids report shall contain items in subdivision (1) through (6), inclusive, of this section per year for the most recent 365 days as well as for each of the previous 10 years to the extent historical data are available in on-site records. The initial liquids report shall be submitted no later than:

(a) 365 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act for landfills that commenced construction, modification, or reconstruction after July 17, 2014 but before the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act; or

(b) 365 days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

8. Subsequent annual liquids reports shall contain items in subdivision (1) through (6), inclusive, of this section for the 365-day period following the 365-day period included in the previous annual liquidsort, and the report shall be submitted no later than 365 days after the date the previous report was submitted;

9. The owner or operator in the closed landfill subcategory are exempt from reporting requirements contained in subdivision (1) through (7), inclusive, of this section; and

10. The owner or operator may cease annual reporting of items in subdivision (1) through (6), inclusive, of this section once the owner or operator has submitted a closure report.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:142. Existing municipal solid waste landfill closure report. The owner or operator shall submit a closure report for an existing municipal solid waste landfill to the Secretary within 30 days of ceasing waste acceptance. The Secretary may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 C.F.R. § 258.60 (July 1, 2018). If a closure report has been submitted to the Secretary, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 C.F.R. § 60.7(a)(4) (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:143. Cap, remove, or decommission collection and control system for existing municipal solid waste landfills. The owner or operator shall calculate the nonmethane organic compound emission rate for purposes of determining when the collection and control system can be capped, removed, or decommissioned using the following equation:

$M_{NMOC} = 1.89 \times 10^{-3} Q_{LFG} C_{NMOC}$, where

M_{NMOC} = Mass emission rate of nonmethane organic compounds, in megagrams per year;

Q_{LFG} = Flow rate of landfill gas, in cubic meters per minute; and

C_{NMOC} = Nonmethane organic compound concentration, in parts per million by volume as hexane.

(1) The flow rate of landfill gas shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control system using a gas flow measuring device calibrated according to the provisions of 40 C.F.R. Part 60, Appendix A, Method 2E, section 10 (July 1, 2018);

(2) The nonmethane organic compound concentration shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The owner or operator shall divide the nonmethane organic compound concentration from Method 25 or Method 25C by six to convert from nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane; and

(3) The owner or operator may use another method to determine landfill gas flow rate and nonmethane organic compound concentration if the method has been approved by the Secretary. Within 60 days after the date of calculating the nonmethane organic compound emission rate for purposes of determining when the system can be capped or removed, the owner or operator shall submit the results according to § 74:36:07:138.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:144. Removal criteria for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 may cap, remove, or decommission the collection and control system if the following criteria are met:

(1) The landfill is a closed landfill and a closure report for an existing municipal solid waste landfill has been submitted to the Secretary;

(2) The collection and control system has been in operation a minimum of 15 years or the owner or operator demonstrates the collection and control system will be unable to operate for 15 years due to declining gas flow;

(3) Following the procedures specified in § 74:36:07:143, the calculated nonmethane organic compound emission rate at the landfill is less than 34 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart; and

(4) For a closed landfill subcategory, following the procedures specified in § 74:36:07:143, the calculated nonmethane organic compound emission rate at the landfill is less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:145. Report for existing municipal solid waste landfill -- Equipment removal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit an equipment removal report to the Secretary 30 days prior to removal or cessation of operation of the control equipment, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing

municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an equipment removal report if the owner or operator already submitted the equipment removal report on or before July 17, 2014. The equipment removal report shall contain the following:

1. A copy of the closure report; and

2. A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, unless the initial performance test report has been submitted to the EPA via the EPA's Central Data Exchange, or information that demonstrates that the collection and control system will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the initial performance test report if the report has been previously submitted to the EPA via the EPA's Central Data Exchange; and

(3) Dated copies of three successive nonmethane organic compound emission rate reports demonstrating that the landfill is no longer producing 34 megagrams or greater of nonmethane organic compounds per year unless the nonmethane organic compound emission rate reports have been submitted to the EPA via the EPA's Central Data Exchange. If the nonmethane organic compound emission rate reports have been previously submitted to the EPA's Central Data Exchange, a statement that the nonmethane organic compound emission rate reports have been submitted electronically

and the dates that the reports were submitted to the EPA's Central Data Exchange may be submitted in the equipment removal report in lieu of the nonmethane organic compound emission rate reports; or

(4) For the closed landfill subcategory, dated copies of three successive nonmethane organic compound emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of nonmethane organic compounds per year unless the nonmethane organic compound emission rate reports have been submitted to the EPA via the EPA's Central Data Exchange. If the nonmethane organic compound emission rate reports have been previously submitted to the EPA's Central Data Exchange, a statement that the nonmethane organic compound emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's Central Data Exchange may be submitted in the equipment removal report in lieu of the nonmethane organic compound emission rate reports.

The Secretary may request additional information as may be necessary to verify that all of the conditions for removal in § 74:36:07:144 have been met

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:146. Standards of performance for new municipal solid waste landfills. The standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014, are those in 40 C.F.R. § 60 Subpart XXX (July 1, 2018). Physical or operational changes made to existing municipal solid waste landfills solely to comply with §§ 74:36:07:94 to 74:36:07:145, inclusive, or activities required by or conducted pursuant to a CERCLA, RCRA, or state remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:147. Standards of performance for crude oil and natural gas facilities. The standards of performance for crude oil and natural gas facilities are those in 40 C.F.R. § 60, Subpart OOOOa (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:08

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Section

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- 74:36:08:02 Emission standards for asbestos air pollutants.
 - 74:36:08:02.01 Emission standards for equipment leaks (fugitive emission sources) of benzene.
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- 74:36:08:07 National emission standards for organic hazardous air pollutants for equipment leaks.

- 74:36:08:08 National emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulations for equipment leaks.
- 74:36:08:09 National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.
- 74:36:08:10 National emission standards for ethylene oxide emissions from sterilization facilities.
- 74:36:08:11 National emission standards for industrial process cooling towers.
- 74:36:08:12 National emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations).
- 74:36:08:13 National emission standards for halogenated solvent cleaning.
- 74:36:08:14 National emission standards for wood furniture manufacturing operations.
- 74:36:08:15 National emission standards for aerospace manufacturing.
- 74:36:08:16 National emission standards for tanks.
- 74:36:08:17 National emission standards for containers.
- 74:36:08:18 National emission standards for surface impoundments.
- 74:36:08:19 National emission standards for individual drain systems.
- 74:36:08:20 National emission standards for oil-water separators and organic-water separators.
- 74:36:08:20.01 National emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.
- 74:36:08:20.02 National emission standards for equipment leaks.
- 74:36:08:21 National emission standards for hazardous air pollutants from the portland cement manufacturing industry.

- 74:36:08:22 National emission standards for hazardous air pollutants for pesticide active ingredient production.
- 74:36:08:23 National emission standards for the printing and publishing industry.
- 74:36:08:24 National emission standards for oil and natural gas production facilities.
- 74:36:08:25 National emission standards for natural gas transmission and storage facilities.
- 74:36:08:26 National emission standards for secondary aluminum production.
- 74:36:08:27 National emission standards for publicly owned treatment works.
- 74:36:08:28 National emission standards for solvent extraction for vegetable oil production.
- 74:36:08:29 National emission standards for paper and other web coating.
- 74:36:08:30 National emission standards for municipal solid waste landfills.
- 74:36:08:31 National emission standards for surface coating of metal furniture.
- 74:36:08:32 National emission standards for integrated iron and steel manufacturing facilities.
- 74:36:08:33 National emission standards for brick and structural clay products manufacturing.
- 74:36:08:34 National emission standards for asphalt processing and asphalt roofing manufacturing.
- 74:36:08:35 National emission standards for flexible polyurethane foam fabrication operations.
- 74:36:08:36 National emission standards for engine test cells/stands.
- 74:36:08:37 National emission standards for surface coating of miscellaneous metal parts and products.
- 74:36:08:38 National emission standards for reinforced plastic composites production.

- 74:36:08:39 National emission standards for stationary combustion turbines.
- 74:36:08:40 National emission standards for stationary reciprocating internal combustion engines.
- 74:36:08:41 National emission standards for industrial, commercial, and institutional boilers and process heaters.
- 74:36:08:42 National emission standards for polyvinyl chloride and copolymers production.
- 74:36:08:43 National emission standards for coke oven batteries.
- 74:36:08:44 National emission standards for pulp and paper industry.
- 74:36:08:45 National emission standards for group I polymers and resins.
- 74:36:08:46 National emission standards for epoxy resins production and non-nylon polyamides production.
- 74:36:08:47 National emission standards for secondary lead smelting.
- 74:36:08:48 National emission standards for phosphoric acid manufacturing plants.
- 74:36:08:49 National emission standards for phosphate fertilizers production plants.
- 74:36:08:50 National emission standards for petroleum refineries.
- 74:36:08:51 National emission standards for off-site waste and recovery operations.
- 74:36:08:52 National emission standards for magnetic tape manufacturing operations.
- 74:36:08:53 National emission standards for primary aluminum reduction plants.
- 74:36:08:54 National emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills.
- 74:36:08:55 National emission standards for ethylene manufacturing process units -- Heat exchange systems and waste operations.
- 74:36:08:56 Generic maximum achievable control technology standards.

- 74:36:08:57 National emission standards for steel pickling -- HCl process facilities and hydrochloric acid regeneration plants.
- 74:36:08:58 National emission standards for mineral wool production.
- 74:36:08:59 National emission standards for hazardous waste combustors.
- 74:36:08:60 National emission standards for pharmaceutical production.
- 74:36:08:61 National emission standards for group IV polymers and resins.
- 74:36:08:62 National emission standards for wool fiberglass production.
- 74:36:08:63 National emission standards for manufacture of amino/phenolic resins.
- 74:36:08:64 National emission standards for polyether polyols production.
- 74:36:08:65 National emission standards for primary copper smelting.
- 74:36:08:66 National emission standards for primary lead smelting.
- 74:36:08:67 National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units.
- 74:36:08:68 National emission standards for ferroalloy production -- Ferromanganese and silicomanganese.
- 74:36:08:69 National emission standards for the manufacture of nutritional yeast.
- 74:36:08:70 National emission standards for plywood and composite wood products.
- 74:36:08:71 National emission standards for non-gasoline organic liquids distribution.
- 74:36:08:72 National emission standards for miscellaneous organic chemical manufacturing.
- 74:36:08:73 National emission standards for wet-formed fiberglass mat production.
- 74:36:08:74 National emission standards for surface coating of automobiles and light duty trucks.
- 74:36:08:75 National emission standards for surface coating of metal cans.

74:36:08:76	National emission standards for surface coating of large appliances.
74:36:08:77	National emission standards for printing, coating, and dyeing of fabrics and other textiles.
74:36:08:78	National emission standards for surface coating of plastic parts and products.
74:36:08:79	National emission standards for surface coating of wood building products.
74:36:08:80	National emission standards for surface coating of metal coil.
74:36:08:81	National emission standards for leather finishing operations.
74:36:08:82	National emission standards for cellulose products manufacturing.
74:36:08:83	National emission standards for boat manufacturing.
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74:36:08:85	National emission standards for lime manufacturing plants.
74:36:08:86	National emission standards for semiconductor manufacturing.
74:36:08:87	National emission standards for coke ovens -- Pushing, quenching, and battery stacks.
74:36:08:88	National emission standards for iron and steel foundries.
74:36:08:89	National emission standards for site remediation.
74:36:08:90	National emission standards for miscellaneous coating manufacturing.
74:36:08:91	National emission standards for mercury cell chlor-alkali plants.
74:36:08:92	National emission standards for clay ceramics manufacturing.
74:36:08:93	National emission standards for flexible polyurethane foam production.
74:36:08:94	National emission standards for hydrochloric acid production.
74:36:08:95	National emission standards for friction materials manufacturing facilities.
74:36:08:96	National emission standards for taconite iron ore processing.

- 74:36:08:97 National emission standards for refractory products manufacturing.
- 74:36:08:98 National emission standards for primary magnesium refining.
- 74:36:08:99 National emission standards for polyvinyl chloride and copolymers production area sources.
- 74:36:08:100 National emission standards for primary copper smelting area sources.
- 74:36:08:101 National emission standards for secondary copper smelting area sources.
- 74:36:08:102 National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium.
- 74:36:08:103 National emission standards for hospital ethylene oxide sterilizers.
- 74:36:08:104 National emission standards for electric arc furnace steelmaking facility area sources.
- 74:36:08:105 National emission standards for iron and steel foundry area sources.
- 74:36:08:106 National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities.
- 74:36:08:107 National emission standards for gasoline dispensing facilities.
- 74:36:08:108 National emission standards for paint stripping and miscellaneous surface coating area sources.
- 74:36:08:109 National emission standards for acrylic and modacrylic fiber production area sources.
- 74:36:08:110 National emission standards for carbon black production area sources.
- 74:36:08:111 National emission standards for chemical manufacturing area sources -- Chromium compounds.

- 74:36:08:112 National emission standards for flexible polyurethane foam production and fabrication area sources.
- 74:36:08:113 National emission standards for lead acid battery manufacturing area sources.
- 74:36:08:114 National emission standards for wood preserving area sources.
- 74:36:08:115 National emission standards for clay ceramic manufacturing area sources.
- 74:36:08:116 National emission standards for glass manufacturing area sources.
- 74:36:08:117 National emission standards for secondary nonferrous metal processing area sources.
- 74:36:08:118 National emission standards for plating and polishing area sources.
- 74:36:08:119 National emission standards for nine metal fabrication and finishing area sources.
- 74:36:08:120 National emission standards for ferroalloys production area sources.
- 74:36:08:121 National emission standards for aluminum, copper, and other nonferrous foundry area sources.
- 74:36:08:122 National emission standards for coal- and oil-fired electric utility steam generating units.
- 74:36:08:123 National emission standards for industrial, commercial, and institutional boilers area sources.
- 74:36:08:124 National emission standards for chemical manufacturing area sources.
- 74:36:08:125 National emission standards for asphalt processing and asphalt roofing manufacturing area sources.
- 74:36:08:126 National emission standards for chemical preparations industry area sources.

- 74:36:08:127 National emission standards for paints and allied products manufacturing area sources.
- 74:36:08:128 National emission standards for prepared feeds manufacturing area sources.
- 74:36:08:129 National emission standards for gold mine ore processing and production area sources.
- 74:36:08:130 National emission standards for polyvinyl chloride and copolymers production.

74:36:08:01. General provisions -- National emission standards for hazardous air pollutants. The general provisions for the national emission standards for hazardous air pollutants are those in 40 C.F.R. § 61, Subpart A (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:02. Emission standards for asbestos air pollutants. The emission standards for asbestos air pollutants are those in 40 C.F.R. § 61, Subpart M (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; 18 SDR 95, effective December 2, 1991; transferred from § 74:26:22:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective July 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:02.01. Emission standards for equipment leaks (fugitive emission sources) of benzene. The emission standards for equipment leaks of benzene are those in 40 C.F.R. § 61, Subpart J (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.02. Emission standards for benzene emissions from benzene storage vessels. The emission standards for benzene emissions from benzene storage vessels are those in 40 C.F.R. § 61, Subpart Y (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.03. Emission standards for benzene emissions from benzene transfer operations. The emission standards for benzene emissions from benzene transfer operations are those in 40 C.F.R. § 61, Subpart BB (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.04. Emission standards for benzene waste operations. The emission standards for benzene waste operations equipment leaks of benzene are those in 40 C.F.R. § 61, Subpart FF (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:03. General provisions -- National emission standards for hazardous air pollutants for source categories. The general provisions for the national emission standards for hazardous air pollutants for source categories are those in 40 C.F.R. § 63, Subpart A (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:03.01. Requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j). The provisions for

control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j) are those in 40 C.F.R. § 63, Subpart B (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:04. National perchloroethylene air emission standards for dry cleaning facilities. The national perchloroethylene air emission standards for dry cleaning facilities are those in 40 C.F.R. § 63, Subpart M (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart M is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart M. Exempted sources must still meet the applicable requirements in Subpart M.

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR

219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

Cross-Reference: Complete application, § 74:36:05:09.

74:36:08:05. National emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry. The national emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry are those in 40 C.F.R. § 63, Subpart F (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:06. National emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer

operations, and wastewater. The national emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer operations, and wastewater are those in 40 C.F.R. § 63, Subpart G (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:07. National emission standards for organic hazardous air pollutants for equipment leaks. The national emission standards for organic hazardous air pollutants for equipment leaks are those in 40 C.F.R. § 63, Subpart H (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR

219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:08. National emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulations for equipment leaks. The national emission standards for organic hazardous air pollutants for certain processes subject to the negotiated regulations for equipment leaks are those in 40 C.F.R. § 63, Subpart I (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:09. National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The national emission standards for hard and decorative chromium electroplating and chromium anodizing tanks are

those in 40 C.F.R. § 63, Subpart N (~~July 1, 2016~~ [July 1, 2018](#)). An area source that operates a unit subject to Subpart N is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart N. Exempted sources must still meet the applicable requirements in Subpart N.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

Cross-Reference: Operating permits for part 70 sources, § 74:36:05.

74:36:08:10. National emission standards for ethylene oxide emissions from sterilization facilities. The national emission standards for ethylene oxide from sterilization facilities are those in 40 C.F.R. § 63, Subpart O (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart O is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart O. Exempted sources must still meet the applicable requirements in Subpart O.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:11. National emission standards for industrial process cooling towers. The national emission standards for industrial process cooling towers are those in 40 C.F.R. § 63, Subpart Q (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart Q is exempt from the obligations to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart Q. Exempted sources must still meet the applicable requirements in Subpart Q.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:12. National emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations). The national emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) are those in 40 C.F.R. § 63, Subpart R (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:13. National emission standards for halogenated solvent cleaning. The national emission standards for halogenated solvent cleaning are those in 40 C.F.R. § 63, Subpart T (~~July 1, 2016~~ [July 1, 2018](#)). An area source that operates a unit subject to Subpart T is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart T. Exempted sources must still meet the applicable requirements in Subpart T.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101,

effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:14. National emission standards for wood furniture manufacturing operations. The national emission standards for wood furniture manufacturing operations are those in 40 C.F.R. § 63, Subpart JJ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:15. National emission standards for aerospace manufacturing. The national emission standards for aerospace manufacturing are those in 40 C.F.R. § 63, Subpart GG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:16. National emission standards for tanks. The national emission standards for tanks -- level 1 are those in 40 C.F.R. § 63, Subpart OO (~~July 1, 2016~~ [July 1, 2018](#)). The national emission standards for tanks -- level 2 are those in 40 C.F.R. § 63, Subpart WW (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:17. National emission standards for containers. The national emission standards for containers are those in 40 C.F.R. § 63, Subpart PP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:18. National emission standards for surface impoundments. The national emission standards for surface impoundments are those in 40 C.F.R. § 63, Subpart QQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:19. National emission standards for individual drain systems. The national emission standards for individual drain systems are those in 40 C.F.R. § 63, Subpart RR (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20. National emission standards for oil-water separators and organic-water separators. The national emission standards for oil-water separators and organic-water separators are those in 40 C.F.R. § 63, Subpart VV (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20.01. National emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process. The national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process are those in 40 C.F.R. § 63, Subpart SS (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20.02. National emission standards for equipment leaks. The national emission standards for equipment leaks -- control level 1 are those in 40 C.F.R. § 63, Subpart TT (~~July 1, 2016~~ [July 1, 2018](#)). The national emission standards for equipment leaks -- control level 2 are those in 40 C.F.R. § 63, Subpart UU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:21. National emission standards for hazardous air pollutants from the portland cement manufacturing industry. The national emission standards for the portland cement manufacturing industry are those in 40 C.F.R. § 63, Subpart LLL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:22. National emission standards for hazardous air pollutants for pesticide active ingredient production. The national emission standards for pesticide active ingredient production are those in 40 C.F.R. § 63, Subpart MMM (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:23. National emission standards for the printing and publishing industry. The national emission standards for the printing and publishing industry are those in 40 C.F.R. § 63, Subpart KK (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:24. National emission standards for oil and natural gas production facilities.

The national emission standards for oil and natural gas production facilities are those in 40 C.F.R. § 63, Subpart HH (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart HH is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart HH. Exempted sources must still meet the applicable requirements in Subpart HH.

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:25. National emission standards for natural gas transmission and storage facilities. The national emission standards for natural gas transmission and storage facilities are those in 40 C.F.R. § 63, Subpart HHH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:26. National emission standards for secondary aluminum production. The national emission standards for secondary aluminum production are those in 40 C.F.R. § 63, Subpart RRR (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:27. National emission standards for publicly owned treatment works. The national emission standards for publicly owned treatment works are those in 40 C.F.R. § 63, Subpart VVV (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:28. National emission standards for solvent extraction for vegetable oil production. The national emission standards for solvent extraction of vegetable oil production are those in 40 C.F.R. § 63, Subpart GGGG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:29. National emission standards for paper and other web coating. The national emission standards for paper and other web coating are those in 40 C.F.R. § 63, Subpart JJJJ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:30. National emission standards for municipal solid waste landfills. The national emission standards for municipal solid waste landfills are those in 40 C.F.R. § 63, Subpart AAAA (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:31. National emission standards for surface coating of metal furniture. The national emission standards for surface coating of metal furniture are those in 40 C.F.R. § 63, Subpart RRRR (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:32. National emission standards for integrated iron and steel manufacturing facilities. The national emission standards for integrated iron and steel manufacturing are those in 40 C.F.R. § 63, Subpart FFFFF (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:33. National emission standards for brick and structural clay products manufacturing. The national emission standards for brick and structural clay products manufacturing are those in 40 C.F.R. § 63, Subpart JJJJ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:34. National emission standards for asphalt processing and asphalt roofing manufacturing. The national emission standards for asphalt processing and asphalt roofing manufacturing are those in 40 C.F.R. § 63, Subpart LLLLL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:35. National emission standards for flexible polyurethane foam fabrication operations. The national emission standards for flexible polyurethane foam fabrication operations are those in 40 C.F.R. § 63, Subpart M MMMM (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:36. National emission standards for engine test cells/stands. The national emission standards for engine test cells/stands are those in 40 C.F.R. § 63, Subpart P PPPP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:37. National emission standards for surface coating of miscellaneous metal parts and products. The national emission standards for surface coating of miscellaneous metal parts and products as published in 40 C.F.R. § 63, Subpart MMMM (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:38. National emission standards for reinforced plastic composites production. The national emission standards for reinforced plastic composites production are those in 40 C.F.R. § 63, Subpart WWWW (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:39. National emission standards for stationary combustion turbines. The national emission standards for stationary combustion turbines are those in 40 C.F.R. § 63, Subpart YYYY (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:40. National emission standards for stationary reciprocating internal combustion engines. The national emission standards for stationary reciprocating internal combustion engines are those in 40 C.F.R. § 63, Subpart ZZZZ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:41. National emission standards for industrial, commercial, and institutional boilers and process heaters. The national emission standards for industrial,

commercial, and institutional boilers and process heaters are those in 40 C.F.R. § 63, Subpart DDDDD (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:42. National emission standards for polyvinyl chloride and copolymers production. The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart J (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:43. National emission standards for coke oven batteries. The national emission standards for coke oven batteries are those in 40 C.F.R. § 63, Subpart L, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:44. National emission standards for pulp and paper industry. The national emission standards for pulp and paper industry are those in 40 C.F.R. § 63, Subpart S, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:45. National emission standards for group I polymers and resins. The national emission standards for group I polymers and resins are those in 40 C.F.R. § 63, Subpart U, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:46. National emission standards for epoxy resins production and non-nylon polyamides production. The national emission standards for epoxy resins production and non-nylon polyamides production are those in 40 C.F.R. § 63, Subpart W, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:47. National emission standards for secondary lead smelting. The national emission standards for secondary lead smelting are those in 40 C.F.R. § 63, Subpart X (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:48. National emission standards for phosphoric acid manufacturing plants.

The national emission standards for phosphoric acid manufacturing plants are those in 40 C.F.R. § 63, Subpart AA (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:49. National emission standards for phosphate fertilizers production plants.

The national emission standards for phosphate fertilizers production plants are those in 40 C.F.R. § 63, Subpart BB (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:50. National emission standards for petroleum refineries. The national emission standards for petroleum refineries are those in 40 C.F.R. § 63, Subpart CC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:51. National emission standards for off-site waste and recovery operations. The national emission standards for off-site waste and recovery operations are those in 40 C.F.R. § 63, Subpart DD (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:52. National emission standards for magnetic tape manufacturing operations. The national emission standards for magnetic tape manufacturing operations are those in 40 C.F.R. § 63, Subpart EE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:53. National emission standards for primary aluminum reduction plants.

The national emission standards for primary aluminum reduction plants are those in 40 C.F.R. § 63, Subpart LL (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:54. National emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills. The national emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills are those in 40 C.F.R. § 63, Subpart MM (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:55. National emission standards for ethylene manufacturing process units -- Heat exchange systems and waste operations. The national emission standards for heat exchange systems and waste operations are those in 40 C.F.R. § 63, Subpart XX (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:56. Generic maximum achievable control technology standards. The generic maximum achievable control technology standards are those in 40 C.F.R. § 63, Subpart YY (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:57. National emission standards for steel pickling -- HC1 process facilities and hydrochloric acid regeneration plants. The national emission standards for HC1 process facilities and hydrochloric acid regeneration plants are those in 40 C.F.R. § 63, Subpart CCC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:58. National emission standards for mineral wool production. The national emission standards for mineral wool production are those in 40 C.F.R. § 63, Subpart DDD (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:59. National emission standards for hazardous waste combusters. The national emission standards for hazardous waste combusters are those in 40 C.F.R. § 63, Subpart EEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:60. National emission standards for pharmaceutical production. The national emission standards for pharmaceutical production are those in 40 C.F.R. § 63, Subpart GGG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:61. National emission standards for group IV polymers and resins. The national emission standards for group IV polymers and resins are those in 40 C.F.R. § 63, Subpart JJJ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:62. National emission standards for wool fiberglass production. The national emission standards for wool fiberglass production are those in 40 C.F.R. § 63, Subpart NNN (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:63. National emission standards for manufacture of amino/phenolic resins.

The national emission standards for the manufacture of amino/phenolic resins are those in 40 C.F.R. § 63, Subpart OOO (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:64. National emission standards for polyether polyols production. The national emission standards for polyether polyols production are those in 40 C.F.R. § 63, Subpart PPP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:65. National emission standards for primary copper smelting. The national emission standards for primary copper smelting are those in 40 C.F.R. § 63, Subpart QQQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:66. National emission standards for primary lead smelting. The national emission standards for primary lead smelting are those in 40 C.F.R. § 63, Subpart TTT (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:67. National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units. The national emission standards for catalytic cracking, catalytic reforming, and sulfur recovery units at petroleum refineries are those in 40 C.F.R. § 63, Subpart UUU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:68. National emission standards for ferroalloy production -- Ferromanganese and silicomanganese. The national emission standards for ferromanganese and silicomanganese production are those in 40 C.F.R. § 63, Subpart XXX (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:69. National emission standards for the manufacture of nutritional yeast. The national emission standards for the manufacture of nutritional yeast are those in 40 C.F.R. § 63, Subpart CCCC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:70. National emission standards for plywood and composite wood products.

The national emission standards for plywood and composite wood products are those in 40 C.F.R. § 63, Subpart DDDD (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:71. National emission standards for non-gasoline organic liquids distribution. The national emission standards for non-gasoline organic liquids distribution are those in 40 C.F.R. § 63, Subpart EEEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:72. National emission standards for miscellaneous organic chemical manufacturing. The national emission standards for miscellaneous organic chemical manufacturing are those in 40 C.F.R. § 63, Subpart FFFF (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:73. National emission standards for wet-formed fiberglass mat production. The national emission standards for wet-formed fiberglass mat production are those in 40 C.F.R. § 63, Subpart HHHH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:74. National emission standards for surface coating of automobiles and light duty trucks. The national emission standards for surface coating of automobiles and light duty trucks are those in 40 C.F.R. § 63, Subpart IIII (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:75. National emission standards for surface coating of metal cans. The national emission standards for surface coating of metal cans are those in 40 C.F.R. § 63, Subpart KKKK (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:76. National emission standards for surface coating of large appliances. The national emission standards for surface coating of large appliances are those in 40 C.F.R. § 63, Subpart NNNN (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:77. National emission standards for printing, coating, and dyeing of fabrics and other textiles. The national emission standards for printing, coating, and dyeing of fabrics and other textiles are those in 40 C.F.R. § 63, Subpart OOOO (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:78. National emission standards for surface coating of plastic parts and products. The national emission standards for surface coating of plastic parts and products are those in 40 C.F.R. § 63, Subpart PPPP (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:79. National emission standards for surface coating of wood building products. The national emission standards for surface coating of wood building products are those in 40 C.F.R. § 63, Subpart QQQQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:80. National emission standards for surface coating of metal coil. The national emission standards for surface coating of metal coil are those in 40 C.F.R. § 63, Subpart SSSS (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:81. National emission standards for leather finishing operations. The national emission standards for leather finishing operations are those in 40 C.F.R. § 63, Subpart TTTT (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:82. National emission standards for cellulose products manufacturing. The national emission standards for cellulose products manufacturing are those in 40 C.F.R. § 63, Subpart UUUU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 212, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:83. National emission standards for boat manufacturing. The national emission standards for boat manufacturing are those in 40 C.F.R. § 63, Subpart VVVV (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:84. National emission standards for rubber tire manufacturing. The national emission standards for rubber tire manufacturing are those in 40 C.F.R. § 63, Subpart XXXX (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:85. National emission standards for lime manufacturing plants. The national emission standards for lime manufacturing plants are those in 40 C.F.R. § 63, Subpart AAAAA (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:86. National emission standards for semiconductor manufacturing. The national emission standards for semiconductor manufacturing are those in 40 C.F.R. § 63, Subpart BBBB (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:87. National emission standards for coke ovens -- Pushing, quenching, and battery stacks. The national emission standards for coke ovens are those in 40 C.F.R. § 63, Subpart CCCCC (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:88. National emission standards for iron and steel foundries. The national emission standards for iron and steel foundries are those in 40 C.F.R. § 63, Subpart EEEEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:89. National emission standards for site remediation. The national emission standards for site remediation are those in 40 C.F.R. § 63, Subpart GGGGG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:90. National emission standards for miscellaneous coating manufacturing.

The national emission standards for miscellaneous coating manufacturing are those in 40 C.F.R. § 63, Subpart HHHHH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:91. National emission standards for mercury cell chlor-alkali plants. The national emission standards for mercury cell chlor-alkali plants are those in 40 C.F.R. § 63, Subpart IIII (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:92. National emission standards for clay ceramics manufacturing. The national emission standards for clay ceramics manufacturing are those in 40 C.F.R. § 63, Subpart KKKKK (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:93. National emission standards for flexible polyurethane foam production. The national emission standards for flexible polyurethane foam production are those in 40 C.F.R. § 63, Subpart III (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:94. National emission standards for hydrochloric acid production. The national emission standards for hydrochloric acid production are those in 40 C.F.R. § 63, Subpart NNNNN (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:95. National emission standards for friction materials manufacturing facilities. The national emission standards for friction materials manufacturing facilities are those in 40 C.F.R. § 63, Subpart QQQQQ (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:96. National emission standards taconite iron ore processing. The national emission standards for taconite iron ore processing are those in 40 C.F.R. § 63, Subpart RRRRR (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:97. National emission standards for refractory products manufacturing.

The national emission standards for refractory products manufacturing are those in 40 C.F.R. § 63, Subpart SSSSS (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:98. National emission standards for primary magnesium refining. The national emission standards for primary magnesium refining are those in 40 C.F.R. § 63, Subpart TTTTT (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:99. National emission standards for polyvinyl chloride and copolymers production area sources. The national emission standards for polyvinyl chloride and copolymers production area sources are those in 40 C.F.R. § 63, Subpart DDDDDD (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart DDDDDD is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart DDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDD.

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:100. National emission standards for primary copper smelting area sources. The national emission standards for primary copper smelting area sources are those in 40 C.F.R. § 63, Subpart EEEEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:101. National emission standards for secondary copper smelting area sources. The national emission standards for secondary copper smelting area sources are those in 40 C.F.R. § 63, Subpart FFFFFFFF (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:102. National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium. The national emission standards for primary nonferrous metals area sources are those in 40 C.F.R. § 63, Subpart GGGGGG (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:103. National emission standards for hospital ethylene oxide sterilizers. The national emission standards for hospital ethylene oxide sterilizers are those in 40 C.F.R. § 63, Subpart WWWW (July 1, 2016 [July 1, 2018](#)). A source that operates a unit subject to Subpart WWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWW. Exempted sources must still meet the applicable requirements in Subpart WWWW.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:104. National emission standards for electric arc furnace steelmaking facility area sources. The national emission standards for area sources -- electric arc furnace steelmaking facilities are those in 40 C.F.R. § 63, Subpart YYYY (July 1, 2016 [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:105. National emission standards for iron and steel foundry area sources.

The national emission standards for iron and steel foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZ (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart ZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:106. National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The national emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities are those in 40 C.F.R. § 63, Subpart BBBB (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart BBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a

Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBB.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:107. National emission standards for gasoline dispensing facilities. The national emission standards for gasoline dispensing facilities are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2016~~ July 1, 2018). A source that operates a unit subject to Subpart CCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCC.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:108. National emission standards for paint stripping and miscellaneous surface coating area sources. The national emission standards for paint stripping and miscellaneous coating area sources are those in 40 C.F.R. § 63, Subpart HHHHHH (~~July 1, 2016~~ July 1, 2018).

[July 1, 2018](#)). A source that operates a unit subject to Subpart HHHHHH is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart HHHHHH. Exempted sources must still meet the applicable requirements in Subpart HHHHHH.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:109. National emission standards for acrylic and modacrylic fiber production area sources. The national emission standards for acrylic and modacrylic fiber production area sources are those in 40 C.F.R. § 63, Subpart LLLLLL (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart LLLLLL is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart LLLLLL. Exempted sources must still meet the applicable requirements in Subpart LLLLLL.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:110. National emission standards for carbon black production area sources.

The national emission standards for carbon black production area sources are those in 40 C.F.R. § 63, Subpart M M M M M M (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:111. National emission standards for chemical manufacturing area sources

-- **Chromium compounds.** The national emission standards for chemical manufacturing area sources -- chromium compounds are those in 40 C.F.R. § 63, Subpart N N N N N N (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart N N N N N N is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart N N N N N N. Exempted sources must still meet the applicable requirements in Subpart N N N N N N.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:112. National emission standards for flexible polyurethane foam production and fabrication area sources. The national emission standards for flexible polyurethane foam production and fabrication area sources are those in 40 C.F.R. § 63, Subpart OOOOOO (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart OOOOOO is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart OOOOOO. Exempted sources must still meet the applicable requirements in Subpart OOOOOO.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:113. National emission standards for lead acid battery manufacturing area sources. The national emission standards for lead acid battery manufacturing area sources are those in 40 C.F.R. § 63, Subpart PPPPPP (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart PPPPPP is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart PPPPPP. Exempted sources must still meet the applicable requirements in Subpart PPPPPP.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:114. National emission standards for wood preserving area sources. The national emission standards for wood preserving area sources are those in 40 C.F.R. § 63, Subpart QQQQQQ (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart QQQQQQ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart QQQQQQ. Exempted sources must still meet the applicable requirements in Subpart QQQQQQ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:115. National emission standards for clay ceramic manufacturing area sources. The national emission standards for clay ceramic manufacturing area sources are those in 40 C.F.R. § 63, Subpart RRRRRR (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart RRRRRR is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart RRRRRR. Exempted sources must still meet the applicable requirements in Subpart RRRRRR.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:116. National emission standards for glass manufacturing area sources. The national emission standards for glass manufacturing area sources are those in 40 C.F.R. § 63, Subpart SSSSSS (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:117. National emission standards for secondary nonferrous metal processing area sources. The national emission standards for secondary nonferrous metal processing area sources are those in 40 C.F.R. § 63, Subpart TTTTTT (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart TTTTTT is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart TTTTTT. Exempted sources must still meet the applicable requirements in Subpart TTTTTT.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:118. National emission standards for plating and polishing area sources.

The national emission standards for plating and polishing area sources are those in 40 C.F.R. § 63, Subpart WWWWWW (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart WWWWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWWWW. Exempted sources must still meet the applicable requirements in Subpart WWWWWW.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:119. National emission standards for nine metal fabrication and finishing area sources. The national emission standards for nine fabrication and finishing area sources are those in 40 C.F.R. § 63, Subpart XXXXXX (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart XXXXXX is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than

the source is subject to Subpart XXXXXX. Exempted sources must still meet the applicable requirements in Subpart XXXXXX.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:120. National emission standards for ferroalloys production area sources.

The national emission standards for ferroalloys production area sources are those in 40 C.F.R. § 63, Subpart YYYYYY (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart YYYYYY is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart YYYYYY. Exempted sources must still meet the applicable requirements in Subpart YYYYYY.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:121. National emission standards for aluminum, copper, and other nonferrous foundry area sources. The national emission standards for aluminum, copper, and

other nonferrous foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZZ (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart ZZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZZ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:122. National emission standards for coal- and oil-fired electric utility steam generating units. The national emission standards for coal- and oil-fired electric utility steam generating units are those in 40 C.F.R. § 63, Subpart UUUUU (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:123. National emission standards for industrial, commercial, and institutional boilers area sources. The national emission standards for industrial, commercial, and institutional boilers area sources are those in 40 C.F.R. § 63, Subpart JJJJJ (~~July 1, 2016~~ [July 1, 2018](#)).

[July 1, 2018](#)). A source that operates a unit subject to Subpart JJJJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJJJ.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:124. National emission standards for chemical manufacturing area sources.

The national emission standards for chemical manufacturing area sources are those in 40 C.F.R. § 63, Subpart VVVVVV (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart VVVVVV is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart VVVVVV. Exempted sources must still meet the applicable requirements in Subpart VVVVVV.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:125. National emission standards for asphalt processing and asphalt roofing manufacturing area sources. The national emission standards for asphalt processing and asphalt roofing manufacturing area sources are those in 40 C.F.R. § 63, Subpart AAAAAAA (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart AAAAAAA is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAAAAAA. Exempted sources must still meet the applicable requirements in Subpart AAAAAAA.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:126. National emission standards for chemical preparations industry area sources. The national emission standards for chemical preparations industry area sources are those in 40 C.F.R. § 63, Subpart BBBBBBB (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart BBBBBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBBB.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:127. National emission standards for paints and allied products manufacturing area sources. The national emission standards for paints and allied products manufacturing area sources are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart CCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCC.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:128. National emission standards for prepared feeds manufacturing area sources. The national emission standards for prepared feeds manufacturing area sources are those in 40 C.F.R. § 63, Subpart DDDDDDD (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart DDDDDDD is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than

the source is subject to Subpart DDDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDDD.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:129. National emission standards for gold mine ore processing and production area sources. The national emission standards for gold mine ore processing and production area sources are those in 40 C.F.R. § 63, Subpart EEEEEEE (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:130. National emission standards for polyvinyl chloride and copolymers production. The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart HHHHHHH (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:09

PREVENTION OF SIGNIFICANT DETERIORATION

Section

74:36:09:01 Applicability.

74:36:09:01.01 Prevention of significant deterioration permit required.

74:36:09:02 Prevention of significant deterioration.

74:36:09:03 Public participation.

74:36:09:02. Prevention of significant deterioration. For the purposes of this chapter, the state's definitions and requirements for the prevention of significant deterioration are those in 40 C.F.R. § 52.21 (~~July 1, 2016~~ July 1, 2018), except for 40 C.F.R. § 52.21(a)(1), (a)(2)(iv)(e), (b)(2)(iii)(h), (b)(3)(iii)(b), (b)(32), (b)(42), (b)(49)(v), (b)(55), (b)(56), (b)(57), (b)(58), (f), (k)(2), (q), (s), (t), (u), (x), (y), (z), and (cc) (~~July 1, 2016~~ July 1, 2018) with the following differences:

(1) For the purposes of this section, all terms defined in this section have the meaning defined in 40 C.F.R. § 52.21, except for the term "administrator" which means the secretary with the following exceptions:

(a) In 40 C.F.R. §§ 52.21(b)(3)(iii) and 52.21(b)(37)(iii), the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(b) In 40 C.F.R. §§ 52.21(w)(2) to 52.21(w)(4), inclusive, the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(c) In 40 C.F.R. §§ 52.21(b)(17); 52.21(b)(37)(i); 52.21(b)(43); 52.21(b)(48)(ii)(c); 52.21(b)(50)(i); 52.21(g)(1) to 52.21(g)(6), inclusive; 52.21(l)(2); and 52.21(p)(2) the term "administrator" means the administrator of EPA;

(2) For the purposes of this section, the term "Act" means the Clean Air Act;

(3) For the purposes of this section, in 40 C.F.R. § 52.21(c), the Class I areas in South Dakota are Wind Cave National Park and the Badlands National Park;

(4) For the purposes of this section, 40 C.F.R. § 52.21(b)(2)(iii)(a) is incorporated by reference excluding the second sentence which states, "Routine maintenance, repair and

replacement shall include, but not be limited to, any activity(s) that meets the requirements of the equipment replacement provisions contained in paragraph (cc) of this section";

(5) For the purposes of this section, 40 C.F.R. § 52.21(v)(1) is incorporated by reference excluding the phrase, "under 40 CFR 124.10";

(6) For the purposes of this section, 40 C.F.R. § 52.21(w)(1) through (w)(3), inclusive, is incorporated by reference as amended and published in 81 Fed. Reg. 78048 (November 7, 2016);

(7) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(i) is incorporated by reference excluding the phrase, "through (v)";

(8) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(ii), the term "(b)(49)(iii) through (v)" means "(b)(49)(iii) through (iv)";

(9) For the purposes of this section, 40 C.F.R. § 52.21 (b)(49)(iii) is incorporated by reference excluding the phrase, "through (v)"; and

(10) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(iv)(b), the term "also will have an emissions increase of a regulated NSR pollutant" means "also will have a major modification of a regulated NSR pollutant that is not GHGs".

The secretary shall transmit to the administrator of the EPA a copy of each permit application subject to this section and shall notify the administrator of the EPA of each significant action the secretary takes on the application.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 33 SDR 43, effective September 18, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:09:03. Public participation. For the purposes of this chapter, the state's public participation procedures are those in 40 C.F.R. § 51.166(q) (~~July 1, 2016~~ July 1, 2018), excluding the phrase "The plan shall provide that..." with the following differences:

(1) For the purposes of this section, in 40 C.F.R. § 52.166(q) the phrase "reviewing authority" means the secretary;

(2) For the purposes of this section, in 40 C.F.R. § 51.166(q)(1) the phrase "specified time period" means 60 days;

(3) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iv), the term "administrator" means the administrator of EPA;

(4) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iii), the phrase "Notify the public" shall consist of a public notice once in a legal newspaper in the county where the proposed source would be constructed. The public notice shall include a statement that a person may submit comments or contest the draft permit within 30 days after the publication of the notice. The statement shall also describe the procedures a person must follow to contest the draft permit and request a hearing in accordance with article 74:09;

(5) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(v), a public hearing is required if a person contests the draft permit or contests the secretary's final determination and requests a hearing in accordance with article 74:09; and

(6) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(viii), if a request for a contested case hearing is not submitted during the public notice period, the secretary shall make a final determination within 30 days of the end of the public comment period on the draft permit. The secretary shall notify, in writing, the applicant and each person that submitted written comments or requested notice of the final determination. The notice shall include reference to the procedures for contesting the final determination and requesting a hearing in accordance with article 74:09 within 30 days of receiving the secretary's final determination. If no person comments on a draft permit, requests changes, or contests the draft permit during the public

notice period, the draft permit automatically becomes the secretary's final determination and is issued at the end of the public notice period.

Source: 33 SDR 43, effective September 18, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:10

NEW SOURCE REVIEW

Section

74:36:10:01	Applicability.
74:36:10:02	Definitions.
74:36:10:03	Repealed.
74:36:10:03.01	New source review preconstruction permit required.
74:36:10:04	Repealed.
74:36:10:05	New source review preconstruction permit.
74:36:10:06	Causing or contributing to a violation of any national ambient air quality standard.

74:36:10:07	Determining credit for emission offsets.
74:36:10:08	Projected actual emissions.
74:36:10:09	Repealed.
74:36:10:10	Repealed

74:36:10:02. Definitions. For the purposes of this chapter, the definitions for new source review are those in 40 C.F.R. § 51.165(a)(1), except for the second sentence of 40 C.F.R. § 51.165(a)(1)(v)(C)(1), and 40 C.F.R. § 51.165(a)(1)(v)(G), (a)(1)(vi)(C)(3), (a)(1)(xliii), (a)(1)(xliv), (a)(1)(xlv), and (a)(1)(xlvi) (~~July 1, 2016~~ July 1, 2018).

For the purposes of this chapter, the term, Act, means the Clean Air Act.

For the purposes of this section, the term, reviewing authority, means the secretary.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:10:03.01. New source review preconstruction permit required. New major stationary sources or major modifications to existing major sources must obtain a preconstruction permit before beginning actual construction if they are located in the following areas:

(1) An attainment or unclassified area if the source would cause or contribute to a violation of any national ambient air quality standard; or

(2) An area designated nonattainment for any national ambient air quality standard if the source is major for the pollutant for which the area is designated nonattainment.

Except as provided by a plant-wide applicability limit, a proposed project is considered a major modification to an existing major source if the proposed project meets the criteria in 40 C.F.R. § 51.165(a)(2)(ii)(A) to (F), inclusive, (~~July 1, 2016~~ July 1, 2018).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-6, 34A-1-21.

Note: The procedural requirements for obtaining a preconstruction permit under the new source review program are similar to the procedural requirements for a Part 70 source, such as a

timely and complete application, completeness review, statement of basis, public participation, and departmental recommendation, as outlined in §§ 74:36:05:08 to 74:36:05:20.01, inclusive.

74:36:10:05. New source review preconstruction permit. A new source review preconstruction permit must satisfy the following criteria before beginning actual construction:

(1) All requirements for new source performance standards in chapter 74:36:07 that apply to the facility;

(2) Compliance with the lowest achievable emission rate (LAER);

(3) Certification of compliance that all other major sources, major modifications, or reconstructed facilities that are owned, operated, or controlled by the applicant either in whole or in part elsewhere in the state are in compliance with all applicable emission limitations and standards; and

(4) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit. Emissions offsets are determined in accordance with § 74:36:10:07.

The owner or operator may apply for a plant-wide applicability limit. The procedures for a plant-wide allowable limit are those in 40 C.F.R. § 51.165(f)(1) to (f)(15), inclusive, (~~July 1, 2016~~ July 1, 2018).

Approval to construct does not relieve an owner or operator of the responsibility to comply fully with applicable provisions of this article or the Clean Air Act and any other requirements under local, state, or federal law.

Submission of preconstruction monitored or projected ambient air quality data, or both, from the proposed source must accompany the permit application. In addition, air quality dispersion modeling and meteorological data for the prescribed area may be required by the department. Costs of these requirements must be absorbed by the proposed source.

Source: 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:16, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:16, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-22.

74:36:10:07. Determining credit for emission offsets. The baseline for determining credit for emission offsets is the emission limit in effect at the time the application to construct is filed, except that the offset baseline is the actual emission of the unit from which offset credit is obtained if the demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emission of sources located within a designated nonattainment area; or if there is no applicable emission limit.

In determining credit for emission offsets the following criteria shall be met:

(1) All offsets must be for the same regulated NSR pollutant, result in a net positive air quality benefit in the affected area, and be approved by the department before issuance of the permit, even though they need not be in effect until the source commences operation. The offset ratio of total actual emissions reductions to the emissions increase shall be at least 1 to 1 unless an alternative ratio is provided in accordance with the offset requirements in 40 C.F.R. § 51.165(a)(9)(ii) through 51.165(a)(9)(iv) (~~July 1, 2016~~ [July 1, 2018](#));

(2) External offsets or those emission limitations from sources not owned, operated, or controlled by an applicant for a permit shall be made through a revision of the permit conditions of the participating source or sources. At no time may the baseline be exceeded;

(3) The permissible location of offsetting emissions shall be conducted in accordance with 40 C.F.R., Part 51, Appendix S, section IV.D (~~July 1, 2016~~ [July 1, 2018](#));

(4) For an existing fuel combustion unit, credit shall be based on the emission limit for the type of fuel being burned at the time the application to construct is filed. If the existing source agrees to switch to a cleaner fuel at some future date, emission offset credits based on the allowable or actual emissions for the fuels involved may be allowed only if permit conditions specify an alternative control measure that would achieve the same degree of emission reduction if the source switched back to the dirtier fuel at some later date;

(5) Emission reductions achieved by shutting down an existing unit or curtailing production or operating hours below baseline levels may be credited if the reductions are permanent, quantifiable, federally enforceable, and the area has a federally-approved attainment plan. In addition, the shutdown or curtailed production must occur after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier. Emission reductions may be credited in the absence of a federally-approved attainment plan if the shutdown or curtailment occurred on or after the date the application is filed for a new unit or if the applicant can establish that the proposed new unit is a replacement for the shutdown or curtailed unit, and the shutdown or curtailment occurred after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier;

(6) Except as set forth in 40 C.F.R. § 51.165(a)(3)(ii)(D) (~~July 1, 2016~~ July 1, 2018), emission offset credit may not be allowed for replacing one hydrocarbon compound with another of lesser reactivity;

(7) Credit for emissions reduction may be claimed to the extent that the department has not relied on it in issuing a permit or in its demonstration of attainment or reasonable further progress;

(8) If the emissions limit allows greater emissions than the potential to emit of the unit, the emission offset credit is allowed only for the control below the potential to emit of the unit; and

(9) All emission reductions claimed as offset credit must be federally enforceable.

Source: 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:01:15 and 44:10:01:17, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:01:15, 74:26:01:16.01, and 74:26:01:17, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-21, 34A-1-22.

74:36:10:08. Projected actual emissions. Any owner or operator who proposes a project for existing emissions units at a major stationary source that is not considered a major modification based on projected actual emissions but may result in a significant emission

increase shall comply with the requirements in 40 C.F.R. § 51.165(a)(6)(i) to (vi), inclusive, (~~July 1, 2016~~ July 1, 2018). This section does not apply to a source with a plant-wide applicability limit.

The owner or operator shall make the information required to be documented in 40 C.F.R. § 51.165(a)(6)(i) to (vi), inclusive, (~~July 1, 2016~~ July 1, 2018) available for review upon a request for inspection by the secretary or the general public pursuant to the requirements contained in 40 C.F.R. § 70.4(b)(3)(viii) (~~July 1, 2016~~ July 1, 2018).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:11

PERFORMANCE TESTING

Section

74:36:11:01 Stack performance testing or other testing methods.

- 74:36:11:02 Secretary may require performance tests.
- 74:36:11:03 Notice to department of performance test.
- 74:36:11:04 Testing new fuels or raw materials.

74:36:11:01. Stack performance testing or other testing methods. All stack performance tests or other test methods must be made in accordance with the applicable method specified in 40 C.F.R. § 60.17; Part 60, Appendix A; § 63.14; Part 63, Appendix A; and Part 51, Appendix M (all ~~July 1, 2016~~ July 1, 2018).

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:05:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:05:01, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:05:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

CHAPTER 74:36:12

CONTROL OF VISIBLE EMISSIONS

Section

- 74:36:12:01 Restrictions on visible emissions.
- 74:36:12:02 Exceptions to restrictions.
- 74:36:12:03 Exceptions granted to alfalfa palletizes or dehydrators.

74:36:12:01. Restrictions on visible emissions. The owner or operator of a source may not discharge into the ambient air from a single unit of emissions an air pollutant of a density equal to or greater than that designated as 20 percent opacity, as established by the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ July 1, 2018).

Source: SL 1975, ch 16, § 1; transferred from § 34:10:03:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:03:01, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4,

1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:12:03. Exceptions granted to alfalfa palletizes or dehydrators. The owner or operator of a facility that pelletizes or dehydrates alfalfa, or that does both, may discharge into the ambient air an air pollutant of a density no greater than 30 percent opacity, as established by the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 8 SDR 133, effective April 18, 1982; 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:13

CONTINUOUS EMISSION MONITORING SYSTEMS

Section

- 74:36:13:01 Secretary may require continuous emission monitoring systems (CEMS).
- 74:36:13:02 Minimum performance specifications for all continuous emission monitoring systems.
- 74:36:13:03 Reporting requirements.
- 74:36:13:04 Notice to department of exceedance.
- 74:36:13:05 Compliance determined by data from continuous emission monitor.
- 74:36:13:06 Compliance certification.
- 74:36:13:07 Credible evidence.
- 74:36:13:08 Compliance assurance monitoring.

74:36:13:02. Minimum performance specifications for all continuous emission monitoring systems. Minimum performance specifications for all continuous emission monitoring systems are those contained in 40 C.F.R. Part 60, Appendix B and 40 C.F.R. § 60.13 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:03. Reporting requirements. Owners or operators of those sources required to install continuous emission monitoring systems shall observe the reporting requirements contained in 40 C.F.R. § 60.7 (~~July 1, 2016~~ [July 1, 2018](#)). All records must be made available to the department on request.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:04. Notice to department of exceedance. Any emissions that exceed the standards listed in 40 C.F.R. Part 60 (~~July 1, 2016~~ [July 1, 2018](#)) or this article that are detected through continuous emission monitoring systems (CEMS) must be reported to the department within the time constraints as determined by the secretary in the permit to operate.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209,

effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:06. Compliance certification. Notwithstanding any other provision in any plan approved by the administrator, for the purpose of submission of compliance certifications an owner or operator may use monitoring as required under 40 C.F.R. § 70.6(a)(3) (~~July 1, 2016~~ [July 1, 2018](#)) and incorporated into a federally enforceable operating permit in addition to any specified compliance methods.

Source: 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:07. Credible evidence. Notwithstanding any other provision, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of a plan. Credible evidence is as follows:

(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(a) A monitoring method approved for the source pursuant to 40 C.F.R. § 70.6(a)(3) (~~July 1, 2016~~ July 1, 2018) and incorporated in a federally enforceable operating permit;

(b) Compliance methods specified in the applicable plan; and

(2) The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods;

(a) Any federally enforceable monitoring or testing methods, including those in 40 C.F.R. Parts 51, 60, 61, and 75 (~~July 1, 2016~~ July 1, 2018);

(b) Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subdivision (1) or (2)(a) of this section.

Source: 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:08. Compliance assurance monitoring. The owner or operator of a unit that is subject to 40 C.F.R. § 64.2 (~~July 1, 2016~~ July 1, 2018), must comply with 40 C.F.R. §§ 64.1 and 64.3 to 64.10, inclusive, (~~July 1, 2016~~ July 1, 2018).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

CHAPTER 74:36:16

ACID RAIN PROGRAM

Section

- 74:36:16:01 General provisions.
- 74:36:16:02 Allowance system.
- 74:36:16:03 Reserved.
- 74:36:16:04 Continuous emission monitoring.

74:36:16:05 Nitrogen oxides emission reduction.

74:36:16:01. General provisions. The following provisions are incorporated by reference: 40 C.F.R. §§ 72.2 to 72.85, inclusive, (~~July 1, 2016~~ [July 1, 2018](#)) except for the following definitions in § 72.2: Environmental Appeals Board, EPA trial staff, ex parte communication, hearing clerk, presiding officer, and state operating permit program and except for §§ 72.4, 72.5, 72.6(c), 72.10, 72.12, 72.13, 72.20, 72.23 to 72.25, inclusive, 72.60 to 72.71, inclusive, 72.73, and 72.74. For the purposes of this chapter, "administrator" means the secretary, except for those authorities which cannot be delegated to the state, in which case "administrator" means the administrator of the Environmental Protection Agency.

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:02. Allowance system. The allowance system for the acid rain program is that in 40 C.F.R. §§ 73.1 to 73.53, inclusive, (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:03. Reserved.

74:36:16:04. Continuous emission monitoring. The continuous emission monitoring requirements for the acid rain program are those in 40 C.F.R. §§ 75.1 to 75.67, inclusive, (~~July 1, 2016~~ [July 1, 2018](#)) and Appendixes A to H, inclusive, to 40 C.F.R. Part 75 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 24, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:05. Nitrogen oxides emission reduction. The nitrogen oxides emission reduction requirements for the acid rain program are those in 40 C.F.R. §§ 76.1 to 76.16, inclusive, (~~July 1, 2016~~ July 1, 2018).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:18

REGULATIONS FOR STATE FACILITIES IN THE RAPID CITY AREA

Section

- 74:36:18:01 Definitions.
- 74:36:18:02 Applicability.
- 74:36:18:03 Permit required.
- 74:36:18:04 Time period for permits and renewals.
- 74:36:18:05 Required contents of a complete application for a permit.

74:36:18:06	Contents of permit.
74:36:18:07	Permit expiration.
74:36:18:08	Renewal of permit.
74:36:18:09	Reasonably available control technology required.
74:36:18:10	Visible emissions limit for construction and continuous operation activities.
74:36:18:11	Exception to visible emission limit.
74:36:18:12	Notice of operating noncompliance -- Contents.

74:36:18:10. Visible emission limit for construction and continuous operation activities. The owner or operator of a state facility or state contractor may not discharge into the ambient air from a fugitive source an air pollutant of a density equal to or greater than that designated as 20 percent opacity for a series of two minute averages with a minimum of a total of six minutes of readings. The Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ [July 1, 2018](#)) shall be used to determine the opacity.

Source: 28 SDR 178, effective July 1, 2002; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-47, 34A-1-49.

CHAPTER 74:36:20

CONSTRUCTION PERMITS FOR NEW SOURCES OR MODIFICATIONS

Section

- 74:36:20:01 Applicability.
- 74:36:20:02 Construction permit required.
- 74:36:20:02.01 Initiating construction prior to permit issuance.
- 74:36:20:03 Construction permit exemption.
- 74:36:20:04 Emission unit exemptions.
- 74:36:20:05 Standard for issuance of construction permit.
- 74:36:20:05.01 Procedures for an insignificant increase in allowable emissions.
- 74:36:20:06 Timely and complete application for a construction permit required.
- 74:36:20:07 Required contents of complete application for a construction permit.
- 74:36:20:08 Applicant required to supplement or correct application.
- 74:36:20:09 Permit application -- Completeness review.
- 74:36:20:10 Time period for department's recommendation.
- 74:36:20:11 Public participation in permitting process.
- 74:36:20:12 Public review of department's draft permit.
- 74:36:20:13 Final permit decision -- Notice to interested persons.
- 74:36:20:14 Right to petition for contested case hearing.
- 74:36:20:15 Contents of construction permit.

- 74:36:20:16 Administrative permit amendment.
- 74:36:20:17 Procedures for administrative permit amendments.
- 74:36:20:18 Reopening construction permit for cause.
- 74:36:20:19 Procedures to reopen construction permit.
- 74:36:20:20 Construction permit does not exempt from other requirements.
- 74:36:20:21 Expiration of a construction permit.
- 74:36:20:22 Notice of constructing or operating noncompliance -- Contents.
- 74:36:20:23 Petition for contested case or alleged violation.
- 74:36:20:24 Circumvention of emissions not allowed.

74:36:20:05. Standard for issuance of construction permit. A construction permit for a new source or modification to an existing source may be issued only if it has been shown that the operation of the new source or modification to an existing source will not prevent or interfere with the attainment or maintenance of an applicable national ambient air quality standard. If air pollution dispersion modeling is required, the modeling shall be performed in accordance with the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W (~~July 1, 2016~~ [July 1, 2018](#)) and is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2016~~ [July 1, 2018](#)). Each new source or modification to an existing source must comply with emission limits and other requirements of the act and the Clean Air Act. The construction permit must include reasonable conditions, including adherence to plans and specifications, to ensure compliance with the act, the Clean Air Act, and any other conditions justified under SDCL 34A-1-19.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-19, 34A-1-21.

Law Implemented: SDCL 34A-1-21.

CHAPTER 74:36:21

REGIONAL HAZE PROGRAM

Section

- 74:36:21:01 Applicability.
- 74:36:21:02 Definitions.
- 74:36:21:03 Existing stationary facility defined.
- 74:36:21:04 Visibility impact analysis.
- 74:36:21:05 BART determination.
- 74:36:21:06 BART determination for a BART-eligible coal-fired power plant.
- 74:36:21:07 Installation of controls based on visibility impact analysis or BART
determination.
- 74:36:21:08 Operation and maintenance of controls.
- 74:36:21:09 Monitoring, recordkeeping, and reporting.

- 74:36:21:10 Permit to construct.
- 74:36:21:11 Permit required for BART determination.
- 74:36:21:12 Federal land manager notification and review.

74:36:21:02. Definitions. Unless otherwise specified, the terms used in this chapter mean:

(1) "Adverse impact on visibility," visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I federal area. Adverse impact on visibility shall be based on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with times of visitor use of a mandatory Class I federal area and the frequency and timing of natural conditions that reduce visibility;

(2) "BART," best available retrofit technology;

(3) "Best available retrofit technology" an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the

source, and the degree of improvement in visibility that may reasonable be anticipated to result from the use of such technology;

(4) "BART-eligible source," an existing stationary facility;

(5) "Coal-fired power plant," any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise real property used, or intended for use, for the conversion of coal into electric power;

(6) "Contribute to adverse impact on visibility," a change in visibility impairment in a mandatory Class I federal area of five-tenths deciviews or more, based on a 24-hour average, above the average natural visibility baseline. A source exceeds the threshold if the 98th percentile (eighth highest value) of the modeling results, based on one year of the three years of meteorological data modeled, equals or exceeds five-tenths deciviews;

(7) "Major source," as defined in § 74:36:01:08(2) and (3);

(8) "Mandatory Class I federal area," any area identified in 40 C.F.R. § 81, Subpart D (~~July 1, 2016~~ July 1, 2018);

(9) "Visibility impairment," any human perceptible change in visibility such as light extinction, visual range, contrast, coloration, from that which would have existed under natural conditions;

(10) "30-day rolling average," expressed as pounds per million Btus and pounds per hour and calculated in accordance with the following procedures:

(a) Sum the total pounds of pollutant in question emitted from a unit during an operating day and the previous 29 operating days;

(b) Sum the total heat input to the unit in million Btus during the operating day and the previous 29 operating days;

(c) Sum the total hours the unit operated in hours during the day and the previous 29 operating days;

(d) For pounds per million Btus, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total heat input during the 30-day operating days;

(e) For pounds per hour, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total hours operated during the 30-day operating days.

A new 30-day rolling average shall be calculated for each new operating day. Each 30-day rolling average shall represent all emissions, including emissions that occur during periods of startup, shut down, and malfunction; and

(11) "Operating day," a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted the entire 24-hour period.

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:04. Visibility impact analysis. An air quality construction permit for a new major source or modification to a major source shall demonstrate to the department that the potential to emit from the new major source or modification to a major source may be issued only if it has been shown that the operation of the new major source or modification to a major source will not contribute to adverse impact on visibility in any mandatory Class I federal area. If air pollution dispersion modeling is required, the modeling shall be performed in accordance with the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W (~~July 1, 2016~~ [July 1, 2018](#)) and is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2016~~ [July 1, 2018](#)).

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:05. BART determination. The owner or operator of a BART-eligible source that emits any air pollutant which may reasonably be anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area shall submit a BART determination. The BART determination shall follow the procedures outlined in 40 C.F.R. § 51, Subpart Y (~~July 1, 2016~~ July 1, 2018) and must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source. In this analysis, the BART determination must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology. The BART determination shall be submitted within nine months after being notified by the department that the existing stationary source is reasonably anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area.

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:09. Monitoring, recordkeeping, and reporting. The owner or operator required to install and operate controls established in a visibility impact analysis or BART determination shall conduct periodic monitoring, recordkeeping, and reporting. All sulfur dioxide and nitrogen oxides emissions from the BART-eligible source shall be routed to the main stack of a BART-eligible source. The owner or operator of a BART-eligible source shall install, certify, maintain, calibrate, and operate a continuous emission monitoring system for sulfur dioxide and nitrogen oxide in accordance with 40 C.F.R. Part 75 (~~July 1, 2016~~ [July 1, 2018](#)), except the recordkeeping and reporting requirements for the continuous emission monitoring systems shall be in accordance with 40 C.F.R. § 60.7 (~~July 1, 2016~~ [July 1, 2018](#)). Monitoring and related recordkeeping and reporting requirements for other air pollutants from a BART-eligible source or from a major source or modification of a major source shall consist of at least the following:

- (1) All emissions monitoring and analysis procedures, alternative approved methods, or test methods required in determining compliance with §§ 74:36:21:04 and 74:36:21:06;
- (2) As necessary, documentation of the use, maintenance, and if appropriate, installation of monitoring equipment or methods;
- (3) Documentation of the following:

- (a) The date, place, and time of sampling or measurements;
- (b) The date or dates analyses were performed;
- (c) The company or entity that performed the analyses;
- (d) The analytical techniques or methods used;
- (e) The results of such analyses; and
- (f) The operating conditions as existing at the time of sampling or measurement;

(4) Recordkeeping and reporting requirements that comply with the following:

(a) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all exceedances with §§ 74:36:21:04 and 74:36:21:06. All required reports must be certified by a responsible official; and

(b) Exceedances of §§ 74:36:21:04 and 74:36:21:06, including those attributable to upset conditions. The probable cause of such exceedance and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

(5) Requirements for retention of monitoring records and all supporting documentation for at least five years from the date of the monitoring sample, measurement, report, or application.

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

Appendix B

EPA's Preliminary Comments

From: Lohrke, Gregory
To: Brakke, Ashley
Subject: RE: [EXT] EPA Comments on Draft ARSD Revisions
Date: Thursday, August 22, 2019 5:44:26 PM

Hi Ashley

I'm back in the office and had a chance to look at my full notes.

First Comment (section 74:36:07:109)

Re-reading section 106, 107 and 109, I realize that the second part of this comment is unnecessary. Striking the section and subdivision references from the last sentence of the first paragraph from subdivision (4) does not change the conditional exemption from the requirements of sections 106 and 107 and paragraphs (1), (2) or (3) of section 109. Disregard this second part of the comment.

For the first part of the first comment, I would suggest the following highlighted changes:

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 § 60.37f(d); or
(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or
(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less; or.
(4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection; or use as a raw material in a chemical manufacturing process.
Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) paragraph (c)(1) or (2) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section.
Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section.
If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements;

With these changes, I think it is clearer that the landfill must meet the requirements of either paragraph (1), (2) or (3), and ALSO must meet the requirements of paragraph (4). I believe this is the intent of 40 CFR 60.33f(c). Let me know if you have a different view, or if this otherwise makes sense.

Second Comment (74:36:07:117)

For this comment, it is my understanding that section 117 incorporates the requirements of 40 CFR 60.37f(a). With this in mind, the requirements of § 74:36:07:117(2)(b) are *supposed* to be equivalent to 40 CFR 60.37f(a)(2)(ii):

<p>(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. <u>If the sample location is prior to combustion, the following apply:</u></p> <p><u>(i) The span shall be set between 10 and 12 percent oxygen;</u></p> <p><u>(ii) A data recorder is not required;</u></p> <p><u>(iii) Only two calibration gases are required, a zero and span;</u></p> <p><u>(iv) A calibration error check is not required; and</u></p> <p><u>(v) The allowable sample bias, zero drift, and calibration drift are ±10 percent;</u></p>	<p>(ii) Unless an alternative test method is established as allowed by §60.38f(d)(2), the oxygen level must be determined by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (incorporated by reference, see §60.17). <u>Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:</u></p> <p><u>(A) The span must be set between 10 and 12 percent oxygen;</u></p> <p><u>(B) A data recorder is not required;</u></p> <p><u>(C) Only two calibration gases are required, a zero and span;</u></p> <p><u>(D) A calibration error check is not required; and</u></p> <p><u>(E) The allowable sample bias, zero drift, and calibration drift are ±10 percent.</u></p>
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Question: Do the underlined portions of the two texts mean the same thing?

I did not mean to suggest that all three methods be used to determine the oxygen level. I was trying to verify that the two regs mean the same thing with reference to the exceptions to oxygen measurement methodology. It was my interpretation that ASTM D6522-11 is only acceptable if measurements are being taken from a pre-combustion location. My uncertainty was whether the exceptions to the method of measurement (sec. 60.37f(a)(2)(ii)(A)–(E)) apply only to the use of ASTM D6522-11, or if they apply to all three methods.

It was my reading that the exceptions apply to all three, but the state's revisions suggest that the exceptions apply only when taking the sample from a pre-combustion location (when using ASTM D6522-11). Unless you are sure that the exceptions apply only to the use of ASTM D6522-11, I would suggest the following change of language (highlighted):

(b) Unless an alternative test method is established, the oxygen level shall be determined by an

oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 (if the sample location is prior to combustion) except that: If the sample location is prior to combustion, the following apply:

- (i) The span shall be set between 10 and 12 percent oxygen;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span;
- (iv) A calibration error check is not required; and
- (v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;

-
Also let me know if this clarifies the original comment.

Get back to me with any other questions, and thanks again for letting EPA provide comments before finalizing.

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, August 19, 2019 7:55 AM
To: Lohrke, Gregory <lohrke.gregory@epa.gov>
Subject: RE: EPA Comments on Draft ARSD Revisions

Sounds good, clarification by Friday is fine. I will be in and out of the office with travel as well this week. Thanks!

From: Lohrke, Gregory <lohrke.gregory@epa.gov>
Sent: Sunday, August 18, 2019 8:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: RE: [EXT] EPA Comments on Draft ARSD Revisions

Hi Ashley

I'm on work travel until Thursday. However, I can provide a clear response/follow up by Monday evening. If that is too late for the State, I believe both of these sections would be okay as is, if the state has an interpretation matching the corresponding requirements of Subpart Cf. Let me know, but I will plan on having a clarifying explanation by Friday afternoon regardless.

Thanks

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Friday, August 16, 2019 11:00 AM
To: Lohrke, Gregory <lohrke.gregory@epa.gov>
Subject: RE: EPA Comments on Draft ARSD Revisions

Hi Gregory,

I'm not completely clear on a couple comments for the drafted sections for 74:36:07:109 and

74:36:07:117 on the following comments:

The first comment:

Striking “§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section,” from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the “subdivision” and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets one of the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 & 60.37f(d);

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight;

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less; or

(4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) paragraph (e)(1) or (2) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section. Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section.

If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

Do you have proposed language to more explicitly state the requirements? I am open to proposed revisions to make the rule as clear as possible.

The second comment:

Unclear if these two phrasings mean the same thing:

“Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply”

AND

“Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:”

Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.

The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion AND(?) using ATSM D6522-11

74:36:07:117. Existing municipal solid waste landfill active gas collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to comply with subdivision 74:36:07:107(1) §60.33f(b)(2) for an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead. The owner or operator shall:

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in subdivision 74:36:07:112(3) § 60.36f(a)(3);

2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as follows:

(a) The nitrogen level shall be determined using 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018), unless an alternative test method is established as allowed by subdivision 74:36:07:126(2) §60.38f(d)(2); and

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply:

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ±10 percent;

(c) A portable gas composition analyzer may be used to monitor the oxygen levels provided the analyzer is calibrated and meets all quality assurance and quality control requirements for 40 C.F.R. Part 60, Appendix A, Method 3A (July 1, 2018) or ASTM D6522-11.

3. Monitor the temperature of the landfill gas on a monthly basis as provided in subdivision 74:36:07:112(4) §60.36f(a)(5). The temperature measuring device shall be calibrated annually using the procedure in 40 C.F.R. Part 60, Appendix A-1, Method 2, Section 10.3 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

Do you propose you propose using both method 3A, 3C, and ASTM D6522? I open to revised language suggestions for this section as well.

The rest of the comments primarily being typographical errors, we did not have any issue with changing.

Ashley

From: Lohrke, Gregory <lohrke.gregory@epa.gov>

Sent: Tuesday, August 13, 2019 2:01 PM

To: Brakke, Ashley <Ashley.Brakke@state.sd.us>

Cc: Fiedler, Kerri <Fiedler.Kerri@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Leone, Kevin <Leone.Kevin@epa.gov>

Subject: [EXT] EPA Comments on Draft ARSD Revisions

Dear Ms. Brakke

Thank you for the opportunity to provide comments on the South Dakota Department of Environment and Natural Resources (DENR) draft revisions to Chapter 74:36 of the Administrative Rules of South Dakota (ARSD). I have completed a preliminary review of draft revisions to §§ 74:36:01:19 and 74:36:07:94 through 74:36:07:145. As the reviewer, it is my opinion that the draft revisions to the aforementioned sections of the ARSD are substantively consistent with the requirements of 40 CFR part 60, subparts B and 40 CFR part 60, subpart Cf (Subpart Cf) and that finalization of these revisions will constitute an approvable incorporation of standards of performance for existing municipal solid waste (MSW) landfills.

However, during my review I found that several portions of the revisions deserve comments relating

to two general issues:

1. typographical errors; and
2. general questions about the method (or style) of incorporation which may be resolved with a more in depth EPA review.

Please see the attached document, "Comments on ARSD Incorporation of Subpart Cf" for more detailed comments related to these general issues.

If these comments are addressed in the final incorporation of Subpart Cf into the ARSD, it is likely that the final rule revisions will for the foundation for an approvable 111(d) state plan for existing MSW landfills. However, the EPA will not reach any final conclusions regarding these revisions to the ARSD until South Dakota provides a formal 111(d) state plan submittal and until the EPA publishes its own notice and comment rulemaking in the Federal Register concerning the plan's approvability. I look forward to continuing work with you on South Dakota's 111(d) state plan for existing MSW landfills. If you have any questions on these comments, or any other issue related to South Dakota's 111(d) plan, please contact me at (303) 312-6396 or by response to this email.

Thank you

Gregory Lohrke
U.S. EPA Region 8 | Air and Radiation Division
Air Toxics, Radiation and Modeling Branch
(303) 312-6396

40 CFR part 60, subpart Cf	SDAR Article 74:36
60.30f(a)	Not Applicable (NA)
60.30f(b)	74:36:07:104
60.31f(a)-(b)	74:36:01:19
60.31f(c)-(d)	74:36:07:96
60.31f(e)(5)-(7)	74:36:07:145, 140 and 139
60.32f	74:36:07:106
60.33f(a)	74:36:07:105
60.33f(b)	74:36:07:106 and 107
60.33f(c)	74:36:07:109 and 110
60.33f(d)	74:36:07:94
60.33f(e)	74:36:07:98
60.33f(f)	74:36:07:144
60.34f	74:36:07:111
60.35f(a)(1)	74:36:07:99
60.35f(a)(2)	74:36:07:100
60.35f(a)(3)	74:36:07:101
60.35f(a)(4)	74:36:07:102
60.35f(a)(5)	74:36:07:104
60.35f(a)(6)	74:36:07:103
60.35f(b)	74:36:07:143
60.35f(c)	74:36:07:97
60.35f(d)-(e)	74:36:07:110
60.36f(a)	74:36:07:112
60.36f(b)	74:36:07:113
60.36f(c)	74:36:07:114
60.36f(d)	74:36:07:115
60.36f(e)	74:36:07:116
60.37f(a)	74:36:07:117
60.37f(b)	74:36:07:118
60.37f(c)	74:36:07:119
60.37f(d)	74:36:07:123
60.37f(e)	74:36:07:122
60.37f(f)	74:36:07:120
60.37f(g)	74:36:07:121
60.37f(h)	74:36:07:124
60.38f(a)	74:36:07:94
60.38f(b)	74:36:07:95
60.38f(c)	74:36:07:125
60.38f(d)	74:36:07:126
60.38f(e)	74:36:07:127
60.38f(f)	74:36:07:142
60.38f(g)	74:36:07:145
60.38f(h)	74:36:07:140
60.38f(i)	74:36:07:139
60.38f(j)	74:36:07:138

60.38f(k)	74:36:07:129
60.38f(l)	74:36:07:141
60.38f(m)	74:36:07:128
60.39f(a)	74:36:07:130
60.39f(b)	74:36:07:131
60.39f(c)	74:36:07:132
60.39f(d)	74:36:07:133
60.39f(e)	74:36:07:134
60.39f(f)	74:36:07:135
60.39f(g)	74:36:07:136
60.39f(h)-(j)	74:36:07:137
60.40f	74:36:07:108
60.41f	NA

Page	Division	Comment
NA	NA	<p>The commenter wonders how South Dakota has handled terms defined in discrete subparts of 40 CFR part 60, but not defined in the incorporation of those subparts, nor in the general 'definitions' subdivisions. Is the commenter not seeing somewhere where the State explains that terms used but not defined in the incorporations will have the meanings given to them in, for example, Subpart Cf?</p> <p>If there are no terms used in the revised sections that would benefit from the definitions provided in 40 CFR 60, subpart CF, disregard this comment.</p>
140	74:36:07	The draft amendments do not include adding the draft new sections to the Table of Contents for Chapter 74:36:07. Does this happen automatically with the acceptance/finalization of draft revisions?
172	74:36:07:43	The repeal of the old NSPS for new MSW landfills is expected. The commenter wonders why the state will be adding direction to comply with the new NSPS (Subpart XXX) at the end of this Chapter (74:36:07:146), instead of replacing the struck through direction to Subpart WWW found in this section.
204	74:36:07:99	<p>The draft incorporation of Eq. 2 has transcribed the equation as it appears in the CFR:</p> $M_{NMOC} = 2L_oR(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$ <p>as</p> $M_{NMOC} = 2L_oR(e^{-kcc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$ <p>The incorporation also does not define the variable "c" – Time since closure, years; for active landfill c = 0.</p>
222	74:36:07:109	60.33f(c) gives a choice between the non-enclosed flare as outlined in paragraph (c)(1) <u>OR</u> the 98% reduction systems available in paragraph (c)(2). The arrangement of paragraphs (1), (2) and (3), in the strictest reading of the section, makes it seem like all must be done. If this is an incorrect reading, and the rule will be clear to regulated facilities, disregard this comment.
223	74:36:07:109	<p>Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?</p> <p>Assuming the latter, but the commenter wanted to bring this up.</p>
224	74:36:07:110	Section 60.33f(c)(2) states that the performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than <u>44</u> megawatts. Was it the drafter's intention to lower this to equal or greater than <u>40</u> megawatts?

224	74:36:07:110	<p>For the equation used to calculate the net heating value of landfill gas, the reference should point to 40 CFR 60.18(f)(3). A transcription error has given a reference to "40 CFR sec. 60.18(3)" – a nonexistent section.</p> <p>The above genre of typo is seen again in the transcription of 40 CFR 60.18(f)(4) in the same paragraph.</p>
224	74:36:07:110	Typo- The second variable in the key for Eq. 4 has also been recorded as NMOC sub 'in' instead of 'out'
228	74:36:07:111	The draft sentence in paragraph (7) is incomplete: "If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, this section."
234	74:36:07:113	I believe section 74:36:07:126 had been earlier established as the counterpart to section 60.38f(d). Here, the direction is pointing back to this same section.
237	74:36:07:115	The original is requiring owner/operator to comply with paragraphs (d)(1)–(4) if they are first complying with other surface emission monitoring provisions. Reference to compliance with section 114 aligns, but compliance with section 99 seems overly general. In this instance, would it not be proper to address owner/operators complying with <u>section 103</u> ?
239	74:36:07:117	<p>Unclear if these two phrasings mean the same thing:</p> <p>"Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply"</p> <p>AND</p> <p>"Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:"</p> <p>Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.</p> <p>The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion <u>AND(?)</u> using ATSM D6522-11</p>
248	74:36:07:126	Typo in paragraph (1): "The design requirements of §§ 74:36:07:9106"
272	74:36:07:140	Paragraph (7) may make more sense without 'are required' being struck.

Comments that were received by EPA on the drafted revisions along with the discussed changes:

EPA general comment on overall draft: *The commenter wonders how South Dakota has handled terms defined in discrete subparts of 40 CFR part 60, but not defined in the incorporation of those subparts, nor in the general 'definitions' subdivisions. Is the commenter not seeing somewhere where the State explains that terms used but not defined in the incorporations will have the meanings given to them in, for example, Subpart Cf?*

If there are no terms used in the revised sections that would benefit from the definitions provided in 40 CFR 60, subpart CF, disregard this comment.

DENR Response: There are no terms used in the revised sections; therefore, no changes will occur based on this comment.

EPA comment in ARSD 74:36:07: *The draft amendments do not include adding the draft new sections to the Table of Contents for Chapter 74:36:07. Does this happen automatically with the acceptance/finalization of draft revisions?*

DENR response for ARSD 74:36:07: The table is automatically included; therefore, no changes will occur from this comment.

EPA comment in section ARSD 74:46:07:43: *The repeal of the old NSPS for new MSW landfills is expected. The commenter wonders why the state will be adding direction to comply with the new NSPS (Subpart XXX) at the end of this Chapter (74:36:07:146), instead of replacing the struck through direction to Subpart WWW found in this section.*

DENR response for ARSD 74:46:07:43: In previous rules changes, the South Dakota Legislative Research Council has preferred an entire section be removed and the new section added back in which is why it is separate. No changes occurred based on this comment.

EPA comment in section ARSD 74:36:07:99:

The draft incorporation of Eq. 2 has transcribed the equation as it appears in the CFR:

$$M_{NMOC} = 2L_o R(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

as

$$M_{NMOC} = 2L_o R(e^{-kcc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

The incorporation also does not define the variable "c" – Time since closure, years; for active landfill c = 0.

DENR response for ARSD 74:36:07:99: This was a typographical error and DENR agrees with EPA's proposed change.

EPA initial comment in section ARSD 74:36:07:109: *60.33f(c) gives a choice between the non-enclosed flare as outlined in paragraph (c)(1) OR the 98% reduction systems available in paragraph (c)(2). The arrangement of paragraphs (1), (2) and (3), in the strictest reading of the section, makes it seem like all must be done. If this is an incorrect reading, and the rule will be clear to regulated facilities, disregard this comment.*

Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

DENR response for ARSD 74:36:07:109: DENR asked for more clarification and potential proposed language for ARSD 74:36:07:109 from the initial comment while agreeing to the following addition as underlined below:

"74:36:07:109. Existing municipal ... if it meets **one of** the following requirements..."

The second comment from EPA to provide more clarification was the following:

Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

Based on that comment, DENR added the bold, underlined sections above, removed "or" from the third subsection and made the fourth subsection its own paragraph requirement that is applicable in all situations.

"74:36:07:109. Existing municipal...

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 § 60.37f(d); **or**

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; **or**

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less, or

(4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use..."

EPA comments in section 74:36:07:110: *Section 60.33f(c)(2) states that the performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts. Was it the drafter's intention to lower this to equal or greater than 40 megawatts?*

For the equation used to calculate the net heating value of landfill gas, the reference should point to 40 CFR 60.18(f)(3). A transcription error has given a reference to "40 CFR sec. 60.18(3)" – a nonexistent section.

The above genre of typo is seen again in the transcription of 40 CFR 60.18(f)(4) in the same paragraph.

Typo- The second variable in the key for Eq. 4 has also been recorded as NMOC sub 'in' instead of 'out'

DENR responses for ARSD 74:36:07:110: DENR agrees with all three of EPA's proposed changes in this section that were typographical errors.

EPA comment in section ARSD 74:36:07:111: *The draft sentence in paragraph (7) is incomplete: "If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, this section."*

DENR response for ARSD 74:36:07:111: Based on EPA's comment, DENR agrees with the proposed change and added the additional language that is bold, underlined below that had been erroneously left out.

74:36:07:111. Existing municipal...

(7) ...If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, ~~§60.36f,~~ **the monitored exceedance is not a violation of the operational requirements in** this section..."

EPA comment in section ARSD 74:36:07:113: *I believe section 74:36:07:126 had been earlier established as the counterpart to section 60.38f(d). Here, the direction is pointing back to this same section.*

DENR response for ARSD 74:36:07:113: DENR agrees with EPA's proposed change as this was a typographical error.

EPA comment in section ARSD 74:36:07:115: *The original is requiring owner/operator to comply with paragraphs (d)(1)–(4) if they are first complying with other surface emission monitoring provisions. Reference to compliance with section 114 aligns, but compliance with section 99 seems overly general. In this instance, would it not be proper to address owner/operators complying with section 103?*

DENR response for ARSD 74:36:0:115: DENR agrees with EPA's comment and made the change as this was a typographical error.

EPA Comment in section ARSD 74:36:07:117: *Unclear if these two phrasings mean the same thing:*

"Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply"

AND

"Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:"

Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.

The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion AND(?) using ATSM D6522-11

DENR response to 74:36:07:117: DENR asked for additional information for clarification on the original comment and received the following from EPA:

For this comment, it is my understanding that section 117 incorporates the requirements of 40 CFR 60.37f(a). With this in mind, the requirements of § 74:36:07:117(2)(b) are supposed to be equivalent to 40 CFR 60.37f(a)(2)(ii):

(b) Unless an alternative test method is	(ii) Unless an alternative test
--	---------------------------------

<p>established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. <u>If the sample location is prior to combustion, the following apply:</u></p> <p><u>(i) The span shall be set between 10 and 12 percent oxygen;</u></p> <p><u>(ii) A data recorder is not required;</u></p> <p><u>(iii) Only two calibration gases are required, a zero and span;</u></p> <p><u>(iv) A calibration error check is not required; and</u></p> <p><u>(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;</u></p>	<p>method is established as allowed by §60.38f(d)(2), the oxygen level must be determined by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (incorporated by reference, see §60.17). <u>Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:</u></p> <p><u>(A) The span must be set between 10 and 12 percent oxygen;</u></p> <p><u>(B) A data recorder is not required;</u></p> <p><u>(C) Only two calibration gases are required, a zero and span;</u></p> <p><u>(D) A calibration error check is not required; and</u></p> <p><u>(E) The allowable sample bias, zero drift, and calibration drift are ± 10 percent.</u></p>
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Question: Do the underlined portions of the two texts mean the same thing?

I did not mean to suggest that all three methods be used to determine the oxygen level. I was trying to verify that the two regs mean the same thing with reference to the exceptions to oxygen measurement methodology. It was my interpretation that ASTM D6522-11 is only acceptable if measurements are being taken from a pre-combustion location. My uncertainty was whether the exceptions to the method of measurement (sec. 60.37f(a)(2)(ii)(A)—(E)) apply only to the use of ASTM D6522-11, or if they apply to all three methods.

It was my reading that the exceptions apply to all three, but the state's revisions suggest that the exceptions apply only when taking the sample from a pre-combustion location (when using ASTM D6522-11). Unless you are sure that the exceptions apply only to the use of ASTM D6522-11, I would suggest the following change of language (highlighted):

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 (if the sample location is prior to combustion) except that. If the sample location is prior to combustion, the following apply:

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;

Also let me know if this clarifies the original comment.

Based on EPA's clarification of the original comment, DENR agrees to make the following change by adding the bold underlined language below and removing the language that is overstrike:

74:36:07:117. Existing municipal ...

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 **(if the sample location is prior to combustion) except that**. ~~If the sample location is prior to combustion,~~ the following apply;

- (i) The span shall be set between 10 and 12 percent oxygen;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span;
- (iv) A calibration error check is not required; and
- (v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent...

EPA comment in section ARSD 74:36:07:126: *Typo in paragraph (1): "The design requirements of §§ 74:36:07:9106"*

DENR response for ARSD 74:36:07:126: DENR agrees with EPA's proposed change by removing the "9" and that was a typographical error.

EPA comment in section ARSD 74:36:07:140: *Paragraph (7) may make more sense without 'are required' being struck.*

DENR response to ARSD 74:36:07:140: DENR agrees with EPA's proposed change as this was a typographical error.

Appendix C

Other Comments

From: Coon Dan
To: Brakke, Ashley
Cc: Tech Dale; Titus Stacey; Pauli Steven
Subject: [EXT] Proposed Air Quality ARSD
Date: Tuesday, August 13, 2019 12:19:10 PM

Ms. Brakke,

The City of Rapid City does not have any comments concerning the proposed changes to the Administrative Rules of South Dakota Chapter 74:36 as provided by the SDDENR for review.

Dan Coon, P.E.
Assistant Public Works Director
City of Rapid City
(605) 394-4165

From: Berg, Andrew
To: Brakke, Ashley
Cc: Kuper, Don; Neyens, Jesse
Subject: RE: [EXT] Drafted Revisions to Air Quality Administrative Rules
Date: Thursday, August 8, 2019 1:54:12 PM

Ashley,

We have reviewed the drafted revisions and do not have any comments. Thank you.

For future correspondence, I can be the point of contact for our Environmental group and Don Kuper would be the point of contact at the landfill. Our phone numbers are below and emails are on this email chain. Thanks.

Don Kuper
Sanitary Landfill Superintendent
367-8163

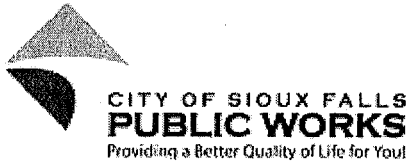
Andy Berg
Environmental/Stormwater Manager
367-8637

From: Perry, Mark
Sent: Wednesday, July 24, 2019 8:02 AM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Cc: Berg, Andrew <ABerg@siouxfalls.org>; Kuper, Don <DKuper@siouxfalls.org>; Neyens, Jesse <JNeyens@siouxfalls.org>
Subject: RE: Drafted Revisions to Air Quality Administrative Rules
Importance: High

Ashley,

For Landfill items with the city of Sioux Falls I would start with Andy Berg, Environmental/Stormwater Manager and Donny Kuper, Sanitary Landfill Superintendent. I have CC them on this email along with Jesse Neyens from Environmental Division. If you have any other items please do not hesitate to contact us.

Mark Perry
City of Sioux Falls
Wastewater Superintendent
Public Works / Water Reclamation Division
4500 N. Sycamore Avenue
Sioux Falls, SD 57104
Office- 605-367-8191
Cell - 605-941-1151



From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Tuesday, July 23, 2019 4:57 PM
To: Perry, Mark <mperry@SIOUXFALLS.org>
Subject: FW: Drafted Revisions to Air Quality Administrative Rules

External email - use caution when clicking on links or attachments.

Hi Mark,

This email was sent last Thursday for initial outreach to David McElroy at dmcelroy@sioux falls.org, but was returned. Do you prefer I send correspondence regarding the landfill rule updates to you?

Thank You,

Ashley

From: Brakke, Ashley
Sent: Thursday, July 18, 2019 4:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Drafted Revisions to Air Quality Administrative Rules

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/aa/airprogr.aspx> and are also attached to this email. The drafted additions are in bold, blue underlined with deletions in red, overstrike.

Please respond by **August 9th, 2019** to indicate if your facility is in agreement with the drafted rule changes or if your facility would like to submit any comments for us to consider before the draft changes are proposed. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

If DENR does not receive a response by the date listed above, DENR will make additional

attempts to reach you for concurrence on the drafted rule changes. DENR tentatively plans to publish a formal public notice in August or September 2019, announcing a rule hearing in front of the Board of Minerals and Environment in September or October 2019. Thank you for assisting us in this rule making process.

Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: Mike Boerger
To: Brakke, Ashley
Subject: RE: [EXT] Drafted Revisions to Air Quality Administrative Rules
Date: Wednesday, August 7, 2019 9:21:18 AM
Attachments: image001.png

Ashley:

I have looked at the proposed changes. Changing the Tier 'trigger' from 50 to 34 megagrams has minimal impact to our landfill. We are currently performing our second Tier Assessment. Even at 34 megagrams, a Tier III Assessment is in our distant future. Our current Tier II concentration yielded 3.55 megagrams for our landfill in 2018, so we will see Tier III coming and will be able to budget for it well in advance of the 34 megagrams "trigger".

I assume the landfill design capacity report requirement will be included the annual certification/operational report requirements.

Sincerely,



Superintendent Wastewater & Solid Waste
605-882-6243
mboerger@watertownsd.us

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Thursday, July 18, 2019 4:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Drafted Revisions to Air Quality Administrative Rules

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/eq/airprogr.aspx> and are also attached to this email. The drafted additions are in bold, blue underlined with deletions in red, overstrike.

Please respond by **August 9th, 2019** to indicate if your facility is in agreement with the drafted rule changes or if your facility would like to submit any comments for us to consider before the draft changes are proposed. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

If DENR does not receive a response by the date listed above, DENR will make additional attempts to reach you for concurrence on the drafted rule changes. DENR tentatively plans to publish a formal public notice in August or September 2019, announcing a rule hearing in front of the Board of Minerals and Environment in September or October 2019. Thank you for assisting us in this rule making process.

Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

REPRESENTATIVE STEVEN G. HAUGAARD, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | WENZEL J. CUMMINGS, CODE COUNSEL
500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



October 7, 2019

Ashley Brakke
Air Quality Program
Department of Environment and Natural Resources
523 E. Capitol Avenue
Pierre, South Dakota 57501

Dear Ashley:

The Legislative Research Council received proposed rules from the Department of Environment and Natural Resources on September 9, 2019. In accordance with SDCL 1-26-6.5, the Council reviewed the proposed rules for form, style, clarity, and legality, and now returns them with recommended corrections.

Please find attached:

- Proposed Rules Review Checklist;
- The proposed rules with recommended form, style, and clarity corrections;
- Directions for Submitting the Final Draft of the Rules; and
- The Interim Rules Review Committee Rules Presentation Format.

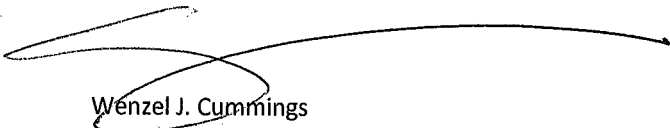
In addition to the recommended corrections to form, style, and clarity included in the proposed rules, the Legislative Research Council identifies the following issues:

- Please remove the bold-face type from the new language added to the proposed rules. The bold-face type makes reading the verbiage more difficult.
- Four proposed rules—ARSD 74:36:07:85, 74:36:07:85, 74:36:07:87, and 74:36:07:91—include catchlines that contain information not found within the language of the rule. Please adjust the wording of the catchline to more accurately reflect the actual content of the rule. You may need to update the table of contents for the chapter in which these rules are located to reflect any changes to the catchlines.
- Several proposed rules, located on pages 98 through 177 of the packet, add new language to ARSD chapter 74:36:07, however the table of contents, located on pages 36 through 43 of the packet, is not amended to include these new rules. Please update the table of contents with the catchlines of the newly-added proposed rules.
- Several rules include delayed repeal language that the rules are no longer in effect upon the EPA's approval of the state's § 111(d) plan. A delayed repealer like this is fine; however, whenever a repealer is on a date uncertain, a state official needs to certify that the pending event has occurred. These repealers should be amended to state that the secretary shall certify to the Interim Rules Review Committee that the event has occurred so there is official public notice that these rules are no longer effective. The certification would be published in the South Dakota Register.

Under SDCL 1-26-4(4), the Department of Environment and Natural Resources is required to adopt the recommended corrections, subject to an appeal to the Interim Rules Review Committee for the committee's final determination.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Wenzel J. Cummings
Code Counsel

Enclosures

CC: Hunter Roberts, Secretary of Environment and Natural Resources

**Legislative Research Council
Proposed Rules Review Checklist**

Date Proposed Rules Received by LRC:

9/9/19

Date Public Hearing Scheduled:

10/17/19

Proposed Rules Reviewed by:

WJC

Fiscal Note Reviewed by:

WJC

"No agency rule may be enforced by the courts of this state until it has been adopted in conformance with the procedures set forth in this chapter." (§ 1-26-6.8)

Staff:

Please review the proposed rules and supporting documents and submit them with this completed checklist to the Code Counsel within ten business days from the date the proposed rules are received by the LRC.

1. Verify the rules packet includes:
 - a. The proposed rules: ✓
 - i. Any incorporated material: X
 - b. Fiscal note: ✓
 - c. Small business impact statement: ✓
 - d. Notice of hearing: ✓
2. Verify all documents have correct citations to the proposed rules provided in the packet. ✓
3. Verify the appropriate departmental secretary, bureau commissioner, public utilities commissioner, or constitutional officer approved the rules process to proceed. ✓
4. **If the Department of Social Services is promulgating rules that are mandated by federal statute or regulation, use the DSS Federal Regulations Checklist.**
5. Review proposed rules for:
 - a. Form, style, and clarity in accordance with the Administrative Rules Drafting Manual (including all existing language, not just amended language). ✓
 - i. Verify the most recent rule is used. ✓
 - ii. Verify all cross-references in text are current. ✓
 - iii. Verify all affected sections are included. For repealed sections, verify all affected sections are amended. ✓
 - iv. Verify any renumbering of rules is consistent with Administrative Rules Drafting Manual. ✓

b. Legality, including:

- i. Verify the General Authority statute provides rule-making authority (i.e., "... shall/may promulgate rules to ..."). ✓
- ii. Verify the Law Implemented statute identifies the policy intended to be implemented. ✓
- iii. If the proposed rule incorporates material by reference, verify the rule describes the exact section or portion of the referenced material. X
 - 1. Verify the proposed rule includes a reference note identifying the publication by title, date of publication, enactment, and author. X
 - 2. Verify there is a statement attached to the material that includes the agency's name, the section number of the rule that incorporates the material, and the date the proposed rule was served on the LRC. X
- iv. Verify the proposed rule does not incorporate any statutory language, other than definitions, or attempt to publish or distribute statutory material. ✓
- v. Verify the proposed rule does not restrict any right or privilege to carry or possess a pistol in contravention of a license to carry a concealed pistol. ✓
- vi. If the rule increases a fee, verify the agency provided information regarding financial resources available to the agency: beginning fund balance, receipts, disbursements, and ending fund balance for each of the last two fiscal years, as well as beginning fund balance, projected receipts, projected disbursements, and ending balance for current and next fiscal years. X
 - 1. If the rule increases a fee by a licensing board or commission, verify the fee increase is "reasonable" in accordance with § 1-26-6.9. X
- vii. Verify the agency does not delegate authority to a private association. ✓
- viii. Verify the agency does not delegate policy-making decisions to itself. ✓
- ix. Verify only the rules being changed are included and that chapter indexes are updated as needed. ✓

6. Review the Fiscal Note:

- a. Verify the Fiscal Note states whether the proposed rule will have any effect on the revenues, expenditures, or fiscal liability of the state, agencies, and subdivisions? ✓
 - i. If there is an effect, verify the Fiscal Note includes an explanation

of how the effect was computed?

✓

7. Review Small Business Impact Statement:

- a. Verify the Impact Statement includes a narrative explanation in plain, easy-to-read language. ✓
- b. Verify the narrative explanation discusses the effect of the proposed rule on small business, including the basis for the rule's enactment and why the rule is needed. ✓
- c. Verify the narrative explanation includes an identification and estimated number of small businesses subject to the proposed rule. ✓
- d. Verify the Impact Statement includes the projected reporting and record-keeping required for compliance with the proposed rule. ✓
- e. Verify the Impact Statement includes the types of professional skills necessary for preparation of required reports or records. ✓
- f. Verify the Impact Statement includes a statement of the probable effect on impacted small business. ✓
- g. Verify the Impact Statement includes a description of any less intrusive or less costly alternative methods of achieving the proposed rule's purpose. ✓

8. Review Notice of Public Hearing:

- a. Verify the LRC received the proposed rules at least 20 days prior to the scheduled public hearing. ✓
- b. Verify the notice contains a narrative description of the effect of the proposed rule. ✓
- c. Verify the notice contains the reason for adopting the proposed rule. ✓
- d. Verify the notice contains the location and time of the public hearing. ✓
- e. Verify the notice contains information about how amendments, data, opinions, and arguments may be presented. ✓
- f. Verify the notice contains a deadline for submission of comments. ✓
- g. Verify the notice contains information for how the public may obtain copies of the proposed rules. ✓

9. For any proposed rule regarding professional or regulatory examination or licensing that is to be published in pamphlet form, review the pamphlet for style, form, and clarity in accordance with the Administrative Rules Drafting Manual. X

Reviewed by Code Counsel on 10/5/19

DIRECTIONS FOR SUBMITTING THE FINAL DRAFT

Rules Review Meeting Schedule for the 2019 Interim: March 28, May 6, June 3, July 8, August 12, September 9, and November 4. Meeting notices will be posted on the LRC website and at the Capitol.

- A. Legislative Research Council:** The following materials must be submitted to the LRC at least five days before the committee meeting:
1. Final draft of adopted rules, double-spaced and containing only amended, repealed, or adopted rules, and showing overstrikes and underscores;
 2. Original Form 11; and
 3. Copies of:
 - a. Form 10 – Minutes of public hearing;
 - b. Form 15 – Rules Presentation Format; and
 - c. Form 12 – Affidavit of Mailing to Rules Committee.
- B. Committee:** The following materials must be served on the Committee at least five days before the committee meeting via first-class mail, e-mail, or both:
1. Form 12 – Affidavit and all its referenced documents (for final rules, please three-hole punch and number by page the final rules);
 2. Form 15 – Rules Presentation Format;
 3. First draft of proposed rules containing LRC recommendations for style, form, clarity, and legality; and
 4. Letter from the LRC to the agency.
- C. Office of the Secretary of State:** Following Committee hearing, each agency must complete and sign all documents before filing:
1. Form 13 - Certificate of rule completion;
 2. Final draft of the adopted rules; and
 3. Form 11 (per Secretary's request).

FORM 15

Rules Presentation Format

Department/Board/Commission Name _____

Please complete these questions to show that the SDCL 1-26 rule-making process is complete.

Use this format to organize your presentation to the Committee.

- Approval to proceed? Yes _____ No _____ Date _____
- Date of public hearing _____
- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management _____
 - any publication incorporated by reference;
 - the fiscal note;
 - the impact statement on small business; and
 - the notice of hearing.
- Date and name of newspapers in which the notice of public hearing was published:
 - Date _____ Newspaper _____
 - Date _____ Newspaper _____
 - Date _____ Newspaper _____
- Summary of how, when, and number of interested persons, if any, were contacted.

- Page numbers in the minutes where the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action.

- For any rule implementing a bill from the preceding session, the number of the bill:

- Date final rules and supporting documents submitted to the LRC and the Committee

*Style and
Form*

Appendix A

Proposed Rule Changes

ARTICLE 74:36

AIR POLLUTION CONTROL PROGRAM

Chapter

74:36:01	Definitions.
74:36:02	Ambient air quality.
74:36:03	Air quality episodes.
74:36:04	Operating permits for minor sources.
74:36:05	Operating permits for Part 70 sources.
74:36:06	Regulated air pollutant emissions.
74:36:07	New source performance standards.
74:36:08	National emission standards for hazardous air pollutants.
74:36:09	Prevention of significant deterioration.
74:36:10	New source review.
74:36:11	Performance testing.
74:36:12	Control of visible emissions.
74:36:13	Continuous emission monitoring systems.
74:36:14	Variances, Repealed.
74:36:15	Open burning, Transferred or Repealed.
74:36:16	Acid rain program.
74:36:17	Rapid City street sanding and deicing.

- 74:36:18 Regulations for state facilities in the Rapid City area.
- 74:36:19 Mercury budget trading program, Repealed.
- 74:36:20 Construction permits for new sources or modifications.
- 74:36:21 Regional haze program.

CHAPTER 74:36:01

DEFINITIONS

Section

- 74:36:01:01 Definitions.
- 74:36:01:02 Repealed.
- 74:36:01:03 Administrative permit amendment defined.
- 74:36:01:04 Affected states defined.
- 74:36:01:05 Applicable requirements of the Clean Air Act defined.
- 74:36:01:06 Complete application defined.
- 74:36:01:07 Repealed.
- 74:36:01:08 Major source defined.
- 74:36:01:09 Categories of sources defined.
- 74:36:01:10 Modification defined.
- 74:36:01:10.01 Insignificant increase in allowable emissions.

- 74:36:01:11 National ambient air quality standard (NAAQS).
- 74:36:01:12 Potential to emit defined.
- 74:36:01:13 Process weight rate defined.
- 74:36:01:14 Repealed.
- 74:36:01:15 Regulated air pollutant defined.
- 74:36:01:16 Responsible official defined.
- 74:36:01:17 Repealed.
- 74:36:01:18 Municipal solid waste landfill defined.
- 74:36:01:19 Existing municipal solid waste landfill defined.
- 74:36:01:20 Physical change in or change in the method of operation defined.
- 74:36:01:21 Commenced construction defined.

74:36:01:01. Definitions. ~~Unless otherwise specified, the terms used in this article mean:~~ ^{As} ~~mean:~~

(1) "Act," ^{means} chapter 34A-1 of the South Dakota Codified Laws;

(2) "Acid rain permit," ^{means} a legally binding written document or portion of a document that is issued by the department and specifies the acid rain program requirements applicable to an affected source and to the owners and operators and the designated representative of the affected source;

(3) "Acid rain program," ^{means} the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the Clean Air Act;

(4) "Administrator," ^{means} the administrator of the Environmental Protection Agency or the secretary or their authorized representatives;

(5) "Affected source," ^{means} a source that includes one or more affected units under Title IV of the Clean Air Act;

(6) "Affected unit," ^{means} a unit that is subject to any of the emission reduction requirements or emission limits pursuant to Title IV of the Clean Air Act or chapter 74:36:16;

(7) "Air pollutant," ^{means} one or a combination of the regulated air pollutants listed in § 74:36:01:15;

(8) "Allowable emissions," ^{means} the emission rate calculated using the maximum rated capacity of a source unless the source is subject to federally enforceable limits which restrict operating rate, hours of operation, or both, and the most stringent of the following:

(a) The applicable new source performance standards in chapter 74:36:07;

(b) The applicable national emission standards in chapter 74:36:08;

(c) Any applicable emission limitations specified in this article, including those with a future compliance date;

(d) The emission rate specified as a permit condition; or

(e) The applicable standards in 40 C.F.R. Part 60; 61, or 63 (~~July 1, 2016~~ July 1, 2018);

(9) "Ambient air," ^{means} that portion of the atmosphere external to buildings to which the general public has access;

(10) "ASTM," ^{means} the American Society for Testing and Materials;

(11) "Board," ^{means} the Board of Minerals and Environment;

(12) "Btu," ^{means} British thermal unit;

(13) "CO," ^{means} carbon monoxide;

(14) "Chairman," ^{means} chairman of the board;

(15) "Clean Air Act," ^{means} the Clean Air Act, 42 U.S.C. 7401 et seq., as amended through January 1, 2010;

(16) "Clean Air Act Amendments," ^{means} the amendments to the Clean Air Act enacted in Pub. L. No. 101-549, November 15, 1990;

(17) "Control equipment," ^{means} a device which prevents or reduces emissions;

(18) "Criteria pollutant," ^{means} selected and specified pollutants for which limiting ambient air quality standards have been set, including sulfur dioxides, particulate matter, carbon monoxide, ozone, nitrogen oxides, and lead;

(19) "Department," ^{means} the South Dakota Department of Environment and Natural Resources;

(20) "Designated representative," ^{means} the responsible person or official authorized by the owner or operator of an affected unit, in accordance with the Clean Air Act, to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to the unit and the submission of and compliance with permits, permit applications, and compliance plans for the unit;

(21) "Draft permit," ^{means} the version of a permit for which the department offers public participation or affected state review;

(22) "Emissions allowable under the permit," ^{means} a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit, including work practice standards, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

(23) "Emission standard," ^{Means} the maximum amount of a pollutant legally permitted to be discharged from a single unit;

(24) "Emission unit," ^{or} "Unit," ^{Means} any part or activity of a stationary source which emits or has the potential to emit a regulated air pollutant or any pollutant listed under section 112(b) of the Clean Air Act;

(25) "EPA," ^{Means} the Environmental Protection Agency;

(26) "Equivalent method," ^{Means} any method of sampling and analysis for an air pollutant which has a consistent and quantitatively known relationship to the reference method under specified conditions;

(27) "Existing source," ^{Means} a source that has an approved state-issued permit;

(28) "Facility," ^{Means} a building, structure, or installation of pollutant-emitting activities which belong to the same industrial grouping, located on one or more contiguous or adjacent properties and under the control of the same person or of persons under common control, except the activities of a water-borne vessel. Pollutant-emitting activities are part of the same industrial grouping if they belong to the same major group, i.e., have the same two-digit code, as described in the Standard Industrial Classification Manual, 1987;

(29) "Federally enforceable," ^{means} all limits and conditions that are enforceable by the administrator of EPA pursuant to federal law. These limits and conditions include those requirements developed pursuant to this article, those appearing in 40 C.F.R. §§ 60 and 61 (~~July 1, 2016~~ **July 1, 2018**), requirements within the state implementation plan, and permit requirements established pursuant to this article or 40 C.F.R. § 51 Subpart I (~~July 1, 2016~~ **July 1, 2018**). The use of this term does not impede the department's authority under state law to enforce these limits and conditions;

(30) "Final permit" ^{means} the version of an operating permit issued by the permitting authority for a source that has completed all required review procedures;

(31) "Fuel-burning unit," ^{means} a furnace, boiler, apparatus, stack, or any of their components used in the process of burning fuel or other combustible material for the primary purposes of producing heat or power by indirect heat transfer;

(32) "Fugitive emissions," ^{means} those air pollutants which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening;

(33) "General permit," ^{means} a permit issued by the board in accordance with SDCL 34A-1-56 that may be made applicable to numerous similar sources;

(34) "Heat input_x" ^{means} the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks, using the heat input value of the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater;

(35) "Incinerator_x" ^{means} a furnace used to burn solid waste to reduce the volume of the waste by removing its combustible material;

(36) "Malfunction_x" ^{means} any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner, but not a failure caused entirely or in part by poor maintenance, careless operation, preventable equipment breakdown, or any other cause within the control of the owner or operator of the source;

(37) "Minor source_x" ^{means} a source whose potential emissions of a criteria pollutant are less than 100 tons a year and which does not meet the definition of a Part 70 source;

(38) "New source_x" ^{means} a source that has not been constructed and does not possess a permit;

(39) "Nonattainment area_x" ^{means} an area that does not meet or that contributes to ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard for the pollutant;

(40) "NSR_x" ^{means} new source review;

(41) "Opacity," ^{means} the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

(42) "Open burning," ^{means} the burning of any matter in such ^T a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passage through a stack, duct, or chimney;

(43) "Operating permit," ^{means} a written authorization issued by the board or the secretary for the operation of a source;

(44) "Owner or operator," ^{means} any person who owns, leases, operates, controls, or supervises a source;

(45) Repealed;

(46) "Part 70 operating permit," ^{means} any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised;

(46)

(47) "Part 70 source," ^{means} any source subject to § 74:36:05:03;

(49)

(48) "Particulate matter," ^{means} a broad class of chemically and physically diverse substances that exist as discrete particles, liquid droplets, or solids over a wide range of sizes;

(50) "Permit modification," ^{means} a change to a source which operates under a minor source operating permit or Part 70 operating permit that meets the requirements of § 74:36:01:10;

(51) "Permit revision," ^{means} a revision to a minor source operating permit or Part 70 operating permit to incorporate a permit modification, administrative permit amendment, insignificant increase in allowable emissions, or minor permit amendment;

(52) "Person," ^{means} an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or state agency or any legal successor, representative, agent, or agency of the foregoing;

(53) "PM₁₀," ^{means} particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an applicable reference or equivalent method;

(54) "Proposed Part 70 operating permit," ^{means} a permit that the department has forwarded to EPA for review after the closure of the public notice period and after considering any public comments, including those from affected states;

(55) "PSD," ^{means} prevention of significant deterioration;

(56) Repealed;

(56) "Salvage operation_x" ^{means} an operation conducted in whole or in part for the reclaiming of product or material;

(57) "Secretary_x" ^{means} the secretary of the South Dakota Department of Environment and Natural Resources or an authorized representative;

(58) "Shutdown_x" ^{means} the cessation of operation of any control equipment, process equipment, or process for any purposes;

(59) "Smoke_x" ^{means} small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash, and other combustible material, that form a visible plume in the air;

(60) "Source_x" ^{means} a facility that emits or may emit any air pollutant regulated under the Clean Air Act;

(61) "Start-up_x" ^{means} the setting into operation of any control equipment, process equipment, or process for any purpose;

(62) "Title I_x" ^{means} Title I of the Clean Air Act Amendments, provisions for attainment and maintenance of national ambient air quality standards;

(63) "Title IV_x" ^{means} Title IV of the Clean Air Act Amendments, acid deposition control;

(64) "Title V_n" ^{means} Title V of the Clean Air Act Amendments, permits;

(65) "Title VI_n" ^{means} Title VI of the Clean Air Act Amendments, stratospheric ozone protection;

(66) Repealed;

(67) "VOC_n" ^{or} "volatile organic compounds," as defined in 40 C.F.R. § 51.100(s) ^{means the same} (July 1, 2016 July 1, 2018);

(68) "Wire reclamation furnace_n" ^{means} a furnace that uses either direct or indirect heat transfer to salvage nonferrous metals through the thermal destruction of solid waste materials;

(69) "PM2.5_n" ^{means} particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an applicable reference or equivalent method;

(70) "SO₂_n" ^{means} sulfur dioxide;

(71) "NO₂_n" ^{means} nitrogen dioxide;

(72) "Construction permit_n" ^{means} a written authorization issued by the board or the secretary for the construction and operation of a new source or modification to an existing source; and

(72)
(73) "Subject to regulation," ^{means} ~~subject to regulation means~~, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in 40 C.F.R Part 50 (July 1, 2018) ~~subchapter C of this chapter~~, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Greenhouse gases are not subject to regulation unless a PSD preconstruction permit is issued regulating greenhouse gases in accordance with chapter 74:36:09-;

substantive law.
should not be in definitions

(73)
(74) "Closed landfill" means a landfill in which solid waste is no longer being placed, and in which no additional solid waste will be placed without first filing a notification of modification. The notification shall include information describing the change, present and proposed emission control systems, and production capacity of the landfill before and after the change. Once a notification of modification has been filed and additional solid waste is placed in the landfill, the landfill is no longer closed; and

substantive law. Should not be in definitions.

(74)
(75) "Closed landfill subcategory" means a closed landfill that has submitted a closure report for an existing municipal solid waste landfill as specified in § 74:36:07:142 on or before September 27, 2017.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:01, effective July 1,

1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

Reference: Standard Industrial Classification Manual, 1987, Executive Office of the President, Office of Management and Budget. Copies may be obtained from National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, order no. PB 87-100012. Cost: \$31.

74:36:01:05. Applicable requirements of the Clean Air Act defined. Applicable requirements of the Clean Air Act include all of the following as they apply to emissions units in a Part 70 source, unless the context of the Clean Air Act requires otherwise:

(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Clean Air Act that

implements the relevant requirements of the Clean Air Act, including any revisions to that plan promulgated in Part 52 of 40 C.F.R. (~~July 1, 2016~~ July 1, 2018);

(2) Any term or condition of any preconstruction permits issued pursuant to regulations approved through rulemaking under Title I, including Parts C or D, of the Clean Air Act;

(3) Any standard or other requirement under § 111 of the Clean Air Act, including § 111(d);

(4) Any standard or other requirement under § 112 of the Clean Air Act, including any requirement concerning accident prevention under § 112(r)(7) of the Clean Air Act;

(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated under it;

(6) Any monitoring, reporting, and certification requirements established pursuant to § 504(b) or 114(a)(3) of the Clean Air Act;

(7) Any standard or other requirement governing solid waste incineration, under § 129 of the Clean Air Act;

(8) Any standard or other requirement for consumer and commercial products, under § 183(e) of the Clean Air Act;

(9) Any standard or other requirement for tank vessels, under § 183(f) of the Clean Air Act;

(10) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under § 328 of the Clean Air Act;

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless the administrator of the EPA has determined that such requirements need not be contained in a Part 70 operating permit; and

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to § 504(e) of the Clean Air Act.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:01:19. Existing municipal solid waste landfill defined. An existing municipal solid waste landfill is a municipal solid waste landfill that commenced construction, reconstruction, or modification on or before ~~May 30, 1991~~ July 17, 2014. An existing municipal solid waste landfill may be active or closed. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with applicable emission limits are not considered a modification or reconstruction.

Source: 23 SDR 106, effective December 29, 1996.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-18.

74:36:01:20. Physical change in or change in the method of operation defined. A physical change ^gin or change in the method of operation does not include the following ^g:

- (1) Routine maintenance, repair, and replacement;
- (2) Use of an alternative fuel or raw material because of an order under §§ 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended and in effect on January 1, 1993, or because of a natural gas curtailment plan pursuant to the Federal Power Act as in effect on January 1, 1993;
- (3) Use of an alternative fuel because of an order or rule under § 125 of the Clean Air Act;

(4) Use at a steam generating unit of an alternative fuel that is generated from municipal solid waste;

(5) An increase in the hours of operation or in the production rate, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2016~~ **July 1, 2018**), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2016~~ **July 1, 2018**);

(6) Any change of ownership at a source;

(7) The use of an alternative fuel or raw material by a source which the source was capable of accommodating before January 6, 1975, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2016~~ **July 1, 2018**), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2016~~ **July 1, 2018**); ^{or} and

(8) The use of an alternative fuel or raw material which the source is approved to use under a permit issued under 40 C.F.R. § 52.21 (~~July 1, 2016~~ **July 1, 2018**) or under regulations approved pursuant to 40 C.F.R. § 51.165 (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective

June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:02

AMBIENT AIR QUALITY

Section

- 74:36:02:01 Air quality goals.
- 74:36:02:02 Ambient air quality standards.
- 74:36:02:03 Methods of sampling and analysis.
- 74:36:02:04 Air quality monitoring network.
- 74:36:02:05 Ambient air monitoring requirements.

74:36:02:02. Ambient air quality standards. The ambient air quality standards listed in 40 C.F.R. §§ 50.1 ^{through} ~~to 50.5~~ **50.3**, inclusive, ~~(July 1, 2016~~ **July 1, 2018)**; 40 C.F.R. § ~~§§ 50.5 and~~ **§§ 50.5 and** 50.6 ~~(July 1, 2016~~ **July 1, 2018)**; 40 C.F.R. § 50.7(a)(1), (b), and (c) ~~(July 1, 2016)~~; 40 C.F.R. § 50.8 **(July 1, 2018)**; and 40 C.F.R. §§ 50.10 to 50.12, inclusive, ~~(July 1, 2016)~~, **40 C.F.R. §**

50.11 (July 1, 2018); 40 C.F.R. § 50.13 (July 1, 2018); 40 C.F.R. § 50.14 (July 1, 2018); and 40 C.F.R. §§ 50.16 ^{through} to 50.19, inclusive, (July 1, 2018), define the types and levels of air pollution above which the ambient air would limit the attainment of the goals specified in § 74:36:02:01. These standards apply to the entire state of ~~South Dakota~~, and no person may cause these standards to be exceeded. The standards include normal background levels of air pollutants.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:02, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:02, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:02:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:03. Methods of sampling and analysis. Air pollutants of particulate matter, sulfur dioxide, carbon monoxide, ozone, nitrogen dioxide, and lead listed in 40 C.F.R. Part 50 (~~July 1, 2016~~ July 1, 2018) shall be measured by the reference method or methods stated in 40 C.F.R. Part 50, Appendix A ^{through} to Appendix N U, inclusive, (~~July 1, 2016~~ July 1, 2018) or an equivalent method designated in accordance with 40 C.F.R. Part 53 (~~July 1, 2016~~ July 1, 2018).

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:11, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:09, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:02:09, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:04. Air quality monitoring network. The department shall outline ambient air monitoring goals, changes, and network design in the air quality monitoring network. The department shall revise the air quality monitoring network as required by 40 C.F.R. § 58.20 (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:02:05. Ambient air monitoring requirements. The operation of ambient air monitoring required by the department shall be consistent with 40 C.F.R. Part 58 (~~July 1, 2016~~ **July 1, 2018**). Records of monitoring activities and results shall be retained for a minimum of three years.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

CHAPTER 74:36:03

AIR QUALITY EPISODES

Section

74:36:03:01 Air pollution emergency episode.

74:36:03:02 Episode emergency contingency plan.

secretary shall proclaim
74:36:03:01. Air pollution emergency episode. The ~~proclamation of~~ an air pollution emergency episode and its extent ~~shall be made by the secretary~~^{it}, using the criteria in 40 C.F.R. § 51.151 and Appendix L to Part 51 (~~July 1, 2016~~ **July 1, 2018**), if the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of the public.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:02:22, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:02:17, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:02:17, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

74:36:03:02. Episode emergency contingency plan. The department shall develop an episode emergency contingency plan and maintain ^{the plan} it following the requirements in 40 C.F.R. § 51.152 (~~July 1, 2016~~ **July 1, 2018**). The department shall reevaluate the contingency plan in accordance with the requirements in 40 C.F.R. § 51.153 (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-15.

Law Implemented: SDCL 34A-1-15.

CHAPTER 74:36:05

OPERATING PERMITS FOR PART 70 SOURCES

Section

74:36:05:01	Applicability.
74:36:05:02	Part 70 operating permit required.
74:36:05:03	Sources required to obtain a Part 70 operating permit.
74:36:05:03.01	Repealed.
74:36:05:04	Sources exempt from obtaining a Part 70 operating permit.
74:36:05:04.01	Insignificant activities.
74:36:05:05	Transferred.
74:36:05:06	Standard for issuance of a Part 70 permit.

74:36:05:06.01	Fees required for operating permit.
74:36:05:07	Time period for operating permits and renewals.
74:36:05:08	Timely and complete application for operating permit required.
74:36:05:09	Complete application.
74:36:05:10	Transferred.
74:36:05:11	Transferred.
74:36:05:12	Required contents of complete application.
74:36:05:13	Applicant required to supplement or correct application.
74:36:05:14	Repealed.
74:36:05:15	Deadline for final action on permit application.
74:36:05:16	Statement of basis for recommended permit conditions.
74:36:05:16.01	Operating permit requirements.
74:36:05:17	Public participation in permitting process.
74:36:05:18	Public and affected state review of draft permit.
74:36:05:19	Transferred.
74:36:05:20	Repealed.
74:36:05:20.01	Final permit decision -- Notice to interested persons.
74:36:05:20.02	Petitions for contested case hearing.
74:36:05:20.03	EPA review of Part 70 operating permit.
74:36:05:21	EPA objection to issuance of operating permit.
74:36:05:21.01	Department response to EPA objection.
74:36:05:22	Department failure to meet EPA objection deadline.
74:36:05:23	Public petition to EPA on the final permit.

74:36:05:24	Repealed.
74:36:05:25	Transferred
74:36:05:26	Transferred
74:36:05:27	Transferred.
74:36:05:28	Permit expiration.
74:36:05:29	Permit renewal.
74:36:05:30	Permit flexibility.
74:36:05:31	Permit amendment -- Application required.
74:36:05:32	Administrative permit amendment required.
74:36:05:33	Procedure for administrative permit amendments.
74:36:05:34	Minor permit amendment required.
74:36:05:35	Requirements for minor permit amendments.
74:36:05:36	Application for minor permit amendment.
74:36:05:37	Notification of EPA and affected states required.
74:36:05:38	Department deadline to approve minor permit amendment.
74:36:05:39	Permit modifications.
74:36:05:39.01	Alternative permit modification procedure.
74:36:05:40	Reopening operating permit for cause.
74:36:05:41	Procedures to reopen permit.
74:36:05:42	Reopening permit for cause by EPA.
74:36:05:43	EPA review of proposed determination.
74:36:05:44	Department failure to submit proposed determination.
74:36:05:45	Repealed.
74:36:05:46	Permit termination, modification, revocation, and reissuance by department.

74:36:05:47	Notice of operating noncompliance -- Contents.
74:36:05:47.01	Circumvention of emissions not allowed.
74:36:05:48	Petition for contested case on alleged violation.
74:36:05:49	Repealed.
74:36:05:50	Federal enforceability of permit conditions.
74:36:05:51	General permits.
74:36:05:52	Secretary may require an individual permit.

74:36:05:04. Sources exempt from obtaining a Part 70 operating permit. The following sources are exempt from obtaining a Part 70 operating permit:

- (1) All sources that are not included in § 74:36:05:03;

- (2) Sources that operate a unit subject to 40 C.F.R. 60, Subpart AAA-Standards of Performance for New Residential Wood Heaters (~~July 1, 2016~~ **July 1, 2018**) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAA. Exempted sources must still meet the applicable requirements in Subpart AAA; ^{and} ~~or~~

- (3) Sources that operate a unit subject to 40 C.F.R. § 61.145, Standard for Demolition and Renovation (~~July 1, 2016~~ **July 1, 2018**) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason

other than the source is subject to 40 C.F.R. § 61.145 (~~July 1, 2016~~ **July 1, 2018**). Exempted sources ^{shall} ~~must still~~ meet the applicable requirements in 40 C.F.R. § 61.145 (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-12, 34A-1-21.

74:36:05:16.01. Operating permit requirements. Each permit issued for the operation of a Part 70 source must contain:

(1) The name of the person, company, political subdivision, agency, or institution granted a permit;

(2) The type of operation;

(3) The facility and mailing address;

(4) The date the operating permit was granted and ^{on which} it will expire;
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- (5) A number for administrative reference;
- (6) The name of a designated person or officer responsible for the source's operation;
- (7) A statement granting an operating permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the act and the Clean Air Act;
- (8) Emission limits and standards, including operational requirements and limits for all regulated emission units, necessary to assure compliance with applicable requirements of the act and the Clean Air Act and including the following:
- (a) The reference of authority for each term or condition;
 - (b) The applicable requirements from the Clean Air Act and from Title IV requirements of the Clean Air Act, reviewing both requirements and distinguishing which is more stringent and incorporating both into the permit; and
 - (c) If an alternative emission limit is approved in the state implementation plan (SIP), provisions to ensure that the alternative emission limit in the permit issuance, renewal, or permit modification process has been demonstrated to be equivalent to the applicable emission limit in the state implementation plan and is quantifiable, accountable, enforceable, and based on replicable procedures;

acronyms are unnecessary

(9) Monitoring and related record keeping and reporting requirements, consisting of at least the following:

(a) All emissions monitoring and analysis procedures, alternative approved methods or test methods required under the applicable requirements, including procedures and methods in § 504(b) or 114(a)(3) of the Clean Air Act;

(b) If the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. ~~Such~~ ^{under this subdivision} monitoring requirements must assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement;

(c) As necessary, documentation of the use, maintenance, and if appropriate, installation of monitoring equipment or methods;

(d) Documentation of the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date or dates analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

- (v) The results of such analyses; and
- (vi) The operating conditions as existing at the time of sampling or measurement;

(e) Record keeping and reporting requirements that comply with the following:

(i) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all deviations from permit requirements and conditions. All required reports must be certified by a responsible official; and

(ii) Deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

(f) Requirements for retention of monitoring records and all supporting documentation for at least five years from the date of the monitoring sample, measurement, report, or application; and

(10) If applicable, a condition prohibiting emissions exceeding any allowances that the source lawfully holds, exceedances of applicable emission rates, and the use of any allowance prior to the year for which it was allocated under the Title IV program of the Clean Air Act;

(11) A severability clause asserting the continued validity of permit requirements if any portions of the permit are challenged;

(12) Provisions stating the following:

(a) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, permit termination, revocation and reissuance, permit revision, or denial of a permit renewal application;

(b) A permittee in an enforcement action may not use the defense that it would have been necessary to cease or reduce the permitted activity in order to maintain compliance;

(c) The permit may be revised, revoked and reissued, reopened, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition;

(d) The permit does not convey property rights of any sort or any exclusive privilege;
and

(e) The permittee must provide any information, including records, requested in writing by the department to determine whether cause exists for revising, revoking and reissuing, reopening, or terminating the permit or to determine compliance;

(13) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application and approved by the department. The terms and conditions must require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating and must ensure that the terms and conditions of each such alternative scenario meet all requirements of the Clean Air Act;

(14) Compliance requirements that contain the following:

(a) A compliance certification and testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. All documents, including reports, required by the permit must be certified by a responsible official consistent with subdivision 74:36:05:12(17). The compliance certification must be submitted annually from the date of permit issuance to the department and EPA;

(b) Inspection and entry requirements that require the permittee to allow the department or an authorized representative to perform the following:

(1) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted or where records must be kept under the conditions of the permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(3) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and

(4) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements;

(c) A compliance plan in accordance with subdivision 74:36:05:12(15), including progress reports on noncompliance indicating the dates that compliance will be achieved or the dates that compliance was achieved as referred to in a schedule of compliance. The report must state an explanation for not attaining dates of compliance and must be submitted to the department semiannually or more frequently as required by the department; and

(d) A compliance certification in accordance with subdivision 74:36:05:12(16);

(15) A condition requiring a Part 70 source to pay any required fees;

(16) A condition stating that no permit revisions are required for increases in emissions allowed through emissions trading to the extent that such trades are authorized by the applicable requirements of the Clean Air Act;

(17) Any provisions the department uses to issue general permits that are in accordance with 40 C.F.R. Part 70.6(d) (~~July 1, 2016~~ **July 1, 2018**);

(18) Provisions for permit emission exceedances due to emergencies that are in accordance with the requirements in 40 C.F.R. Part 70.6(g) (~~July 1, 2016~~ **July 1, 2018**); and

(19) All applicable requirements of the Clean Air Act.

Source: 19 SDR 157, effective April 22, 1993; transferred from § 74:36:05:27, 20 SDR 125, effective February 9, 1994; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-12, 34A-1-21.

CHAPTER 74:36:07

NEW SOURCE PERFORMANCE STANDARDS

Section

- 74:36:07:01 New source performance standards.
- 74:36:07:02 Standards of performance for fossil fuel-fired steam generators.
- 74:36:07:03 Standards of performance for electric utility steam generators.
- 74:36:07:04 Standards of performance for industrial, commercial, and institutional steam generating units.
- 74:36:07:05 Standards of performance for small industrial, commercial, and institutional steam generating units.
- 74:36:07:06 Standards of performance for incinerators.
- 74:36:07:06.01 Standards of performance for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.
- 74:36:07:06.02 Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996.
- 74:36:07:07 Standards of performance for municipal waste combustors.
- 74:36:07:07.01 Standards of performance for municipal combustors constructed after September 20, 1994.
- 74:36:07:08 Ash disposal requirements.
- 74:36:07:09 Standards of performance for portland cement plants.
- 74:36:07:10 Standards of performance for asphalt concrete plants.
- 74:36:07:11 Repealed.
- 74:36:07:12 Standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978.

74:36:07:13 Standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984.

74:36:07:14 Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984.

74:36:07:15 Standards of performance for sewage treatment plants.

74:36:07:16 Standards of performance for coal preparation plants.

74:36:07:17 Standards of performance for grain elevators.

74:36:07:18 Standards of performance for stationary gas turbines.

74:36:07:19 Standards of performance for lime manufacturing plants.

74:36:07:20 Standards of performance for metallic mineral processing plants.

74:36:07:21 Standards of performance for pressure-sensitive tape and label surface coating operations.

74:36:07:22 Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry.

74:36:07:22.01 Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006.

74:36:07:23 Standards of performance for bulk gasoline terminals.

74:36:07:24 Standards of performance for new residential wood heaters.

74:36:07:25 Standards of performance for petroleum dry cleaners.

74:36:07:26 Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations.

- 74:36:07:27 Standards of performance for nonmetallic mineral processing plants.
- 74:36:07:28 Standards of performance for magnetic tape coating facilities.
- 74:36:07:29 Operating requirements for wire reclamation furnaces.
- 74:36:07:30 Monitoring requirements for wire reclamation furnaces.
- 74:36:07:31 Standards of performance for graphic arts industry -- Publication rotogravure printing.
- 74:36:07:32 Standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes.
- 74:36:07:33 Standards of performance for calciners and dryers in mineral industries.
- 74:36:07:34 Existing municipal solid waste landfill.
- 74:36:07:35 Plan submittal by existing municipal solid waste landfills.
- 74:36:07:36 Collection system.
- 74:36:07:37 Control system.
- 74:36:07:38 Compliance schedule for existing municipal solid waste landfills.
- 74:36:07:39 Existing municipal solid waste landfill operational standards for collection and control systems.
- 74:36:07:40 Existing municipal solid waste landfill compliance provisions.
- 74:36:07:41 Existing municipal solid waste landfill monitoring provisions.
- 74:36:07:42 Existing municipal solid waste landfill reporting and recordkeeping.
- 74:36:07:42.01 Additional reporting for existing municipal solid waste landfills.
- 74:36:07:43 Standards of performance for new municipal solid waste landfills.
- 74:36:07:44 Standards of performance for nitric acid plants.
- 74:36:07:45 Standards of performance for sulfuric acid plants.

- 74:36:07:46 Standards of performance for petroleum refineries.
- 74:36:07:46.01 Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007.
- 74:36:07:47 Standards of performance for secondary lead smelters.
- 74:36:07:48 Standards of performance for secondary brass and bronze production plants.
- 74:36:07:49 Standards of performance for primary emissions from basic oxygen process furnaces for which construction commenced after June 11, 1973.
- 74:36:07:50 Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction commenced after January 20, 1983.
- 74:36:07:51 Standards of performance for primary copper smelter.
- 74:36:07:52 Standards of performance for primary zinc smelter.
- 74:36:07:53 Standards of performance for primary lead smelter.
- 74:36:07:54 Standards of performance for primary aluminum reduction plant.
- 74:36:07:55 Standards of performance for wet-process phosphoric acid plant.
- 74:36:07:56 Standards of performance for superphosphoric acid plant.
- 74:36:07:57 Standards of performance for diammonium phosphate plant.
- 74:36:07:58 Standards of performance for triple superphosphate plant.
- 74:36:07:59 Standards of performance for granular triple superphosphate storage facility.
- 74:36:07:60 Standards of performance for ferroalloy production plant.
- 74:36:07:61 Standards of performance for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983.
- 74:36:07:62 Standards of performance for kraft pulp mills.
- 74:36:07:63 Standards of performance for glass manufacturing plant.

- 74:36:07:64 Standards of performance for surface coating of metal furniture.
- 74:36:07:65 Standards of performance for lead-acid battery manufacturing plant.
- 74:36:07:66 Standards of performance for automobile and light duty truck surface coating operations.
- 74:36:07:67 Standards of performance for phosphate rock plants.
- 74:36:07:68 Standards of performance for ammonium sulfate manufacture.
- 74:36:07:69 Standards of performance for industrial surface coating -- Large appliances.
- 74:36:07:70 Standards of performance for metal coil surface coating.
- 74:36:07:71 Standards of performance for asphalt processing and asphalt roofing manufacture.
- 74:36:07:72 Standards of performance for beverage can surface coating industry.
- 74:36:07:73 Standards of performance for rubber tire manufacturing industry.
- 74:36:07:74 Standards of performance for volatile organic compound emissions from polymer manufacturing industry.
- 74:36:07:75 Standards of performance for flexible vinyl and urethane coating and printing.
- 74:36:07:76 Standards of performance for equipment leaks of VOC in petroleum refineries.
- 74:36:07:76.01 Standards of performance for equipment leaks of VOC in petroleum refineries.
- 74:36:07:77 Standards of performance for synthetic fiber production facility.
- 74:36:07:78 Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit process.
- 74:36:07:79 Standards of performance for equipment leaks of VOC from onshore natural gas processing plant.
- 74:36:07:80 Standards of performance for onshore natural gas processing.

- 74:36:07:81 Standards of performance for wool fiberglass insulation manufacturing plant.
- 74:36:07:82 Standards of performance for VOC emissions from petroleum refinery wastewater system.
- 74:36:07:83 Standards of performance for industrial surface coating -- Surface coating of plastic parts for business machines.
- 74:36:07:84 Standards of performance for polymeric coating of supporting substrates facility.
- 74:36:07:85 Standards of performance for small municipal waste combustion units for which construction commenced after August 30, 1999, or modification or reconstruction commenced after June 6, 2001.
- 74:36:07:86 Standards of performance for commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999, or modification or reconstruction commenced on or after June 1, 2001.
- 74:36:07:87 Standards of performance for other solid waste incineration units for which construction commenced after December 9, 2004, or modification or reconstruction commenced on or after June 16, 2006.
- 74:36:07:88 Standards of performance for stationary compression ignition internal combustion engines.
- 74:36:07:89 Standards of performance for stationary combustion turbines.
- 74:36:07:90 Standards of performance for stationary spark ignition internal combustion engines.
- 74:36:07:91 Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011.
- 74:36:07:92 Standards of performance for new sewage sludge incineration units.

74:36:07:93 Standards of performance for crude oil and natural gas production, transmission and distribution.

74:36:07:01. New source performance standards. The general provisions for new source performance standards are those in 40 C.F.R. § 60, Subpart A (~~July 1, 2016~~ **July 1, 2018**). For the purposes of this chapter, "administrator" means the secretary, except for those authorities that cannot be delegated to the state, in which case "administrator" means both the administrator of the Environmental Protection Agency and the secretary.

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:08:43, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:02. Standards of performance for fossil fuel-fired steam generators. The standards of performance for fossil fuel-fired steam generators are those in 40 C.F.R. § 60, Subpart D (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:09:07, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:03. Standards of performance for electric utility steam generators. The standards of performance for electric utility steam generators are those in 40 C.F.R. § 60, Subpart Da (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:10:15, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:04. Standards of performance for industrial, commercial, and institutional steam generating units. The standards of performance for industrial, commercial, and institutional steam generating units are those in 40 C.F.R. § 60, Subpart Db (~~July 1, 2016~~ **July 1, 2018**).

Source: 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:24:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:05. Standards of performance for small industrial, commercial, and institutional steam generating units. The standards of performance for small industrial, commercial, and institutional steam generating units are those in 40 C.F.R. § 60, Subpart Dc (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to ~~40 C.F.R. § 60~~ Subpart Dc (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit, if the source burns solely natural gas or propane and is not required to obtain a Part 70 operating permit for a

reason other than the source is subject to 40 C.F.R. § 60 Subpart Dc (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in 40 C.F.R. § 60 Subpart Dc (~~July 1, 2016~~).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06. Standards of performance for incinerators. The standards of performance for incinerators are those in 40 C.F.R. § 60, Subpart E (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:11:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06.01. Standards of performance for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996. 40 C.F.R. Part 60, Subpart Ce (~~July 1, 2016~~ July 1, 2018), is incorporated into this rule by reference. Designated facilities under Subpart Ce shall comply with the requirements for state plan approval in 40 C.F.R. §§ 60.32e ^{through} 60.38e, ~~inclusive~~ (~~July 1, 2016~~ July 1, 2018).

The owner or operator of a hospital/medical/infectious waste incinerator constructed on or before June 20, 1996, that decides to cease operation shall notify the department within six months of EPA's approval of the state plan for hospital/medical/infectious waste incinerators. The written notification shall inform the department of when the unit will be shutdown. The shutdown date may not exceed one year after EPA's approval of the state plan for hospital/medical/infectious waste incinerators.

The owner or operator of a hospital/medical/infectious waste incinerator constructed on or before June 20, 1996, that decides to comply with the requirements of this section shall submit a compliance plan within six months of state plan approval that meets the following deadlines:

(1) Submit a Part 70 operating permit application and design drawings of the air pollution control device to the department within one year of state plan approval;

(2) Submit a copy of the purchase order or other documentation indicating an order has been placed for the major components of the air pollution control device within 15 months of state plan approval;

(3) Begin initiation of site preparation for installation of the air pollution control device within 2 years after state plan approval;

(4) Complete installation of the air pollution control device within 30 months after state plan approval; and

(5) Conduct a performance test within 33 months after state plan approval.

The owner or operator shall comply with 40 C.F.R. §§ 60.34e and 60.36e (~~July 1, 2016~~ **July 1, 2018**) within one year after state plan approval. The owner or operator shall comply with the remaining requirements in this section within three years after state plan approval or by September 15, 2002, whichever is earlier.

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:06.02. Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996. The standards of performance for hospital/medical/infectious waste incinerators constructed after June 20, 1996, are those in 40 C.F.R. § 60, Subpart Ec (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:07. Standards of performance for municipal waste combustors. The standards of performance for municipal waste combustors are those in 40 C.F.R. § 60, Subpart Ea (~~July 1, 2016~~ **July 1, 2018**).

Source: 17 SDR 69, effective November 22, 1990; 17 SDR 170, effective May 13, 1991; 18 SDR 90, effective November 24, 1991; transferred from § 74:26:26:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR

101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:07.01. Standards of performance for municipal combustors constructed after September 20, 1994. The standards of performance for municipal waste combustors constructed after September 20, 1994, or modified or reconstructed after June 19, 1996, are those in 40 C.F.R. § 60, Subpart Eb (~~July 1, 2016~~ **July 1, 2018**).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:09. Standards of performance for portland cement plants. The standards of performance for portland cement plants are those in 40 C.F.R. § 60, Subpart F (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:12:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:10. Standards of performance for asphalt concrete plants. The standards of performance for asphalt concrete plants are those in 40 C.F.R. § 60, Subpart I (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:13:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:12. Standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978. The standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978, are those in 40 C.F.R. § 60, Subpart K (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~). Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60~~ Subpart K (~~July 1, 2016~~).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:14:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:13. Standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984. The standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984, are those in 40 C.F.R. § 60, Subpart Ka (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit

subject to ~~40 C.F.R. § 60 Subpart Ka (July 1, 2016)~~ is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60 Subpart Ka (July 1, 2016)~~. Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60 Subpart Ka (July 1, 2016)~~.

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:20:19, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:14. Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984. The standards of performance for volatile organic liquid storage vessels ~~(including petroleum liquid storage vessels)~~, for which construction, reconstruction, or modification commenced after July 23, 1984, are those in 40 C.F.R. § 60, Subpart Kb (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to 40 C.F.R. § 60 Subpart Kb (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating

permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60 Subpart Kb (July 1, 2016)~~. Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60 Subpart Kb (July 1, 2016)~~.

Source: 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:25:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:15. Standards of performance for sewage treatment plants. The standards of performance for sewage treatment plants are those in 40 C.F.R. § 60, Subpart O (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:15:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR

217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:16. Standards of performance for coal preparation plants. The standards of performance for coal preparation plants are those in 40 C.F.R. § 60, Subpart Y (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:16:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:17. Standards of performance for grain elevators. The standards of performance for grain elevators are those in 40 C.F.R. § 60, Subpart DD (~~July 1, 2016~~ **July 1, 2018**). A source subject to ~~40 C.F.R. § 60~~ Subpart DD (~~July 1, 2016~~) is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60~~ Subpart DD (~~July~~

1, 2016). Exempted sources must still meet the applicable requirements in 40 C.F.R. § 60 Subpart DD (~~July 1, 2016~~).

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:17:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:18. Standards of performance for stationary gas turbines. The standards of performance for stationary gas turbines are those in 40 C.F.R. § 60, Subpart GG (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:19:07, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207,

effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:19. Standards of performance for lime manufacturing plants. The standards of performance for lime manufacturing plants are those in 40 C.F.R. § 60, Subpart HH (~~July 1, 2016~~ **July 1, 2018**).

Source: 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:18:10, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:20. Standards of performance for metallic mineral processing plants. The standards of performance for metallic mineral processing plants are those in 40 C.F.R. § 60, Subpart LL (~~July 1, 2016~~ **July 1, 2018**).

Source: 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:21:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:21. Standards of performance for pressure-sensitive tape and label surface coating operations. The standards of performance for pressure-sensitive tape and label surface coating operations are those in 40 C.F.R. § 60, Subpart RR (~~July 1, 2016~~ July 1, 2018).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:22. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry. The standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry are those in 40 C.F.R. § 60, Subpart VV (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:22.01. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006. The standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry, for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart VVa (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:23. Standards of performance for bulk gasoline terminals. The standards of performance for bulk gasoline terminals are those in 40 C.F.R. § 60, Subpart XX (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:24. Standards of performance for new residential wood heaters. The standards of performance for new residential wood heaters are those in 40 C.F.R. § 60, Subpart AAA (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June

13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:25. Standards of performance for petroleum dry cleaners. The standards of performance for petroleum dry cleaners are those in 40 C.F.R. § 60, Subpart JJJ (~~July 1, 2016~~ **July 1, 2018**). A source subject to ~~40 C.F.R. § 60 Subpart JJJ (July 1, 2016)~~ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to ~~40 C.F.R. § 60 Subpart JJJ (July 1, 2016)~~. Exempted sources must still meet the applicable requirements in ~~40 C.F.R. § 60 Subpart JJJ (July 1, 2016)~~.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:26. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations. The standards of performance for VOC emissions from synthetic organic chemical manufacturing industry ~~(SOCMI)~~ distillation operations are those in 40 C.F.R. § 60, Subpart NNN (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:27. Standards of performance for nonmetallic mineral processing plants. The standards of performance for nonmetallic mineral processing plants are those in 40 C.F.R. § 60, Subpart OOO (~~July 1, 2016~~ **July 1, 2018**).

Source: 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:23:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27,

2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:28. Standards of performance for magnetic tape coating facilities. The standards of performance for magnetic tape coating facilities are those in 40 C.F.R. § 60, Subpart SSS (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:31. Standards of performance for graphic arts industry -- Publication rotogravure printing. The standards of performance for publication rotogravure printing in the graphic arts industry are those in 40 C.F.R. § 60, Subpart QQ (~~July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:32. Standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes. The standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes are those in 40 C.F.R. § 60, Subpart RRR (~~July 1, 2016~~ **July 1, 2018**).

Source: 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:33. Standards of performance for calciners and dryers in mineral industries. The standards of performance for calciners and dryers in mineral industries are those in 40 C.F.R. § 60, Subpart UUU (~~July 1, 2016~~ July 1, 2018).

Source: 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:34. Existing municipal solid waste landfill. The owner or operator of an existing municipal solid waste landfill that meets the following conditions shall comply with §§ 74:36:07:35 ^{through} to 74:36:07:42, inclusive:

(1) The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition;

(2) The landfill has a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters. The landfill may calculate design capacity either in megagrams or cubic meters. Density conversions must be documented and submitted with the report; and

(3) The landfill has a nonmethane organic compound emission rate of 50 megagrams a year or more. The calculation of the landfill nonmethane organic compound emission rate must meet the requirements of 40 C.F.R. § 60.754 (~~July 1, 2016~~ **July 1, 2018**), to determine the landfill nonmethane organic compound emission rate.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 209, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:35. Plan submittal by existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall submit a plan within one year of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year. The plan must be prepared by a professional engineer and contain a collection and control system and a compliance schedule that meets § 74:36:07:38. The plan must be approved by the department in accordance with §§ 74:36:07:36 ^{through} to 74:36:07:38, inclusive.

See letter (This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:36. Collection system. The department shall approve the collection and control system plan if it is equivalent to or meets the conditions provided in 40 C.F.R. § 60.752(b)(2)(ii) (July 1, 2016 July 1, 2018), and the control requirements in § 74:36:07:37.

See letter (This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:37. Control system. The department shall approve the control system if it is equivalent to or meets one of the following requirements:

(1) An open flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2016 July 1, 2018);

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less.

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:38. Compliance schedule for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 must meet the following compliance dates:

(1) Award contracts within 15 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year;

(2) Begin construction within 18 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year;

(3) Complete construction within 30 months of the first annual report showing the nonmethane organic compound emissions equal or exceed 50 megagrams a year; and

(4) Demonstrate compliance with all applicable requirements within 180 days of completing construction.

See letter
This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:39. Existing municipal solid waste landfill operational standards for collection and control systems. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the operational standards for collection and control systems in 40 C.F.R. § 60.753 (~~July 1, 2016~~ **July 1, 2018**).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:40. Existing municipal solid waste landfill compliance provisions. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the compliance provisions in 40 C.F.R. § 60.755 (~~July 1, 2016~~ **July 1, 2018**).

See letter (**This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.**

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:41. Existing municipal solid waste landfill monitoring provisions. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the monitoring provisions in 40 C.F.R. § 60.756 (~~July 1, 2016~~ **July 1, 2018**).

See letter (**This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.**

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13,

2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:42. Existing municipal solid waste landfill reporting and recordkeeping.

The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the reporting and recordkeeping requirements specified in 40 C.F.R. §§ 60.757 and 60.758 (~~July 1, 2016~~ **July 1, 2018**).

This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:42.01. Additional reporting for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of

subdivisions 74:36:07:34(1) and (2) shall submit an initial nonmethane organic compound emission rate report within 90 days of the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act and annually or every five years thereafter in accordance with 40 C.F.R. § 60.757(b) (~~July 1, 2016~~ **July 1, 2018**).

See letter
This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18

74:36:07:43. Standards of performance for new municipal solid waste landfills.

Repealed. ~~The standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 29, 1991, are those in 40 C.F.R. § 60 Subpart WWW (July 1, 2016). Physical or operational changes made to existing municipal solid waste landfills solely to comply with §§ 74:36:07:34 to 74:36:07:42, inclusive, or activities required by or conducted pursuant to a CERCLA, RCRA, or state remedial action are not considered construction, reconstruction, or modification for purposes of this section.~~

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: ~~SDCL 34A-1-6.~~

Law Implemented: ~~SDCL 34A-1-18.~~

74:36:07:44. Standards of performance for nitric acid plants. The standards of performance for nitric acid plants are those in 40 C.F.R. § 60, Subpart G (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:45. Standards of performance for sulfuric acid plants. The standards of performance for sulfuric acid plants are those in 40 C.F.R. § 60, Subpart H (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:46. Standards of performance for petroleum refineries. The standards of performance for petroleum refineries are those in 40 C.F.R. § 60, Subpart J (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:46.01. Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007. The standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007, are those in 40 C.F.R. § 60, Subpart Ja, (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:47. Standards of performance for secondary lead smelters. The standards of performance for secondary lead smelters are those in 40 C.F.R. § 60, Subpart L (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:48. Standards of performance for secondary brass and bronze production plants. The standards of performance for secondary brass and bronze production plants are those in 40 C.F.R. § 60, Subpart M (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:49. Standards of performance for primary emissions from basic oxygen process furnaces for which construction commenced after June 11, 1973. The standards of performance for basic oxygen process furnaces are those in 40 C.F.R. § 60, Subpart N (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:50. Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction commenced after January 20, 1983. The standards of performance for basic oxygen process steelmaking facilities are those in 40 C.F.R. § 60, Subpart Na (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:51. Standards of performance for primary copper smelter. The standards of performance for primary copper smelters are those in 40 C.F.R. § 60, Subpart P (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:52. Standards of performance for primary zinc smelter. The standards of performance for primary zinc smelters are those in 40 C.F.R. § 60, Subpart Q (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:53. Standards of performance for primary lead smelter. The standards of performance for primary lead smelters are those in 40 C.F.R. § 60, Subpart R (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:54. Standards of performance for primary aluminum reduction plant. The standards of performance for primary aluminum reduction plants are those in 40 C.F.R. § 60, Subpart S (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:55. Standards of performance for wet-process phosphoric acid plant. The standards of performance for wet-process phosphoric acid plants are those in 40 C.F.R. § 60, Subpart T (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:56. Standards of performance for superphosphoric acid plant. The standards of performance for superphosphoric acid plants are those in 40 C.F.R. § 60, Subpart U (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:57. Standards of performance for diammonium phosphate plant. The standards of performance for diammonium phosphate plants are those in 40 C.F.R. § 60, Subpart V (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:58. Standards of performance for triple superphosphate plant. The standards of performance for triple superphosphate plants are those in 40 C.F.R. § 60, Subpart W (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:59. Standards of performance for granular triple superphosphate storage facility. The standards of performance for granular triple superphosphate storage facilities are those in 40 C.F.R. § 60, Subpart X (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:60. Standards of performance for ferroalloy production plant. The standards of performance for ferroalloy production plants are those in 40 C.F.R. § 60, Subpart Z (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:61. Standards of performance for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983. The standards of performance for electric arc furnaces and argon-oxygen decarburization vessels are those in 40 C.F.R. § 60, Subpart AAa (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:62. Standards of performance for kraft pulp mills. The standards of performance for kraft pulp mills are those in 40 C.F.R. § 60, Subpart BB (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:63. Standards of performance for glass manufacturing plant. The standards of performance for glass manufacturing plants are those in 40 C.F.R. § 60, Subpart CC (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:64. Standards of performance for surface coating of metal furniture. The standards of performance for surface coating of metal furniture are those in 40 C.F.R. § 60, Subpart EE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:65. Standards of performance for lead-acid battery manufacturing plant. The standards of performance for lead-acid battery manufacturing plants are those in 40 C.F.R. § 60, Subpart KK (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:66. Standards of performance for automobile and light duty truck surface coating operations. The standards of performance for automobile and light duty truck surface coating operations are those in 40 C.F.R. § 60, Subpart MM (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 208, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:67. Standards of performance for phosphate rock plants. The standards of performance for phosphate rock plants are those in 40 C.F.R. § 60, Subpart NN (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:68. Standards of performance for ammonium sulfate manufacture. The standards of performance for ammonium sulfate manufacture are those in 40 C.F.R. § 60, Subpart PP (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:69. Standards of performance for industrial surface coating -- Large appliances. The standards of performance for industrial surface coating of large appliances are those in 40 C.F.R. § 60, Subpart SS (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:70. Standards of performance for metal coil surface coating. The standards of performance for metal coil surface coating are those in 40 C.F.R. § 60, Subpart TT (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:71. Standards of performance for asphalt processing and asphalt roofing manufacture. The standards of performance for asphalt processing and asphalt roofing manufacture are those in 40 C.F.R. § 60, Subpart UU (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:72. Standards of performance for beverage can surface coating industry. The standards of performance for beverage can surface coating industry are those in 40 C.F.R. § 60, Subpart WW (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:73. Standards of performance for rubber tire manufacturing industry. The standards of performance for rubber tire manufacturing industry are those in 40 C.F.R. § 60, Subpart BBB (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:74. Standards of performance for volatile organic compound emissions from polymer manufacturing industry. The standards of performance for polymer manufacturing industry are those in 40 C.F.R. § 60, Subpart DDD (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:75. Standards of performance for flexible vinyl and urethane coating and printing. The standards of performance for flexible vinyl and urethane coating and printing are those in 40 C.F.R. § 60, Subpart FFF (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:76. Standards of performance for equipment leaks of VOC in petroleum refineries. The standards of performance for equipment leaks in petroleum refineries are those in 40 C.F.R. § 60, Subpart GGG (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:76.01. Standards of performance for equipment leaks of VOC in petroleum refineries. The standards of performance for equipment leaks in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart GGGa, (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:77. Standards of performance for synthetic fiber production facility. The standards of performance for synthetic fiber production facilities are those in 40 C.F.R. § 60, Subpart HHH (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:78. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit process. The standards of performance for synthetic organic chemical manufacturing industry air oxidation unit processes are those in 40 C.F.R. § 60, Subpart III (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:79. Standards of performance for equipment leaks of VOC from onshore natural gas processing plant. The standards of performance for equipment leaks from onshore natural gas processing plants are those in 40 C.F.R. § 60, Subpart KKK (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:80. Standards of performance for onshore natural gas processing. The standards of performance for onshore natural gas processing are those in 40 C.F.R. § 60, Subpart LLL (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:81. Standards of performance for wool fiberglass insulation manufacturing plant. The standards of performance for wool fiberglass insulation manufacturing plants are those in 40 C.F.R. § 60, Subpart PPP (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:82. Standards of performance for VOC emissions from petroleum refinery wastewater system. The standards of performance for petroleum refinery wastewater systems are those in 40 C.F.R. § 60, Subpart QQQ (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:83. Standards of performance for industrial surface coating -- Surface coating of plastic parts for business machines. The standards of performance for the surface coating of plastic parts for business machines are those in 40 C.F.R. § 60, Subpart TTT (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:84. Standards of performance for polymeric coating of supporting substrates facility. The standards of performance for polymeric coating of supporting substrates facilities are those in 40 C.F.R. § 60, Subpart VVV (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:85. Standards of performance for small municipal waste combustion units for which construction commenced after August 30, 1999, or modification or reconstruction commenced after June 6, 2001. The standards of performance for small municipal waste combustion units are those in 40 C.F.R. § 60, Subpart AAAA (~~July 1, 2016~~ **July 1, 2018**).

Catchlines may not have language not in the section

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:86. Standards of performance for commercial or industrial solid waste incineration units for which construction commenced after November 30, 1999, or modification or reconstruction commenced on or after June 1, 2001. The standards of performance for commercial solid waste incineration units are those in 40 C.F.R. § 60, Subpart CCCC (~~July 1, 2016~~ **July 1, 2018**).

Catchlines may not have language not in the section

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

See above
74:36:07:87. Standards of performance for other solid waste incineration units for which construction commenced after December 9, 2004, or modification or reconstruction commenced on or after June 16, 2006. The standards of performance for other solid waste incineration units are those in 40 C.F.R. § 60, Subpart EEEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:88. Standards of performance for stationary compression ignition internal combustion engines. The standards of performance for stationary compression ignition internal combustion engines are those in 40 C.F.R. § 60, Subpart IIII (~~July 1, 2016~~ **July 1, 2018**). A source subject to Subpart IIII is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart IIII. Exempted sources must still meet the applicable requirements in Subpart IIII.

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:89. Standards of performance for stationary combustion turbines. The standards of performance for stationary combustion turbines are those in 40 C.F.R. §§ 60.4300 ^{through} 60.4420, inclusive, ~~(July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:90. Standards of performance for stationary spark ignition internal combustion engines. The standards of performance for stationary spark combustion engines are those in 40 C.F.R. § 60, Subpart JJJJ (~~July 1, 2016~~ **July 1, 2018**). A source subject to Subpart JJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

42 above
74:36:07:91. Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011. The standards of performance for nitric acid plants are those in 40 C.F.R. § 60, Subpart Ga (~~July 1, 2016~~ **July 1, 2018**).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:92. Standards of performance for new sewage sludge incineration units. The standards of performance for new sewage sludge incineration units are those in 40 C.F.R. § 60, Subpart LLLL (~~July 1, 2016~~ **July 1, 2018**).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:93. Standards of performance for crude oil and natural gas production, transmission and distribution. The standards of performance for crude oil and natural gas production, transmission, and distribution are those in 40 C.F.R. § 60, Subpart OOOO (~~July 1, 2016~~ July 1, 2018).

Source: 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:94. Initial design capacity report for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall submit an initial design capacity report to the Secretary prior to but no later than 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial design capacity report if the owner or operator already submitted the initial design capacity report on or before July 17, 2014. The initial design capacity report shall contain the following:

(1) A map or plot of the landfill providing the size and location of the landfill and identifying all areas where solid waste may be landfilled; and

JP
(2) Where the maximum design capacity is specified in a permit, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided along with the relevant parameters as part of the report. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation shall include a site-specific density, which shall be recalculated annually. Any density conversions shall be documented and submitted with the design capacity report. The department may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

74:36:07:95. Amended design capacity report for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall submit an amended design capacity report within 90 days of an increase in the maximum design capacity of the landfill which meets or exceeds 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in § 74:36:07:98(2)(b).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:96. Operating permits for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume is exempt from the obligation to obtain a Part 70 operating permit, if the existing municipal solid waste landfill is not required to obtain a Part 70 operating permit for a reason other than being subject to the requirements for an existing municipal solid waste landfill. For purposes of submitting a timely application for a Part 70 operating permit, the owner or operator of an existing municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, and not otherwise subject to a Part 70 operating permit, shall submit an application for a Part 70 operating permit within 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

The owner or operator is no longer subject to the requirement to maintain a Part 70 operating permit for the landfill if the landfill is closed and not otherwise subject to a Part 70 operating permit and if either of the following conditions are met:

(1) The landfill was never subject to the requirement to install and operate a gas collection and control system; or

(2) The landfill meets the conditions for control system removal criteria specified in § 74:36:07:144.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:97. Calculating Prevention of Significant Deterioration emissions for existing municipal solid waste landfills. When calculating Prevention of Significant Deterioration emissions for an existing municipal solid waste landfill, the owner or operator shall estimate the nonmethane organic compound emission rate for comparison to the Prevention of Significant Deterioration major source and significance levels in 40 C.F.R. §§ 51.166 or 52.21 (July 1, 2018) using EPA's AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources (January 1995) or other approved measurement procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:98. Nonmethane organic compound emission rate options for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that increases its maximum design capacity equal to or greater than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall comply with §§ 74:36:07:106 to 74:36:07:145, inclusive or calculate its nonmethane organic compound emission rate using the following procedures:

(1) Calculate an initial nonmethane organic compound emission rate using the procedures specified in § 74:36:07:99;

(2) If the calculated nonmethane organic compound emission rate is less than 34 megagrams per year, the owner or operator shall:

(a) Submit an annual nonmethane organic compound emission rate report according to § 74:36:07:125, except as provided in § 74:36:07:125(3); and

(b) Recalculate the nonmethane organic compound emission rate annually using the procedures specified in § 74:36:07:99 until such time as the calculated nonmethane organic compound emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed;

(3) If the calculated nonmethane organic compound emission rate, upon initial calculation or annual recalculation is equal to or greater than 34 megagrams per year, the owner or operator shall comply with §§ 74:36:07:106 ^{through} to 74:36:07:145, inclusive, calculate nonmethane organic compound emissions using the next higher tier in §§ 74:36:07:101 and

74:36:07:102 or conduct a surface emission monitoring demonstration using the procedures specified in § 74:36:07:103;

(4) If the landfill is permanently closed, a closure report for an existing municipal solid waste landfill shall be submitted to the Secretary, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit a closure report if the owner or operator already submitted a closure report on or before July 17, 2014; and

(5) For the closed landfill subcategory, if the most recently calculated nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan for an existing municipal solid waste landfill, unless a collection and control system design plan has already been submitted, and install and operate a collection and control system as provided in §§ 74:36:07:106 and 74:36:07:109 within 30 months after the nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year;

(b) Calculate nonmethane organic compound emissions using the next higher tier in §§ 74:36:07:101 or 74:36:07:102; or

(c) Conduct a surface emission monitoring demonstration using the procedures specified in § 74:36:07:103.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:99. Calculate nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall calculate the nonmethane organic compound emission rate using the appropriate equation in subdivision (1) or (2) of this section.

IF
(1) This equation shall be used if the actual year-to-year solid waste acceptance rate is known. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for mass of solid waste if documentation of the nature and amount of such wastes is maintained; and

$$M_{NMOC} = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

IF
(2) This equation shall be used if the actual year-to-year solid waste acceptance rate is unknown. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for the average annual acceptance rate, if documentation of the nature and amount of such wastes is maintained:

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt}) C_{NMOC} (3.6 \times 10^{-9}), \text{ where}$$

M_{NMOC} = Mass emission rate of nonmethane organic compounds, in megagrams per year;

k = Methane generation rate constant, in year⁻¹;

L_o = Methane generation potential, in cubic meters per megagram solid waste;

M_i = Mass of solid waste in the i^{th} section, in megagrams;

R = Average annual acceptance rate, in megagrams per year;

t = Age of the landfill, years;

t_i = Age of the ith section, in years;

C_{NMOC} = Nonmethane organic compound concentration, in parts per million by volume as hexane;

c = Time since closure, years; for an active landfill c = 0 and e^{-kc} = 1; and

3.6 x 10⁻⁹ = Conversion factor.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:100. Tier 1 nonmethane organic compound emission rate for existing municipal solid waste landfills. If the nonmethane organic compound emission rate calculated in § 74:36:07:99 is:

(1) Less than 34 megagrams per year, the owner or operator shall submit a nonmethane organic compound emission rate report and recalculate the nonmethane organic compound emission rate annually as required under § 74:36:07:98;

(2) Equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109;

(b) Determine a site-specific nonmethane organic compound concentration and recalculate the nonmethane organic compound emission rate using the Tier 2 procedures provided in § 74:36:07:101; or

(c) Determine a site-specific methane generation rate constant and recalculate the nonmethane organic compound emission rate using the Tier 3 procedures provided in § 74:36:07:102.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:101. Tier 2 nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill shall install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least two years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the nonmethane organic compound concentration using 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018). Taking composite samples from different probes into a single cylinder is allowed; ^{provided that} however, equal sample volumes shall be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume

measurements shall be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the nonmethane organic compound concentration from Method 25 or 25C by six to convert from nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe shall be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples shall be collected from the header pipe. The owner or operator shall determine the site-specific nonmethane organic compound concentration using the following sampling procedure:

(1) Within 60 days after the date of determining the nonmethane organic compound concentration and corresponding nonmethane organic compound emission rate, the owner or operator shall submit the results;

(2) The owner or operator shall recalculate the nonmethane organic compound mass emission rate using the appropriate equation in § 74:36:07:99 using the average site-

specific nonmethane organic compound concentration from the collected samples instead of the default value;

(3) If the resulting nonmethane organic compound mass emission rate is less than 34 megagrams per year, the owner or operator shall submit an estimate of nonmethane organic compound emissions in the annual nonmethane organic compound emission rate report. The site-specific nonmethane organic compound concentration shall be retested every five years; and

(4) If the nonmethane organic compound mass emission rate as calculated using the Tier 2 site-specific nonmethane organic compound concentration is equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109;

(b) Determine a site-specific methane generation rate constant and recalculate the nonmethane organic compound emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in § 74:36:07:102; or

(c) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in § 74:36:07:103.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:102. Tier 3 nonmethane organic compound emission rate for existing municipal solid waste landfills. The site-specific methane generation rate constant shall be determined using the procedures provided in 40 C.F.R. Part 60, Appendix A, Method 2E (July 1, 2018). The owner or operator shall estimate the nonmethane organic compound mass emission rate using the appropriate equation in § 74:36:07:99 and using a site-specific methane generation rate constant, and the site-specific nonmethane organic compound concentration as determined in § 74:36:07:101 instead of the default values. The landfill owner or operator shall compare the resulting nonmethane organic compound mass emission rate to the standard of 34 megagrams per year:

(1) If the nonmethane organic compound mass emission rate as calculated using the Tier 2 site-specific nonmethane organic compound concentration and Tier 3 site-specific methane generation rate is equal to or greater than 34 megagrams per year, the owner or operator shall:

(a) Submit a gas collection and control system design plan within one year and install and operate a gas collection and control system within 30 months according to §§ 74:36:07:106 and § 74:36:07:109; or

(b) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in § 74:36:07:103, of

(2) If the nonmethane organic compound mass emission rate is less than 34 megagrams per year, the owner or operator shall recalculate the nonmethane organic compound mass emission rate annually using the appropriate equation in § 74:36:07:99 and using the site-specific Tier 2 nonmethane organic compound concentration and Tier 3 methane generation rate constant and submit the results in the annual nonmethane organic compound emission rate report. The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual nonmethane organic compound emission rate calculations.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:103. Tier 4 nonmethane organic compound emission rate for existing municipal solid waste landfills. Tier 4 is allowed only if the owner or operator can demonstrate that nonmethane organic compound emissions are greater than or equal to 34 megagrams per year but less than 50 megagrams per year using Tier 1 or Tier 2. If both Tier 1 and Tier 2 indicate nonmethane organic compound emissions are 50 megagrams per year or greater, Tier 4 cannot be used and the owner or operator must meet the criteria in subdivision (8) of this section. If Tier 4 is being used, the owner or operator shall demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring shall be conducted on a quarterly basis using the following procedures:

(1) The owner or operator shall measure surface concentrations of methane along the entire perimeter of the landfill and along a pattern that traverses the landfill at no more than 30-meter intervals using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115;

(2) The background concentration shall be determined by moving the probe inlet upwind and downwind at least 30 meters from the waste mass boundary of the landfill;

(3) Surface emission monitoring shall be performed in accordance with 40 C.F.R. Part 60, Appendix A, Method 21, section 8.3.1 (July 1, 2018), except the probe inlet shall be placed no more than 5 centimeters above the landfill surface. The constant measurement of distance above the surface should be based on a mechanical device;

(a) The owner or operator shall use a wind barrier when onsite average wind speed exceeds four miles per hour or two meters per second or gust exceed 10 miles per hour. Average on-site wind speed shall be determined in an open area at 5-minute intervals using an on-site anemometer with a continuous recorder and data logger for the entire duration of the monitoring event. The wind barrier shall surround the surface emission monitor and placed on the ground to ensure wind turbulence is blocked. Surface emission monitoring cannot be conducted if average wind speed exceeds 25 miles per hour; and

(b) Landfill surface areas where visual observations indicate elevated concentrations of landfill gas and all cover penetrations shall be monitored using a device meeting the specifications provided in § 74:36:07:115;

(4) Each owner or operator seeking to comply with the Tier 4 provisions in subdivision (6) of this section shall maintain records of surface emission monitoring and submit a Tier 4 surface emissions report;

(5) If there is any measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall submit a gas collection and control system design plan within one year of the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill and install and operate a gas collection and control system according to §§ 74:36:07:106 and § 74:36:07:109 within 30 months of the most recent nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year based on Tier 2;

(6) If after four consecutive quarterly monitoring periods at a landfill, other than a closed landfill, there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall continue quarterly surface emission monitoring;

(7) If after four consecutive quarterly monitoring periods at a closed landfill there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator shall conduct annual surface emission monitoring; and

(8) If a landfill has installed and operates a collection and control system that is not required, then the collection and control system shall meet the following criteria:

(a) The gas collection and control system shall have operated for at least 6,570 out of 8,760 hours preceding the Tier 4 surface emissions monitoring demonstration; and

(b) During the Tier 4 surface emissions monitoring demonstration, the gas collection and control system shall operate as it normally would to collect and control as much landfill gas as possible.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:104. Alternative nonmethane organic compound emission rate for existing municipal solid waste landfills. The owner or operator may use an alternative method to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant as an alternative to the methods required in §§ 74:36:07:101 and 74:36:07:102, if the method has been approved by the Administrator.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:105. Existing municipal solid waste landfill emission guidelines. The owner or operator of an existing municipal solid waste landfill that meets the following conditions shall comply with §§ 74:36:07:106 ^{through} to 74:36:07:145, inclusive:

(1) The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition;

(2) The landfill has a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume; and

(3) The landfill has a nonmethane organic compound emission rate greater than or equal to 34 megagrams per year or Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater; or

(4) The landfill is in the closed landfill subcategory and has a nonmethane organic compound emission rate greater than or equal to 50 megagrams per year or Tier 4 surface emission monitoring shows a surface concentration of 500 parts per million methane or greater.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:106 Installation of a gas collection and control system at existing municipal solid waste landfill. The owner or operator of an existing municipal solid waste landfill that meets the requirements in § 74:36:07:105 shall plan, award contracts, install and start up a collection and control system that captures the gas generated by the landfill within 30 months after:

(1) The effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act and the existing municipal solid waste landfill meets one of the requirements in subdivision (2) through (5), inclusive, of this section; and

(2) The first annual nonmethane organic compound emission report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates the nonmethane organic compound emission rate is less than 34 megagrams per year; or

(3) The first annual nonmethane organic compound emission rate report for a landfill in the closed landfill subcategory in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the nonmethane organic compound emission rate is less than 50 megagrams per year; or

(4) The first annual nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater; or

(5) The first annual nonmethane organic compound emission rate report for a landfill in the closed landfill subcategory in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:107. Existing municipal solid waste landfill active and passive collection systems. The department shall approve a collection system if it meets the following:

(1) An active collection system shall:

(a) Be designed to handle the maximum expected gas flow rate for the entire area of the landfill that warrants control over the intended use period of the gas control system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more if active or two years or more if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas;

(2) A passive collection system shall:

(a) Comply with the provisions specified in subdivision (1)(a), (1)(b), and (1)(d) of this section; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 C.F.R. § 258.40 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:108. Specifications for active collection systems for existing municipal solid waste landfills. An active collection system at an existing municipal solid waste landfill shall meet the following specifications:

(1) Each owner or operator shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Secretary:

(a) The collection devices within the interior shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, resistance to the refuse

decomposition heat, and ability to isolate individual components or sections for repair or troubleshooting without shutting down entire collection system;

(b) The sufficient density of gas collection devices shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior;

(c) The placement of gas collection shall control all gas producing areas, except as follows:

(i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented. The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Secretary upon request;

(ii) Any nonproductive area of the landfill may be excluded from control, provided the total of all excluded areas can be shown to contribute less than one percent of the total amount of nonmethane organic compound emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Secretary upon request. A separate nonmethane organic compound emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the nonmethane organic compound emissions estimate for the entire landfill;

(iii) The nonmethane organic compound emissions from each section proposed for exclusion shall be computed using the following equation:

$$Q_i = 2kL_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9}), \text{ where}$$

Q_i = nonmethane organic compound emission rate from the i^{th} section, megagrams per year;

k = Methane generation rate constant, year^{-1} ;

L_0 = Methane generation potential, cubic meters per megagram solid waste;

M_i = Mass of the degradable solid waste in the i^{th} section, megagram;

t_i = Age of the solid waste in the i^{th} section, years;

C_{NMOC} = Nonmethane organic compound concentration, parts per million by volume; and

3.6×10^{-9} = Conversion factor; and

(iv) If the owner or operator is proposing to exclude, or cease gas collection and control from, nonproductive physically separated closed areas that already have gas collection systems, nonmethane organic compound emissions from each physically separated closed area shall be computed using either the equation in § 74:36:07:143 or subdivision 74:36:07:131(1)(c)(iii); and

(d) The values for methane generation rate constant and nonmethane organic compound concentration determined in field testing shall be used if field testing has been performed in determining the nonmethane organic compound emission rate or the radii of influence which is the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero. If field testing has not been performed, the default values for methane generation rate constant, methane generation potential, and nonmethane organic compound concentration provided in §§ 74:36:07:99 ^{through} 74:36:07:110, inclusive, or the alternative values from §§ 74:36:07:99 ^{through} 74:36:07:110

7:36:07:110, inclusive, shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subdivision (1)(c)(i) of this section;

(2) Gas collection devices shall be constructed using the following equipment or procedures:

(a) The landfill gas extraction components shall be constructed of polyvinyl chloride, high density polyethylene pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to convey projected amounts of gases, withstand installation, static, and settlement forces, and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration;

(b) Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any

gravel used around pipe perforations shall be of a dimension so as not to penetrate or block perforations; and

(c) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of polyvinyl chloride, high density polyethylene, fiberglass, stainless steel, or other nonporous material of suitable thickness; and

(3) Each owner or operator shall convey the landfill gas to a control system through the collection header ^{pipe or pipes} pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment. The maximum gas generation flow rate for an existing collection system shall be based on its flow data. The maximum gas generation flow rate for a new collection system or an existing collection system with no flow data shall be determined in accordance with subdivision 74:36:07:112(1).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets one of the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123; or

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less.

In complete sentence

Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is ^{permitted} not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section. Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision.

If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the

closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:110. Initial control system performance test for existing municipal solid waste landfill. The owner or operator shall conduct an initial performance test to be completed no later than 180 days after the initial startup of the approved control system. The performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts that burns the landfill gas. The owner or operator shall use the following test methods:

(1) For a non-enclosed flare, the net heating value of the combusted landfill gas, as determined in 40 C.F.R. § 60.18(f)(3) (July 1, 2018), is calculated from the concentration of methane in the landfill gas as measured by 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018). A minimum of three 30-minute Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under 40 C.F.R. § 60.18(4) (July 1, 2018);

(2) 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018) shall be used to determine compliance with the 98 percent by weight efficiency or the 20 parts per million

by volume outlet nonmethane organic compound concentration level, unless another method to demonstrate compliance has been approved by the Secretary. Method 25C may be used at the inlet only. 40 C.F.R. Part 60, Appendix A, Method 3, 3A, or 3C (July 1, 2018) shall be used to determine oxygen for correcting the nonmethane organic compound concentration as hexane to three percent. In cases where the outlet concentration is less than 50 parts per million nonmethane organic compound as carbon (8 parts per million nonmethane organic compound as hexane), 40 C.F.R. Part 60, Appendix A, Method 25A (July 1, 2018) should be used in place of Method 25. 40 C.F.R. Part 60, Appendix A, Method 18 (July 1, 2018) may be used in conjunction with Method 25A on a limited basis or Method 3C may be used to determine methane. The methane as carbon should be subtracted from the Method 25A total hydrocarbon value as carbon to give nonmethane organic compound concentration as carbon. The owner or operator shall divide the nonmethane organic compound concentration as carbon by six to convert the nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane. The following equation shall be used to calculate efficiency:

Control efficiency = $(NMOC_{in} - NMOC_{out}) / NMOC_{in}$, where

$NMOC_{in}$ = Mass of nonmethane organic compounds entering control device; and

$NMOC_{out}$ = Mass of nonmethane organic compounds exiting control device;

Within 60 days after the date of completing each performance test, the owner or operator shall submit the results of the performance tests, including any associated fuel analyses.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:111. Existing municipal solid waste landfill operational standards for collection and control systems. The owner or operator of an existing municipal solid waste landfill with a gas collection and control system used to comply with §§ 74:36:07:106, 74:36:07:107, and 74:36:07:109 shall meet the following operational standards:

(1) Operate the collection system such that gas is collected from each area, cell, or group of cells in the existing municipal solid waste landfill in which solid waste has been in place for:

(a) Five years or more if active; or

(b) Two years or more if closed or at final grade;

(2) Operate the collection system with negative pressure at each wellhead except under the following conditions:

(a) During a fire or increased well temperature, the owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual report;

(b) If using a geomembrane or synthetic cover, the owner or operator shall develop acceptable pressure limits in the design plan; and

(c) A decommissioned well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Secretary;

(3) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees Celsius ^{or} 131 degrees Fahrenheit. The owner or operator may establish a higher operating temperature value at a particular well. A higher operating value demonstration shall be submitted to the Secretary for approval and shall include supporting data demonstrating the elevated parameter neither causes fires nor significantly inhibits anaerobic decomposition by killing methanogens. The demonstration shall satisfy both criteria in order to be approved;

(4) Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115. The owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas and all cover penetrations. Thus, the owner or operator shall monitor any openings that are within an area of the landfill where waste has been placed and a gas collection system is required. The owner or operator may establish an alternative

traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(5) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with § 74:36:07:109. In the event the collection or control system is not operating, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour of the collection or control system not operating;

(6) Operate the control system at all times when the collected gas is routed to the system; and

(7) If monitoring demonstrates the operational requirements in subdivision (2), (3), or (4) of this section are not met, corrective action shall be taken as specified in subdivision 74:36:07:112(3) and (4) or § 74:36:07:114. If corrective actions are taken as specified in §§ 74:36:07:112 ^{through} 74:36:07:116, ~~inclusive~~, the monitored exceedance is not a violation of the operational requirements in this section.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:112. Existing municipal solid waste landfill compliance provisions for gas collection system. The owner or operator of an existing municipal solid waste landfill that

meets the requirements of § 74:36:07:105 shall determine if the gas collection system is in compliance with subdivision 74:36:07:107(1) based on the following, except as provided in subdivision 74:36:07:126(2):

(1) For the purpose of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with subdivision 74:36:07:107(1)(a), use the appropriate equation:

(a) For sites with unknown year-to-year solid waste acceptance rate use the following equation:

$$Q_m = 2L_o R(e^{-kc} - e^{-kt}), \text{ and}$$

(b) For sites with known year-to-year solid waste acceptance rate use the following equation:

$$Q_m = \sum_{i=1}^n 2kL_o M_i(e^{-kt_i}), \text{ where}$$

Q_m = Maximum expected gas generation flow rate, cubic meters per year;

L_o = Methane generation potential, cubic meters per megagram solid waste;

R = Average annual acceptance rate, megagrams per year;

M_i = Mass of solid waste in the i^{th} section, megagrams;

k = Methane generation rate constant, year^{-1} ;

t = Age of the landfill at equipment installation plus the time the owner or

operator intends to use the gas mover equipment or active life of the landfill,

whichever is less. If the equipment is installed after closure, t is the age of the

landfill at installation, years; and

t_i = Age of the i^{th} section, years.

The methane generation rate constant and methane generation potential kinetic factors should be those published in EPA's AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources (January 1995) or other site-specific values demonstrated to be appropriate and approved by the Secretary. If the methane generation rate constant has been determined as specified in § 74:36:07:102, the value of the methane generation rate constant determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure;

(c) If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the appropriate equation in subdivision (a) and (b) of this section. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the appropriate equation in subdivision (a) and (b) of this section or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment;

(2) For the purposes of determining sufficient density of gas collectors for compliance with subdivision 74:36:07:107(1)(b), the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Secretary,

capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards;

(3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subdivision 74:36:07:107(1)(c), the owner or operator shall measure gauge pressure in the gas collection header applied to each individual well monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five calendar days, except for the three conditions allowed under subdivision 74:36:07:111(2). Any attempted corrective measure shall not cause exceedances of other operational or performance standards. Corrective actions to achieve a negative pressure shall meet the following schedule:

(a) If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement of positive pressure, the owner or operator shall conduct a root cause analysis and correct the exceedance as soon as practicable, but not later than 60 days after positive pressure was first measured. The owner or operator shall keep records according to subdivision 74:36:07:134(3);

(b) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, the owner or operator shall also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the positive pressure measurement. The owner or operator shall submit the items listed in subdivision 74:36:07:140(7) as part of the next annual report. The owner or operator shall keep records according to subdivision 74:36:07:134(4); and

(c) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary, according to subdivision 74:36:07:140(7) and § 74:36:07:129. The owner or operator shall keep records according to subdivision 74:36:07:134(5);

(4) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature. If a well exceeds the operating parameter for temperature, action shall be initiated to correct the exceedance within 5 calendar days. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. Corrective actions to achieve the operating parameter for temperature shall meet the following schedule:

(a) If a landfill gas temperature less than 55 degrees Celsius⁶ / 131 degrees Fahrenheit⁶ cannot be achieved within 15 calendar days of the first measurement of landfill gas temperature greater than 55 degrees Celsius⁶ / 131 degrees Fahrenheit⁶, the owner or operator shall conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 55 degrees Celsius⁶ / 131 degrees Fahrenheit⁶ was first measured. The owner or operator shall keep records according to subdivision 74:36:07:134(3);

(b) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, the owner or operator shall also conduct a corrective action analysis and develop an implementation

schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit). The owner or operator shall submit the items listed in subdivision 74:36:07:140(7) as part of the next annual report. The owner or operator shall keep records according to subdivision 74:36:07:134(4); and

(c) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary, according to subdivision 74:36:07:140(7) and § 74:36:07:129. The owner or operator shall keep records according to subdivision 74:36:07:134(5); and

(5) An owner or operator seeking to demonstrate compliance with subdivision 74:36:07:107(1)(d) through the use of a collection system not conforming to the specifications provided in § 74:36:07:108 shall provide information satisfactory to the Secretary as specified in subdivision 74:36:07:126(3) demonstrating that off-site migration is being controlled.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:113. Existing municipal solid waste landfill compliance provisions for locating wells and design components. The owner or operator of an existing municipal solid

waste landfill that meets the requirements of § 74:36:07:105 shall place each well or design components as specified in the approved design plan as provided in § 74:36:07:126. Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:114. Existing municipal solid waste landfill compliance with surface methane operational standards. The owner or operator of an existing municipal solid waste landfill that meets the requirements of subdivision 74:36:07:111(4) shall comply with the following procedures for demonstrating compliance with the surface methane operational standards:

(1) After installation and startup of the gas collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at no more than 30 meter intervals or a site-specific established spacing for each collection area on a quarterly basis using an

organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 74:36:07:115;

(2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells;

(3) Surface emission monitoring shall be performed in accordance with 40 C.F.R. Part 60, Appendix A, Method 21, section 8.3.1 (July 1, 2018) except the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions;

(4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance. As long as the following actions are taken, the exceedance is not a violation of the operational requirements of subdivision 74:36:07:111(4):

(a) The location of each monitored exceedance shall be marked and the location and concentration recorded. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places;

(b) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance;

(c) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of

the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in subdivision (e) of this section shall be taken, and no further monitoring of that location is required until the action specified in subdivision (e) of this section has been taken;

(d) Any location that initially showed an exceedance but has a methane concentration less than 500 parts per million methane above background at the 10-day re-monitoring specified in subdivision (b) or (c) of this section shall be re-monitored one month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in subdivision (c) or (e) of this section shall be taken; and

(e) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device must be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Secretary for approval; and

(5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:115. Existing municipal solid waste landfill instrumentation specifications and procedures for surface emission monitoring devices. The owner or operator of an existing municipal solid waste landfill complying with the provisions in §§ 74:36:07:114 or 74:36:07:103 shall comply with the following procedures for demonstrating compliance with the surface methane operational standards:

(1) The portable analyzer shall meet the instrument specifications provided in 40 C.F.R. Part 60, Appendix A, Method 21, section 6 (July 1, 2018), except that methane replaces all references to VOC;

(2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air;

(3) To meet the performance evaluation requirements in 40 C.F.R. Part 60, Appendix A, Method 21, section 8.1 (July 1, 2018), the instrument evaluation procedures of section 8.1 shall be used; and

(4) The calibration procedures provided in 40 C.F.R. Part 60, Appendix A, Method 21, sections 8 and 10 (July 1, 2018) shall be followed immediately before commencing a surface monitoring survey.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:116. Existing municipal solid waste landfill compliance during startup, shutdown, or malfunction. The owner or operator of an existing municipal solid waste landfill shall comply with the provisions §§ 74:36:07:112 ^{through} 74:36:07:115, inclusive, at all times, including periods of startup, shutdown, or malfunction. During periods of startup, shutdown, or malfunction, the owner or operator shall comply with the work practice standards in subdivision 74:36:07:111(5).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:117. Existing municipal solid waste landfill active gas collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to comply with an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead. The owner or operator shall:

1. Measure the gauge pressure in the gas collection header on a monthly basis;
2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as

follows:

(a) The nitrogen level shall be determined using 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018), unless an alternative test method is established; and

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11, (if the sample location is prior to combustion) except that the following apply;

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent; and

(c) A portable gas composition analyzer may be used to monitor the oxygen levels provided the analyzer is calibrated and meets all quality assurance and quality control requirements for 40 C.F.R. Part 60, Appendix A, Method 3A (July 1, 2018) or ASTM D6522-11; and

3. Monitor the temperature of the landfill gas on a monthly basis. The temperature measuring device shall be calibrated annually using the procedure in 40 C.F.R. Part 60, Appendix A-1, Method 2, Section 10.3 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:118. Existing municipal solid waste landfill enclosed combustor monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to comply with § 74:36:07:109 using an enclosed combustor shall install, calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts; and

2. A device that records flow to the control device and bypass of the control device, if applicable, at least every 15 minutes. The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:119. Existing municipal solid waste landfill non-enclosed flare monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to comply with § 74:36:07:109 using a non-enclosed flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A heat sensing device at the pilot light or the flame itself to indicate the continuous presence of a flame; and

2. A device that records flow to the flare and bypass of the flare, if applicable, at least every 15 minutes. The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:120. Existing municipal solid waste landfill surface methane monitoring.

The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with the 500 parts per million surface methane operational standard shall monitor surface concentrations of methane quarterly according to the procedures provided in § 74:36:07:114 and the instrument specifications in § 74:36:07:115.

Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 parts per million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:121. Existing municipal solid waste landfill gas treatment system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with the control system requirements in § 74:36:07:109 using a landfill gas treatment system shall maintain and operate all monitoring systems associated with the treatment system in accordance with the site-specific treatment system monitoring plan required in subdivision 74:36:07:131(5) and shall calibrate, maintain, and operate according to the manufacturer's specifications a device that records flow to the treatment system and bypass of the treatment system, if applicable. The owner or operator shall:

1. Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the treatment system at least every 15 minutes; and
2. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed

at least once every month to ensure the valve is maintained in the closed position and the gas flow is not diverted through the bypass line.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:122. Existing municipal solid waste landfill alternative collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to monitor alternative parameters shall provide information satisfactory to the Secretary as provided in subdivision 74:36:07:126(2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Secretary may specify additional appropriate monitoring procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:123. Existing municipal solid waste landfill alternative control device monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to demonstrate compliance with § 74:36:07:109 using a device other than a non-enclosed flare, an enclosed combustor, or a treatment system shall provide information satisfactory

to the Secretary describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Secretary shall review the information and approve it or request that additional information be submitted. The Secretary may specify additional appropriate monitoring procedures.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:124. Existing municipal solid waste landfill monitoring requirements. The owner or operator of an existing municipal solid waste landfill shall monitor according to §§ 74:36:07:118 ^{through} to 74:36:07:123, inclusive, and § 74:36:07:121 at all times the existing municipal solid waste landfill is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures caused in part by poor maintenance or careless operation are not malfunctions. The owner or operator is required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:125. Existing municipal solid waste landfill annual nonmethane organic compound emission rate report. The owner or operator of an existing municipal solid waste landfill with a design capacity equal to or greater than 2.5 million megagrams by mass and 2.5 million cubic meters by volume shall submit a nonmethane organic compound emission rate report prior to but no later than 90 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial or subsequent nonmethane organic compound emission rate report provided the most recent nonmethane organic compound emission rate report indicated the nonmethane organic compound emissions were below 50 megagrams per year.

The nonmethane organic compound emission rate report shall be submitted annually, except as provided for in subdivision (3) of this section. The Secretary may request additional information as may be necessary to verify the reported nonmethane organic compound emission rate. The nonmethane organic compound emission rate report shall:

1. Contain an annual or 5-year estimate of the nonmethane organic compound emission rate calculated using the formula and procedures provided in §§ 74:36:07:99 or 74:36:07:143, as applicable;

2. Include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions; and

3. If the estimated nonmethane organic compound emission rate as reported in the annual report is less than 34 megagrams per year in each of the next five consecutive years, the owner or operator may elect to submit an estimate of the nonmethane organic compound emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five years for which an nonmethane organic compound emission rate is estimated. All data and calculations upon which this estimate is based shall be included in the nonmethane organic compound emission rate report. This estimate shall be revised at least once every five years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Secretary. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

The owner or operator is exempt from the requirements to submit a nonmethane organic compound emission rate report after installing a collection and control system that complies with §§ 74:36:07:106 and § 74:36:07:109, during such time as the collection and control system is in operation and in compliance with §§ 74:36:07:111 ^{through} to § 74:36:07:116
-inclusive.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:126. Existing municipal solid waste landfill collection and control system design plan submittal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit a collection and control system design plan prepared and approved by a professional engineer. The collection and control system design plan shall:

1. The design requirements in §§ 74:36:07:106 and § 74:36:07:109;
2. Include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping, or reporting provisions proposed by the owner or operator;
3. Conform to specifications for active collection systems in § 74:36:07:108 or include a demonstration to the Secretary's satisfaction of the sufficiency of the alternative provisions; and
4. Cover page that contains the engineer's seal to the Secretary within 1 year of the first nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 34 megagrams per year, except as follows;

(a) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after Tier 2 nonmethane organic compound sampling and analysis and the resulting rate is less than 34 megagrams per year, annual periodic reporting must

be resumed, using the Tier 2 determined site-specific nonmethane organic compound concentration, until the calculated nonmethane organic compound emission rate is equal to or greater than 34 megagrams per year or the landfill is closed. The revised nonmethane organic compound emission rate report, with the recalculated nonmethane organic compound emission rate based on nonmethane organic compound sampling and analysis, shall be submitted, following the procedures in § 74:36:07:138, within 180 days of the first calculated exceedance of 34 megagrams per year;

(b) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after determining a site-specific methane generation rate constant as provided in Tier 3, and the resulting nonmethane organic compound emission rate is less than 34 megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant shall be used in the nonmethane organic compound emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised nonmethane organic compound emission rate report based on the provisions of § 74:36:07:102 and the resulting site-specific methane generation rate constant shall be submitted to the Secretary within one year of the first calculated nonmethane organic compound emission rate equaling or exceeding 34 megagrams per year;

(c) If the owner or operator elects to demonstrate site-specific surface methane emissions are below 500 parts per million methane, the owner or operator shall submit annually a Tier 4 surface emissions report until a surface emissions readings of 500 parts per million methane or greater is found. If the Tier 4 surface emissions report shows no surface emissions readings of 500 parts per million methane or greater for four consecutive

quarters at a closed landfill, then the owner or operator may reduce Tier 4 monitoring from a quarterly to an annual frequency. The Secretary may request additional information as may be necessary to verify the reported instantaneous surface emission readings. The Tier 4 surface emissions report shall clearly identify the location, date and time to the nearest second, average wind speeds including wind gusts, and reading, in parts per million, of any value 500 parts per million methane or greater, other than non-repeatable, momentary readings. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places. The Tier 4 surface emission report shall also include the results of the most recent Tier 1 and Tier 2 results in order to verify the landfill does not exceed 50 megagrams per year of nonmethane organic compounds. The annual Tier 4 surface emissions report shall be submitted as follows:

(i) The initial Tier 4 surface emissions report shall be submitted annually, starting within 30 days of completing the fourth quarter of Tier 4 surface emissions monitoring that demonstrates site-specific surface methane emissions are below 500 parts per million methane; and

(ii) The Tier 4 surface emissions rate report shall be submitted within 1 year of the first measured surface exceedance of 500 parts per million methane;

(d) If the landfill is in the closed landfill subcategory, the owner or operator shall submit a collection and control system design plan to the Secretary within one year of the

first nonmethane organic compound emission rate report in which the nonmethane organic compound emission rate equals or exceeds 50 megagrams per year, except as follows:

(i) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after Tier 2 nonmethane organic compound sampling and analysis and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific nonmethane organic compound concentration, until the calculated nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised nonmethane organic compound emission rate report, with the recalculated nonmethane organic compound emission rate based on nonmethane organic compound sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year;

(ii) If the owner or operator elects to recalculate the nonmethane organic compound emission rate after determining a site-specific methane generation rate constant, as provided in Tier 3, and the resulting nonmethane organic compound emission rate is less than 50 megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant shall be used in the nonmethane organic compound emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised nonmethane organic compound emission rate report and the resulting site-specific methane generation rate constant must be submitted to the Secretary within one year of the first calculated nonmethane organic compound emission rate equaling or exceeding 50 megagrams per year;

(iii) The owner or operator elects to demonstrate surface emissions are low, consistent with the provisions in subdivision (4)(c) of this section; and

(iv) The landfill has already submitted a gas collection and control system design plan consistent with the provisions of 40 C.F.R. Part 60, Subpart WWW (July 1, 2018); 40 C.F.R. Part 62, Subpart GGG (July 1, 2018); or § 74:36:07:35;

(e) The owner or operator shall notify the Secretary that the design plan is completed and submit a copy of the plan's signature page. The Secretary has 90 days to decide whether the design plan should be submitted for review. If the Secretary chooses to review the plan, the approval process continues as described in subdivision (4)(f) of this section. However, ^{if} if the Secretary indicates that submission is not required or does not respond within 90 days, the owner or operator can continue to implement the plan with the recognition that the owner or operator is proceeding at their own risk. In the event the design plan is required to be modified to obtain approval, the owner or operator shall take any steps necessary to conform any prior actions to the approved design plan and any failure to do so could result in an enforcement action;

(f) Upon receipt of an initial or revised design plan, the Secretary shall review the information submitted under subdivision (1) to ^{through} (3), inclusive, of this section and approve it, disapprove it, or request additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be proposed. If the Secretary does not approve or disapprove the design plan, or does not request additional information be submitted within 90 days of receipt, the owner or

operator may continue with implementation of the design plan, recognizing they would be proceeding at their own risk; and

(g) If the owner or operator chooses to demonstrate compliance with the emission control requirements using a treatment system, the owner or operator must prepare a site-specific treatment system monitoring plan as specified in subdivision 74:36:07:131(5)(a).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:127. Existing municipal solid waste landfill revised plan submittal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit a revised design plan to the Secretary for approval:

1. At least 90 days before expanding operations to an area not covered by the previously approved design plan; and

2. Prior to installing or expanding the gas collection system in a way that is not consistent with the previously approved design plan.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:128. Existing municipal solid waste landfill Tier 4 notification. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall provide a notification of the ^{any date} ~~date(s)~~ upon which it intends to demonstrate site-specific surface methane emissions are below 500 parts per million methane using Tier 4 surface emission monitoring. The landfill shall also include a description of the wind barrier to be used during the surface emission monitoring in the notification. Notification shall be postmarked not less than 30 days prior to such date. If there is a delay to the scheduled Tier 4 surface emission monitoring date due to weather conditions, including not meeting the wind requirements, the owner or operator shall notify the Secretary by email or telephone no later than 48 hours before any known delay in the original test date, and arrange an updated date with the Secretary by mutual agreement.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:129. Existing municipal solid waste landfill corrective action and timeline notifications. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit the following:

1. For corrective action required according to subdivision 74:36:07:112(3)(c) or (4)(c) and expected to take longer than 120 days after the initial exceedance to complete, the

owner or operator shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Secretary as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above. The Secretary shall approve the plan for corrective action and the corresponding timeline; and

2. For corrective action required according to subdivision 74:36:07:112(3)(c) or (4)(c) and is not completed within 60 days after the initial exceedance, the owner or operator shall submit a notification to the Secretary as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:130. General recordkeeping for existing municipal solid waste landfill. Except as provided in subdivision 74:36:07:126(2), the owner or operator of an existing municipal solid waste landfill subject to the provisions of § 74:36:07:98 shall keep for at least five years, readily accessible, on-site records of the design capacity report, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:131. Recordkeeping for existing municipal solid waste landfill – Performance tests and compliance determinations. Except as provided in subdivision 74:36:07:126(2), the owner or operator of a control system at an existing municipal solid waste landfill shall maintain the control device vendor specifications and the following records, readily accessible, for the life of the control system equipment as measured during the initial performance test or compliance determination. The following records of subsequent tests or monitoring shall be maintained for a minimum of five years:

(1) Where an owner or operator seeks to demonstrate compliance with § 74:36:07:106:

(a) The maximum expected gas generation flow rate as calculated in subdivision 74:36:07:112(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Secretary; and

(b) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in subdivision

74:36:07:131(1)(a);

(2) Where an owner or operator seeks to demonstrate compliance with § 74:36:07:109 through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:

(a) The average temperature measured at least every 15 minutes and averaged over the same time period of the performance test; and

(b) The percent reduction of nonmethane organic compounds achieved by the control device;

(3) Where an owner or operator seeks to demonstrate compliance with § 74:36:07:107 through use of a boiler or process heater of any size, a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance test;

(4) Where an owner or operator seeks to demonstrate compliance with subdivision 74:36:07:109(1) through use of a non-enclosed flare, the flare type, all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test; and continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent; and

(5) Where an owner or operator seeks to demonstrate compliance with subdivision 74:36:07:107(4) through use of a landfill gas treatment system:

(a) Records of the flow of landfill gas to, and bypass of, the treatment system; and

(b) Develop and maintain a site-specific treatment monitoring plan, to include:

(i) Monitoring records of parameters identified in the treatment system monitoring plan and ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, de-watering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas;

(ii) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas;

(iii) Documentation of the monitoring methods and ranges, along with justification for their use;

(iv) Identify who is responsible, by job title, for data collection;

(v) Processes and methods used to collect the necessary data; and

(vi) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:132. Recordkeeping for existing municipal solid waste landfill – Control systems and exceedances. Except as provided in subdivision 74:36:07:126(2), the owner or

operator of a control system at an existing municipal solid waste landfill shall keep for five years, readily accessible continuous records of the equipment operating parameters specified to be monitored in §§ 74:36:07:117 ^{through} to 74:36:07:124, ^{inclusive}, and records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. The following records meet this requirement:

(1) The following constitute exceedances that must be recorded:

(a) For enclosed combustors, except for boilers and process heaters with design heat input capacity of 44 megawatts ^{or} 150 million British thermal unit per hour ^{or} greater, all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius ^{or} 82 degrees Fahrenheit below the average combustion temperature during the most recent performance test at which compliance with § 74:36:07:109 was determined;
and

(b) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone;

(2) The indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines;

(3) If a boiler or process heater with a design heat input capacity of 44 megawatts or greater is used to comply with § 74:36:07:109, keep records of all periods of operation of the boiler or process heater;

(4) If using a non-enclosed flare, keep continuous records of the flame or flare pilot flame monitoring, and records of all periods of operation in which the flame or flare pilot flame is absent; and

(5) If complying with § 74:36:07:98 using an active collection system, keep records of periods when the collection system or control device is not operating.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:133. Recordkeeping for existing municipal solid waste landfill -- Collection system. Except as provided in subdivision 74:36:07:126(2), the owner or operator that meets the requirements of § 74:36:07:105 must keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label on each collector that matches the labeling on the plot map. In addition, the owner or operator shall also maintain the following:

(1) Each owner or operator must keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors; and

(2) Each owner or operator must keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as well as any nonproductive areas excluded from collection.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:134. Additional collection system recordkeeping for existing municipal solid waste landfill. Except as provided in subdivision 74:36:07:126(2), each owner or operator that meets the requirements of § 74:36:07:105 must keep for at least five years up-to-date, readily accessible records of the following:

(1) All collection and control system exceedances of the operational standards in § 74:36:07:111, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance;

(2) Records of each wellhead temperature monitoring value of 55 degrees Celsius^{or} 131 degrees Fahrenheit^{or} above, each wellhead nitrogen level at or above 20 percent, and each wellhead oxygen level at or above five percent;

(3) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3) or (4), §60.36f(a)(3) or (5), keep a record of the root cause analysis conducted, including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed;

(4) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3)(b) or (4)(b), keep a record of the root cause analysis conducted, the corrective action analysis, ^{any} the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, and, for ^{any} action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates; and

(5) For any root cause analysis for which corrective actions are required in subdivision 74:36:07:112(3)(c) or (4)(c), keep a record of the root cause analysis conducted, the corrective action analysis, ^{any} the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for ^{any} action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the regulatory agency.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:135. Recordkeeping for existing municipal solid waste landfill -- Converting design capacity. The owner or operator who converts design capacity from volume to mass or mass to volume to demonstrate landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters must keep readily accessible, on-site records of the

annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:136. Recordkeeping for existing municipal solid waste landfill -- Surface methane. The owner or operator seeking to demonstrate site-specific surface methane emissions are below 500 parts per million by conducting surface emission monitoring under the Tier 4 procedures must keep for at least five years up-to-date, readily accessible records of all surface emissions monitoring and information related to monitoring instrument calibrations conducted according to 40 C.F.R., Part 60, Appendix A, Method 21, sections 8 and 10 (July 1, 2018), including all of the following items:

(1) The following calibration records:

(a) Date of calibration and initials of operator performing the calibration;

(b) Calibration gas cylinder identification, certification date, and certified concentration;

(c) ^{Any} Instrument scale(s) used;

(d) A description of any corrective action taken if the meter readout could not be adjusted to correspond to the calibration gas value; and

(e) If an owner or operator makes their own calibration gas, a description of the procedure used;

(2) Digital photographs of the instrument setup. The photographs must be time and date-stamped and taken at the first sampling location prior to sampling and at the last sampling location after sampling at the end of each sampling day, for the duration of the Tier 4 monitoring demonstration;

(3) Timestamp of each surface scan reading. The timestamp should be detailed to the nearest second and based on when the sample collection begins. A log for the length of time each sample was taken using a stopwatch. The time each sample is take means the time the probe was held over the area;

(4) Location of each surface scan reading. The owner or operator must determine the coordinates using an instrument with an accuracy of at least four meters. Coordinates must be in decimal degrees with at least five decimal places;

(5) Monitored methane concentration, in parts per million, of each reading;

(6) Background methane concentration, in parts per million, after each instrument calibration test;

(7) Adjusted methane concentration using most recent calibration, in parts per million;

(8) For readings taken at each surface penetration, the unique identification location label matching the label specified in § 74:36:07:133; and

(9) Records of the operating hours of the gas collection system for each destruction device;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:137. Recordkeeping for existing municipal solid waste landfill -- Control system monitor. Except as provided in subdivision 74:36:07:126(2), the owner or operator shall keep for at least five years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in § 74:36:07:117. Any records required to be maintained and submitted electronically via the EPA's Central Data Exchange may be maintained in electronic format. If the owner or operator is reporting leachate or other liquids addition, keep records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:138. Existing municipal solid waste landfill submit reports electronically.
The owner or operator of an existing municipal solid waste landfill that meets the
requirements of § 74:36:07:105 shall submit reports electronically according to the
following:

1. For data collected using test methods supported by the EPA's Electronic Reporting
Tool as listed on the EPA's Electronic Reporting Tool Web site
(https://www3.epa.gov/ttn/chief/ert/ert_info.html) at the time of the test, the owner or
operator shall submit the results of the performance test to the EPA via the Compliance
and Emissions Data Reporting Interface. Compliance and Emissions Data Reporting
Interface can be accessed through the EPA's Central Data Exchange (<https://cdx.epa.gov/>).
Performance test data shall be submitted in a file format generated through the use of the
EPA's Electronic Reporting Tool or an alternative file format consistent with the extensible
markup language schema listed on the EPA's Electronic Reporting Tool Web site, once the
extensible markup language schema is available. If the owner or operator claim that some
of the performance test information being submitted is confidential business information,
the owner or operator shall submit a complete file generated through the use of the EPA's
Electronic Reporting Tool or an alternate electronic file consistent with the extensible
markup language schema listed on the EPA's Electronic Reporting Tool Web site,
including information claimed to be confidential business information, on a compact disc,
flash drive or other commonly used electronic storage media to the EPA. The electronic
media shall be clearly marked as confidential business information and mailed to U.S.
EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group,

MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same Electronic Reporting Tool or alternate file with the confidential business information omitted shall be submitted to the EPA via the EPA's Central Data Exchange;

2. For data collected using test methods not supported by the EPA's Electronic Reporting Tool as listed on the EPA's Electronic Reporting Tool Web site at the time of the test, the owner or operator shall submit the results of the performance test to the Secretary; and

3. The owner or operator required to submit reports shall submit reports to the EPA via the Compliance and Emissions Data Reporting Interface. Compliance and Emissions Data Reporting Interface can be accessed through the EPA's Central Data Exchange. The owner or operator shall use the appropriate electronic report in Compliance and Emissions Data Reporting Interface or an alternate electronic file format consistent with the extensible markup language schema listed on the Compliance and Emissions Data Reporting Interface Web site (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in Compliance and Emissions Data Reporting Interface at the time the report is due, the owner or operator shall submit the report to the Secretary. Once the form has been available in Compliance and Emissions Data Reporting Interface for 90 calendar days, the owner or operator shall begin submitting all subsequent reports via Compliance and Emissions Data Reporting Interface. The reports shall be submitted by the specified deadlines regardless of the method in which the reports are submitted.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:139. Report for existing municipal solid waste landfill -- Initial performance test. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and seeking to comply with § 74:36:07:109 shall submit the initial performance test report required under 40 C.F.R. §60.8^{add space} (July 1, 2018), except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial performance test report if the owner or operator already submitted the initial performance test report on or before July 17, 2014. The initial performance test report shall contain the following:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:140. Existing municipal solid waste landfill annual report. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and using an active collection system shall submit an annual report to the Secretary. The initial annual report shall be submitted within 180 days of installation and startup of the collection and control system, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an initial annual report if the owner or operator already submitted the initial annual report on or before July 17, 2014. The initial annual report shall include the initial performance test report required under 40 C.F.R. § 60.8 (July 1, 2018), as applicable, unless the results of the performance test has been submitted to the EPA via the EPA's Central Data Exchange. In the initial annual

any report, any the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's Central Data Exchange. The initial performance test report shall be submitted, following the procedure specified in § 74:36:07:138, no later than the date the initial annual report is submitted. The annual report shall contain the following:

1. Value and length of time for exceedance of applicable parameters monitored under subdivision 74:36:07:117(1), §§ 74:36:07:118 ^{through} to 74:36:07:123, inclusive, and § 74:36:07:121;

2. Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under §§ 74:36:07:117 ^{through} to 74:36:07:124, inclusive;

3. Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating;

4. All periods when the collection system was not operating;

5. The location of each exceedance of the 500 parts per million methane concentration and the concentration recorded at each location for which an exceedance was recorded in the previous month. For location, the owner or operator shall determine the latitude and longitude coordinates using an instrument with an accuracy of at least four meters. The coordinates shall be in decimal degrees with at least five decimal places;

6. The date of installation and the location of each well or collection system expansion added pursuant to subdivision 74:36:07:112(3) and (4), § 74:36:07:113, and subdivision 74:36:07:114(4); and

7. For any corrective action analysis for which corrective actions are required and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the ^{any} recommended corrective action~~(s)~~, the date for ^{any} corrective action~~(s)~~ already completed following the positive pressure reading, and, for ^{any} action~~(s)~~ not already completed, a schedule for implementation, including proposed commencement and completion dates.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:141. Existing municipal solid waste landfill annual liquids report. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 and has employed leachate recirculation or added liquids within the last 10 years shall submit an annual liquids report to the Secretary that includes the following information:

1. Volume of leachate recirculated, in gallons per year, and if the reported volume is based on records or engineering estimates;

2. Total volume of all other liquids added, in gallons per year, and if the reported volume is based on records or engineering estimates;

3. Surface area, in acres, over which the leachate is recirculated or otherwise applied;

4. Surface area, in acres, over which any other liquids are applied;

5. The total waste disposed, in megagrams, in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available or engineering estimates and the reported basis of the engineering estimates;

6. The annual waste acceptance rates, in megagrams per year, in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available or engineering estimates;

7. The initial liquids report shall contain items in subdivisions (1) through (6), inclusive, of this section per year for the most recent 365 days as well as for each of the previous 10 years to the extent historical data are available in on-site records. The initial liquids report shall be submitted no later than:

(a) 365 days after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act for landfills that commenced construction, modification, or reconstruction after July 17, 2014, but before the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act; or

(b) 365 days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act.

8. Subsequent annual liquids reports shall contain items in subdivision (1) through (6), inclusive, of this section for the 365-day period following the 365-day period included in the previous annual liquidsort, and the report shall be submitted no later than 365 days after the date the previous report was submitted;

9. The owner or operator in the closed landfill subcategory are exempt from reporting requirements contained in subdivision (1) through (7), inclusive, of this section; and

10. The owner or operator may cease annual reporting of items in subdivision (1) through (6), inclusive, of this section once the owner or operator has submitted a closure report.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:142. Existing municipal solid waste landfill closure report. The owner or operator shall submit a closure report for an existing municipal solid waste landfill to the Secretary within 30 days of ceasing waste acceptance. The Secretary may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 C.F.R. § 258.60 (July 1, 2018). If a closure report has been submitted to the Secretary, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 C.F.R. § 60.7(a)(4) (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:143. Cap, remove, or decommission collection and control system for existing municipal solid waste landfills. The owner or operator shall calculate the nonmethane organic compound emission rate for purposes of determining when the collection and control system can be capped, removed, or decommissioned using the following equation:

$M_{NMOC} = 1.89 \times 10^{-3} Q_{LFG} C_{NMOC}$, where

M_{NMOC} = Mass emission rate of nonmethane organic compounds, in megagrams per year;

Q_{LFG} = Flow rate of landfill gas, in cubic meters per minute; and

C_{NMOC} = Nonmethane organic compound concentration, in parts per million by volume as hexane.

(1) The flow rate of landfill gas shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control system using a gas flow measuring device calibrated according to the provisions of 40 C.F.R. Part 60, Appendix A, Method 2E, section 10 (July 1, 2018);

(2) The nonmethane organic compound concentration shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in 40 C.F.R. Part 60, Appendix A, Method 25 or 25C (July 1, 2018). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The owner or operator shall divide the nonmethane organic compound concentration from Method 25 or Method 25C by six to convert from nonmethane organic compound concentration as carbon to nonmethane organic compound concentration as hexane; and

(3) The owner or operator may use another method to determine landfill gas flow rate and nonmethane organic compound concentration if the method has been approved by the Secretary. Within 60 days after the date of calculating the nonmethane organic compound emission rate for purposes of determining when the system can be capped or removed, the owner or operator shall submit the results according to § 74:36:07:138.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:144. Removal criteria for existing municipal solid waste landfills. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 may cap, remove, or decommission the collection and control system if the following criteria are met:

(1) The landfill is a closed landfill and a closure report for an existing municipal solid waste landfill has been submitted to the Secretary;

(2) The collection and control system has been in operation a minimum of 15 years or the owner or operator demonstrates the collection and control system will be unable to operate for 15 years due to declining gas flow;

(3) Following the procedures specified in § 74:36:07:143, the calculated nonmethane organic compound emission rate at the landfill is less than 34 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart; and

(4) For a closed landfill subcategory, following the procedures specified in § 74:36:07:143, the calculated nonmethane organic compound emission rate at the landfill is less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:145. Report for existing municipal solid waste landfill -- Equipment removal. The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:105 shall submit an equipment removal report to the Secretary 30 days prior to removal or cessation of operation of the control equipment, except when the existing municipal solid waste landfill is in the closed landfill subcategory. An existing

municipal solid waste landfill that is in the closed landfill subcategory is not required to submit an equipment removal report if the owner or operator already submitted the equipment removal report on or before July 17, 2014. The equipment removal report shall contain the following:

1. A copy of the closure report; and

2. A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, unless the initial performance test report has been submitted to the EPA via the EPA's Central Data Exchange, or information that demonstrates that the collection and control system will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, ^{any} the process unit(s) ^{any} tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the initial performance test report if the report has been previously submitted to the EPA via the EPA's Central Data Exchange; and

(3) Dated copies of three successive nonmethane organic compound emission rate reports demonstrating that the landfill is no longer producing 34 megagrams or greater of nonmethane organic compounds per year unless the nonmethane organic compound emission rate reports have been submitted to the EPA via the EPA's Central Data Exchange. If the nonmethane organic compound emission rate reports have been previously submitted to the EPA's Central Data Exchange, a statement that the nonmethane organic compound emission rate reports have been submitted electronically

and the dates that the reports were submitted to the EPA's Central Data Exchange may be submitted in the equipment removal report in lieu of the nonmethane organic compound emission rate reports; or

(4) For the closed landfill subcategory, dated copies of three successive nonmethane organic compound emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of nonmethane organic compounds per year unless the nonmethane organic compound emission rate reports have been submitted to the EPA via the EPA's Central Data Exchange. If the nonmethane organic compound emission rate reports have been previously submitted to the EPA's Central Data Exchange, a statement that the nonmethane organic compound emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's Central Data Exchange may be submitted in the equipment removal report in lieu of the nonmethane organic compound emission rate reports.

The Secretary may request additional information as may be necessary to verify that all of the conditions for removal in § 74:36:07:144 have been met

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:146. Standards of performance for new municipal solid waste landfills. The standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014, are those in 40 C.F.R. § 60 Subpart XXX (July 1, 2018). Physical or operational changes made to existing municipal solid waste landfills solely to comply with §§ 74:36:07:94 ^{through} to 74:36:07:145, inclusive, or activities required by or conducted pursuant to a CERCLA, RCRA, or state remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:07:147. Standards of performance for crude oil and natural gas facilities. The standards of performance for crude oil and natural gas facilities are those in 40 C.F.R. § 60, Subpart OOOOa (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:08

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Section

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- 74:36:08:02 Emission standards for asbestos air pollutants.
- 74:36:08:02.01 Emission standards for equipment leaks (fugitive emission sources) of benzene.
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- 74:36:08:04 National perchloroethylene air emission standards for dry cleaning facilities.
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- 74:36:08:09 National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.
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- 74:36:08:13 National emission standards for halogenated solvent cleaning.
- 74:36:08:14 National emission standards for wood furniture manufacturing operations.
- 74:36:08:15 National emission standards for aerospace manufacturing.
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- 74:36:08:18 National emission standards for surface impoundments.
- 74:36:08:19 National emission standards for individual drain systems.
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- 74:36:08:21 National emission standards for hazardous air pollutants from the portland cement manufacturing industry.

- 74:36:08:22 National emission standards for hazardous air pollutants for pesticide active ingredient production.
- 74:36:08:23 National emission standards for the printing and publishing industry.
- 74:36:08:24 National emission standards for oil and natural gas production facilities.
- 74:36:08:25 National emission standards for natural gas transmission and storage facilities.
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- 74:36:08:27 National emission standards for publicly owned treatment works.
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- 74:36:08:29 National emission standards for paper and other web coating.
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- 74:36:08:31 National emission standards for surface coating of metal furniture.
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- 74:36:08:35 National emission standards for flexible polyurethane foam fabrication operations.
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- 74:36:08:57 National emission standards for steel pickling -- HCl process facilities and hydrochloric acid regeneration plants.
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- 74:36:08:62 National emission standards for wool fiberglass production.
- 74:36:08:63 National emission standards for manufacture of amino/phenolic resins.
- 74:36:08:64 National emission standards for polyether polyols production.
- 74:36:08:65 National emission standards for primary copper smelting.
- 74:36:08:66 National emission standards for primary lead smelting.
- 74:36:08:67 National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units.
- 74:36:08:68 National emission standards for ferroalloy production -- Ferromanganese and silicomanganese.
- 74:36:08:69 National emission standards for the manufacture of nutritional yeast.
- 74:36:08:70 National emission standards for plywood and composite wood products.
- 74:36:08:71 National emission standards for non-gasoline organic liquids distribution.
- 74:36:08:72 National emission standards for miscellaneous organic chemical manufacturing.
- 74:36:08:73 National emission standards for wet-formed fiberglass mat production.
- 74:36:08:74 National emission standards for surface coating of automobiles and light duty trucks.
- 74:36:08:75 National emission standards for surface coating of metal cans.

- 74:36:08:76 National emission standards for surface coating of large appliances.
- 74:36:08:77 National emission standards for printing, coating, and dyeing of fabrics and other textiles.
- 74:36:08:78 National emission standards for surface coating of plastic parts and products.
- 74:36:08:79 National emission standards for surface coating of wood building products.
- 74:36:08:80 National emission standards for surface coating of metal coil.
- 74:36:08:81 National emission standards for leather finishing operations.
- 74:36:08:82 National emission standards for cellulose products manufacturing.
- 74:36:08:83 National emission standards for boat manufacturing.
- 74:36:08:84 National emission standards for rubber tire manufacturing.
- 74:36:08:85 National emission standards for lime manufacturing plants.
- 74:36:08:86 National emission standards for semiconductor manufacturing.
- 74:36:08:87 National emission standards for coke ovens -- Pushing, quenching, and battery stacks.
- 74:36:08:88 National emission standards for iron and steel foundries.
- 74:36:08:89 National emission standards for site remediation.
- 74:36:08:90 National emission standards for miscellaneous coating manufacturing.
- 74:36:08:91 National emission standards for mercury cell chlor-alkali plants.
- 74:36:08:92 National emission standards for clay ceramics manufacturing.
- 74:36:08:93 National emission standards for flexible polyurethane foam production.
- 74:36:08:94 National emission standards for hydrochloric acid production.
- 74:36:08:95 National emission standards for friction materials manufacturing facilities.
- 74:36:08:96 National emission standards for taconite iron ore processing.

- 74:36:08:97 National emission standards for refractory products manufacturing.
- 74:36:08:98 National emission standards for primary magnesium refining.
- 74:36:08:99 National emission standards for polyvinyl chloride and copolymers production area sources.
- 74:36:08:100 National emission standards for primary copper smelting area sources.
- 74:36:08:101 National emission standards for secondary copper smelting area sources.
- 74:36:08:102 National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium.
- 74:36:08:103 National emission standards for hospital ethylene oxide sterilizers.
- 74:36:08:104 National emission standards for electric arc furnace steelmaking facility area sources.
- 74:36:08:105 National emission standards for iron and steel foundry area sources.
- 74:36:08:106 National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities.
- 74:36:08:107 National emission standards for gasoline dispensing facilities.
- 74:36:08:108 National emission standards for paint stripping and miscellaneous surface coating area sources.
- 74:36:08:109 National emission standards for acrylic and modacrylic fiber production area sources.
- 74:36:08:110 National emission standards for carbon black production area sources.
- 74:36:08:111 National emission standards for chemical manufacturing area sources -- Chromium compounds.

- 74:36:08:112 National emission standards for flexible polyurethane foam production and fabrication area sources.
- 74:36:08:113 National emission standards for lead acid battery manufacturing area sources.
- 74:36:08:114 National emission standards for wood preserving area sources.
- 74:36:08:115 National emission standards for clay ceramic manufacturing area sources.
- 74:36:08:116 National emission standards for glass manufacturing area sources.
- 74:36:08:117 National emission standards for secondary nonferrous metal processing area sources.
- 74:36:08:118 National emission standards for plating and polishing area sources.
- 74:36:08:119 National emission standards for nine metal fabrication and finishing area sources.
- 74:36:08:120 National emission standards for ferroalloys production area sources.
- 74:36:08:121 National emission standards for aluminum, copper, and other nonferrous foundry area sources.
- 74:36:08:122 National emission standards for coal- and oil-fired electric utility steam generating units.
- 74:36:08:123 National emission standards for industrial, commercial, and institutional boilers area sources.
- 74:36:08:124 National emission standards for chemical manufacturing area sources.
- 74:36:08:125 National emission standards for asphalt processing and asphalt roofing manufacturing area sources.
- 74:36:08:126 National emission standards for chemical preparations industry area sources.

- 74:36:08:127 National emission standards for paints and allied products manufacturing area sources.
- 74:36:08:128 National emission standards for prepared feeds manufacturing area sources.
- 74:36:08:129 National emission standards for gold mine ore processing and production area sources.
- 74:36:08:130 National emission standards for polyvinyl chloride and copolymers production.

74:36:08:01. General provisions -- National emission standards for hazardous air pollutants. The general provisions for the national emission standards for hazardous air pollutants are those in 40 C.F.R. § 61, Subpart A (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:02. Emission standards for asbestos air pollutants. The emission standards for asbestos air pollutants are those in 40 C.F.R. § 61, Subpart M (~~July 1, 2016~~ **July 1, 2018**).

Source: 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; 18 SDR 95, effective December 2, 1991; transferred from § 74:26:22:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective July 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:02.01. Emission standards for equipment leaks (fugitive emission sources) of benzene. The emission standards for equipment leaks of benzene are those in 40 C.F.R. § 61, Subpart J (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.02. Emission standards for benzene emissions from benzene storage vessels. The emission standards for benzene emissions from benzene storage vessels are those in 40 C.F.R. § 61, Subpart Y (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.03. Emission standards for benzene emissions from benzene transfer operations. The emission standards for benzene emissions from benzene transfer operations are those in 40 C.F.R. § 61, Subpart BB (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:02.04. Emission standards for benzene waste operations. The emission standards for benzene waste operations equipment leaks of benzene are those in 40 C.F.R. § 61, Subpart FF (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:03. General provisions -- National emission standards for hazardous air pollutants for source categories. The general provisions for the national emission standards for hazardous air pollutants for source categories are those in 40 C.F.R. § 63, Subpart A (~~July 1, 2016~~ July 1, 2018).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:03.01. Requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j). The provisions for

control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j) are those in 40 C.F.R. § 63, Subpart B (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:04. National perchloroethylene air emission standards for dry cleaning facilities. The national perchloroethylene air emission standards for dry cleaning facilities are those in 40 C.F.R. § 63, Subpart M (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart M is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart M. Exempted sources must still meet the applicable requirements in Subpart M.

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR

219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

Cross-Reference: Complete application, § 74:36:05:09.

74:36:08:05. National emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry. The national emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry are those in 40 C.F.R. § 63, Subpart F (~~July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:06. National emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer

operations, and wastewater. The national emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer operations, and wastewater are those in 40 C.F.R. § 63, Subpart G (~~July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:07. National emission standards for organic hazardous air pollutants for equipment leaks. The national emission standards for organic hazardous air pollutants for equipment leaks are those in 40 C.F.R. § 63, Subpart H (~~July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR

219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:08. National emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulations for equipment leaks. The national emission standards for organic hazardous air pollutants for certain processes subject to the negotiated regulations for equipment leaks are those in 40 C.F.R. § 63, Subpart I (~~July 1, 2016~~ July 1, 2018).

Source: 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:09. National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The national emission standards for hard and decorative chromium electroplating and chromium anodizing tanks are

those in 40 C.F.R. § 63, Subpart N (~~July 1, 2016~~ **July 1, 2018**). An area source that operates a unit subject to Subpart N is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart N. Exempted sources must still meet the applicable requirements in Subpart N.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

Cross-Reference: Operating permits for part 70 sources, § 74:36:05.

74:36:08:10. National emission standards for ethylene oxide emissions from sterilization facilities. The national emission standards for ethylene oxide from sterilization facilities are those in 40 C.F.R. § 63, Subpart O (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart O is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart O. Exempted sources must still meet the applicable requirements in Subpart O.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:11. National emission standards for industrial process cooling towers. The national emission standards for industrial process cooling towers are those in 40 C.F.R. § 63, Subpart Q (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart Q is exempt from the obligations to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart Q. Exempted sources must still meet the applicable requirements in Subpart Q.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:12. National emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations). The national emission standards for gasoline distribution facilities ^{including} (bulk gasoline terminals and pipeline breakout stations) are those in 40 C.F.R. § 63, Subpart R (~~July 1, 2016~~ **July 1, 2018**).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:13. National emission standards for halogenated solvent cleaning. The national emission standards for halogenated solvent cleaning are those in 40 C.F.R. § 63, Subpart T (~~July 1, 2016~~ **July 1, 2018**). An area source that operates a unit subject to Subpart T is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart T. Exempted sources must still meet the applicable requirements in Subpart T.

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101,

effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:14. National emission standards for wood furniture manufacturing operations. The national emission standards for wood furniture manufacturing operations are those in 40 C.F.R. § 63, Subpart JJ (~~July 1, 2016~~ **July 1, 2018**).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:15. National emission standards for aerospace manufacturing. The national emission standards for aerospace manufacturing are those in 40 C.F.R. § 63, Subpart GG (~~July 1, 2016~~ **July 1, 2018**).

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:16. National emission standards for tanks. The national emission standards for tanks -- level 1 are those in 40 C.F.R. § 63, Subpart OO (~~July 1, 2016~~ **July 1, 2018**). The national emission standards for tanks -- level 2 are those in 40 C.F.R. § 63, Subpart WW (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:17. National emission standards for containers. The national emission standards for containers are those in 40 C.F.R. § 63, Subpart PP (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:18. National emission standards for surface impoundments. The national emission standards for surface impoundments are those in 40 C.F.R. § 63, Subpart QQ (~~July 1,~~ 2016 July 1, 2018).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:19. National emission standards for individual drain systems. The national emission standards for individual drain systems are those in 40 C.F.R. § 63, Subpart RR (~~July 1,~~ 2016 July 1, 2018).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20. National emission standards for oil-water separators and organic-water separators. The national emission standards for oil-water separators and organic-water separators are those in 40 C.F.R. § 63, Subpart VV (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20.01. National emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process. The national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process are those in 40 C.F.R. § 63, Subpart SS (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:20.02. National emission standards for equipment leaks. The national emission standards for equipment leaks -- control level 1 are those in 40 C.F.R. § 63, Subpart TT (~~July 1, 2016~~ **July 1, 2018**). The national emission standards for equipment leaks -- control level 2 are those in 40 C.F.R. § 63, Subpart UU (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:21. National emission standards for hazardous air pollutants from the portland cement manufacturing industry. The national emission standards for the portland cement manufacturing industry are those in 40 C.F.R. § 63, Subpart LLL (~~July 1, 2016~~ **July 1, 2018**).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:22. National emission standards for hazardous air pollutants for pesticide active ingredient production. The national emission standards for pesticide active ingredient production are those in 40 C.F.R. § 63, Subpart MMM (~~July 1, 2016~~ **July 1, 2018**).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:23. National emission standards for the printing and publishing industry. The national emission standards for the printing and publishing industry are those in 40 C.F.R. § 63, Subpart KK (~~July 1, 2016~~ **July 1, 2018**).

Source: 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:24. National emission standards for oil and natural gas production facilities.

The national emission standards for oil and natural gas production facilities are those in 40 C.F.R. § 63, Subpart HH (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart HH is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart HH. Exempted sources must still meet the applicable requirements in Subpart HH.

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:25. National emission standards for natural gas transmission and storage facilities. The national emission standards for natural gas transmission and storage facilities are those in 40 C.F.R. § 63, Subpart HHH (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:26. National emission standards for secondary aluminum production. The national emission standards for secondary aluminum production are those in 40 C.F.R. § 63, Subpart RRR (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:27. National emission standards for publicly owned treatment works. The national emission standards for publicly owned treatment works are those in 40 C.F.R. § 63, Subpart VVV (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:28. National emission standards for solvent extraction for vegetable oil production. The national emission standards for solvent extraction of vegetable oil production are those in 40 C.F.R. § 63, Subpart GGGG (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:29. National emission standards for paper and other web coating. The national emission standards for paper and other web coating are those in 40 C.F.R. § 63, Subpart JJJJ (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:30. National emission standards for municipal solid waste landfills. The national emission standards for municipal solid waste landfills are those in 40 C.F.R. § 63, Subpart AAAA (~~July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:31. National emission standards for surface coating of metal furniture. The national emission standards for surface coating of metal furniture are those in 40 C.F.R. § 63, Subpart RRRR (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:32. National emission standards for integrated iron and steel manufacturing facilities. The national emission standards for integrated iron and steel manufacturing are those in 40 C.F.R. § 63, Subpart FFFFF (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:33. National emission standards for brick and structural clay products manufacturing. The national emission standards for brick and structural clay products manufacturing are those in 40 C.F.R. § 63, Subpart JJJJJ (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:34. National emission standards for asphalt processing and asphalt roofing manufacturing. The national emission standards for asphalt processing and asphalt roofing manufacturing are those in 40 C.F.R. § 63, Subpart LLLLL (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:35. National emission standards for flexible polyurethane foam fabrication operations. The national emission standards for flexible polyurethane foam fabrication operations are those in 40 C.F.R. § 63, Subpart MMMMM (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:36. National emission standards for engine test cells/stands. The national emission standards for engine test cells/stands are those in 40 C.F.R. § 63, Subpart PPPPP (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:37. National emission standards for surface coating of miscellaneous metal parts and products. The national emission standards for surface coating of miscellaneous metal parts and products as published in 40 C.F.R. § 63, Subpart MMMM (~~July 1, 2016~~ **July 1, 2018**).

Source: 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:38. National emission standards for reinforced plastic composites production. The national emission standards for reinforced plastic composites production are those in 40 C.F.R. § 63, Subpart WWWW (~~July 1, 2016~~ **July 1, 2018**).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:39. National emission standards for stationary combustion turbines. The national emission standards for stationary combustion turbines are those in 40 C.F.R. § 63, Subpart YYYY (~~July 1, 2016~~ **July 1, 2018**).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:40. National emission standards for stationary reciprocating internal combustion engines. The national emission standards for stationary reciprocating internal combustion engines are those in 40 C.F.R. § 63, Subpart ZZZZ (~~July 1, 2016~~ **July 1, 2018**).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:41. National emission standards for industrial, commercial, and institutional boilers and process heaters. The national emission standards for industrial,

commercial, and institutional boilers and process heaters are those in 40 C.F.R. § 63, Subpart DDDDD (~~July 1, 2016~~ **July 1, 2018**).

Source: 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-19.

74:36:08:42. National emission standards for polyvinyl chloride and copolymers production. The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart J (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:43. National emission standards for coke oven batteries. The national emission standards for coke oven batteries are those in 40 C.F.R. § 63, Subpart L, (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:44. National emission standards for pulp and paper industry. The national emission standards for pulp and paper industry are those in 40 C.F.R. § 63, Subpart S, (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:45. National emission standards for group I polymers and resins. The national emission standards for group I polymers and resins are those in 40 C.F.R. § 63, Subpart U, (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:46. National emission standards for epoxy resins production and non-nylon polyamides production. The national emission standards for epoxy resins production and non-nylon polyamides production are those in 40 C.F.R. § 63, Subpart W, (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:47. National emission standards for secondary lead smelting. The national emission standards for secondary lead smelting are those in 40 C.F.R. § 63, Subpart X (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:48. National emission standards for phosphoric acid manufacturing plants.

The national emission standards for phosphoric acid manufacturing plants are those in 40 C.F.R. § 63, Subpart AA (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:49. National emission standards for phosphate fertilizers production plants.

The national emission standards for phosphate fertilizers production plants are those in 40 C.F.R. § 63, Subpart BB (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:50. National emission standards for petroleum refineries. The national emission standards for petroleum refineries are those in 40 C.F.R. § 63, Subpart CC (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:51. National emission standards for off-site waste and recovery operations. The national emission standards for off-site waste and recovery operations are those in 40 C.F.R. § 63, Subpart DD (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:52. National emission standards for magnetic tape manufacturing operations. The national emission standards for magnetic tape manufacturing operations are those in 40 C.F.R. § 63, Subpart EE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:53. National emission standards for primary aluminum reduction plants.

The national emission standards for primary aluminum reduction plants are those in 40 C.F.R. § 63, Subpart LL (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:54. National emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills. The national emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills are those in 40 C.F.R. § 63, Subpart MM (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:55. National emission standards for ethylene manufacturing process units -- Heat exchange systems and waste operations. The national emission standards for heat exchange systems and waste operations are those in 40 C.F.R. § 63, Subpart XX (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:56. Generic maximum achievable control technology standards. The generic maximum achievable control technology standards are those in 40 C.F.R. § 63, Subpart YY (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:57. National emission standards for steel pickling -- HC1 process facilities and hydrochloric acid regeneration plants. The national emission standards for HC1 process facilities and hydrochloric acid regeneration plants are those in 40 C.F.R. § 63, Subpart CCC (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:58. National emission standards for mineral wool production. The national emission standards for mineral wool production are those in 40 C.F.R. § 63, Subpart DDD (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:59. National emission standards for hazardous waste combusters. The national emission standards for hazardous waste combusters are those in 40 C.F.R. § 63, Subpart EEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:60. National emission standards for pharmaceutical production. The national emission standards for pharmaceutical production are those in 40 C.F.R. § 63, Subpart GGG (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:61. National emission standards for group IV polymers and resins. The national emission standards for group IV polymers and resins are those in 40 C.F.R. § 63, Subpart JJJ (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:62. National emission standards for wool fiberglass production. The national emission standards for wool fiberglass production are those in 40 C.F.R. § 63, Subpart NNN (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:63. National emission standards for manufacture of amino/phenolic resins.

The national emission standards for the manufacture of amino/phenolic resins are those in 40 C.F.R. § 63, Subpart OOO (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:64. National emission standards for polyether polyols production. The national emission standards for polyether polyols production are those in 40 C.F.R. § 63, Subpart PPP (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:65. National emission standards for primary copper smelting. The national emission standards for primary copper smelting are those in 40 C.F.R. § 63, Subpart QQQ (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:66. National emission standards for primary lead smelting. The national emission standards for primary lead smelting are those in 40 C.F.R. § 63, Subpart TTT (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:67. National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units. The national emission standards for catalytic cracking, catalytic reforming, and sulfur recovery units at petroleum refineries are those in 40 C.F.R. § 63, Subpart UUU (~~July 1, 2016~~ July 1, 2018).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:68. National emission standards for ferroalloy production -- Ferromanganese and silicomanganese. The national emission standards for ferromanganese and silicomanganese production are those in 40 C.F.R. § 63, Subpart XXX (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:69. National emission standards for the manufacture of nutritional yeast. The national emission standards for the manufacture of nutritional yeast are those in 40 C.F.R. § 63, Subpart CCCC (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:70. National emission standards for plywood and composite wood products.

The national emission standards for plywood and composite wood products are those in 40 C.F.R. § 63, Subpart DDDD (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:71. National emission standards for non-gasoline organic liquids distribution. The national emission standards for non-gasoline organic liquids distribution are those in 40 C.F.R. § 63, Subpart EEEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:72. National emission standards for miscellaneous organic chemical manufacturing. The national emission standards for miscellaneous organic chemical manufacturing are those in 40 C.F.R. § 63, Subpart FFFF (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:73. National emission standards for wet-formed fiberglass mat production. The national emission standards for wet-formed fiberglass mat production are those in 40 C.F.R. § 63, Subpart HHHH (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:74. National emission standards for surface coating of automobiles and light duty trucks. The national emission standards for surface coating of automobiles and light duty trucks are those in 40 C.F.R. § 63, Subpart IIII (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:75. National emission standards for surface coating of metal cans. The national emission standards for surface coating of metal cans are those in 40 C.F.R. § 63, Subpart KKKK (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:76. National emission standards for surface coating of large appliances. The national emission standards for surface coating of large appliances are those in 40 C.F.R. § 63, Subpart NNNN (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:77. National emission standards for printing, coating, and dyeing of fabrics and other textiles. The national emission standards for printing, coating, and dyeing of fabrics and other textiles are those in 40 C.F.R. § 63, Subpart OOOO (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:78. National emission standards for surface coating of plastic parts and products. The national emission standards for surface coating of plastic parts and products are those in 40 C.F.R. § 63, Subpart PPPP (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:79. National emission standards for surface coating of wood building products. The national emission standards for surface coating of wood building products are those in 40 C.F.R. § 63, Subpart QQQQ (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:80. National emission standards for surface coating of metal coil. The national emission standards for surface coating of metal coil are those in 40 C.F.R. § 63, Subpart SSSS (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:81. National emission standards for leather finishing operations. The national emission standards for leather finishing operations are those in 40 C.F.R. § 63, Subpart TTTT (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6..

Law Implemented: SDCL 34A-1-18.

74:36:08:82. National emission standards for cellulose products manufacturing. The national emission standards for cellulose products manufacturing are those in 40 C.F.R. § 63, Subpart UUUU (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 212, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:83. National emission standards for boat manufacturing. The national emission standards for boat manufacturing are those in 40 C.F.R. § 63, Subpart VVVV (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:84. National emission standards for rubber tire manufacturing. The national emission standards for rubber tire manufacturing are those in 40 C.F.R. § 63, Subpart XXXX (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:85. National emission standards for lime manufacturing plants. The national emission standards for lime manufacturing plants are those in 40 C.F.R. § 63, Subpart AAAAA (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:86. National emission standards for semiconductor manufacturing. The national emission standards for semiconductor manufacturing are those in 40 C.F.R. § 63, Subpart BBBBBB (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:87. National emission standards for coke ovens -- Pushing, quenching, and battery stacks. The national emission standards for coke ovens are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:88. National emission standards for iron and steel foundries. The national emission standards for iron and steel foundries are those in 40 C.F.R. § 63, Subpart EEEEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:89. National emission standards for site remediation. The national emission standards for site remediation are those in 40 C.F.R. § 63, Subpart GGGGG (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:90. National emission standards for miscellaneous coating manufacturing.

The national emission standards for miscellaneous coating manufacturing are those in 40 C.F.R. § 63, Subpart HHHHH (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:91. National emission standards for mercury cell chlor-alkali plants. The national emission standards for mercury cell chlor-alkali plants are those in 40 C.F.R. § 63, Subpart IIIII (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:92. National emission standards for clay ceramics manufacturing. The national emission standards for clay ceramics manufacturing are those in 40 C.F.R. § 63, Subpart KKKKK (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:93. National emission standards for flexible polyurethane foam production. The national emission standards for flexible polyurethane foam production are those in 40 C.F.R. § 63, Subpart III (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:94. National emission standards for hydrochloric acid production. The national emission standards for hydrochloric acid production are those in 40 C.F.R. § 63, Subpart NNNNN (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:95. National emission standards for friction materials manufacturing facilities. The national emission standards for friction materials manufacturing facilities are those in 40 C.F.R. § 63, Subpart QQQQQ (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:96. National emission standards taconite iron ore processing. The national emission standards for taconite iron ore processing are those in 40 C.F.R. § 63, Subpart RRRRR (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:97. National emission standards for refractory products manufacturing.

The national emission standards for refractory products manufacturing are those in 40 C.F.R. § 63, Subpart SSSSS (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:98. National emission standards for primary magnesium refining. The national emission standards for primary magnesium refining are those in 40 C.F.R. § 63, Subpart TTTT (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:99. National emission standards for polyvinyl chloride and copolymers production area sources. The national emission standards for polyvinyl chloride and copolymers production area sources are those in 40 C.F.R. § 63, Subpart DDDDDD (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart DDDDDD is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart DDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDD.

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:100. National emission standards for primary copper smelting area sources. The national emission standards for primary copper smelting area sources are those in 40 C.F.R. § 63, Subpart EEEEEEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:101. National emission standards for secondary copper smelting area sources. The national emission standards for secondary copper smelting area sources are those in 40 C.F.R. § 63, Subpart FFFFFFFF (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:102. National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium. The national emission standards for primary nonferrous metals area sources are those in 40 C.F.R. § 63, Subpart GGGGGG (~~July 1, 2016~~ **July 1, 2018**).

Source: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:103. National emission standards for hospital ethylene oxide sterilizers. The national emission standards for hospital ethylene oxide sterilizers are those in 40 C.F.R. § 63, Subpart WWWW (July 1, 2016 July 1, 2018). A source that operates a unit subject to Subpart WWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWW. Exempted sources must still meet the applicable requirements in Subpart WWWW.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:104. National emission standards for electric arc furnace steelmaking facility area sources. The national emission standards for area sources -- electric arc furnace steelmaking facilities are those in 40 C.F.R. § 63, Subpart YYYYY (July 1, 2016 July 1, 2018).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:105. National emission standards for iron and steel foundry area sources.

The national emission standards for iron and steel foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZ (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart ZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:106. National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The national emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities are those in 40 C.F.R. § 63, Subpart BBBB (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart BBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a

Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBB.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:107. National emission standards for gasoline dispensing facilities. The national emission standards for gasoline dispensing facilities are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart CCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCC.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:108. National emission standards for paint stripping and miscellaneous surface coating area sources. The national emission standards for paint stripping and miscellaneous coating area sources are those in 40 C.F.R. § 63, Subpart HHHHHH (~~July 1, 2016~~

July 1, 2018). A source that operates a unit subject to Subpart HHHHHH is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart HHHHHH. Exempted sources must still meet the applicable requirements in Subpart HHHHHH.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:109. National emission standards for acrylic and modacrylic fiber production area sources. The national emission standards for acrylic and modacrylic fiber production area sources are those in 40 C.F.R. § 63, Subpart LLLLLL (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart LLLLLL is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart LLLLLL. Exempted sources must still meet the applicable requirements in Subpart LLLLLL.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:110. National emission standards for carbon black production area sources.

The national emission standards for carbon black production area sources are those in 40 C.F.R. § 63, Subpart M M M M M M (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:111. National emission standards for chemical manufacturing area sources

-- **Chromium compounds.** The national emission standards for chemical manufacturing area sources -- chromium compounds are those in 40 C.F.R. § 63, Subpart N N N N N N (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart N N N N N N is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart N N N N N N. Exempted sources must still meet the applicable requirements in Subpart N N N N N N.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:112. National emission standards for flexible polyurethane foam production and fabrication area sources. The national emission standards for flexible polyurethane foam production and fabrication area sources are those in 40 C.F.R. § 63, Subpart OOOOOO (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart OOOOOO is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart OOOOOO. Exempted sources must still meet the applicable requirements in Subpart OOOOOO.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:113. National emission standards for lead acid battery manufacturing area sources. The national emission standards for lead acid battery manufacturing area sources are those in 40 C.F.R. § 63, Subpart PPPPPP (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart PPPPPP is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart PPPPPP. Exempted sources must still meet the applicable requirements in Subpart PPPPPP.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:114. National emission standards for wood preserving area sources. The national emission standards for wood preserving area sources are those in 40 C.F.R. § 63, Subpart QQQQQQ (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart QQQQQQ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart QQQQQQ. Exempted sources must still meet the applicable requirements in Subpart QQQQQQ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:115. National emission standards for clay ceramic manufacturing area sources. The national emission standards for clay ceramic manufacturing area sources are those in 40 C.F.R. § 63, Subpart RRRRRR (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart RRRRRR is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart RRRRRR. Exempted sources must still meet the applicable requirements in Subpart RRRRRR.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:116. National emission standards for glass manufacturing area sources. The national emission standards for glass manufacturing area sources are those in 40 C.F.R. § 63, Subpart SSSSSS (~~July 1, 2016~~ **July 1, 2018**).

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:117. National emission standards for secondary nonferrous metal processing area sources. The national emission standards for secondary nonferrous metal processing area sources are those in 40 C.F.R. § 63, Subpart TTTTTT (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart TTTTTT is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart TTTTTT. Exempted sources must still meet the applicable requirements in Subpart TTTTTT.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:118. National emission standards for plating and polishing area sources.

The national emission standards for plating and polishing area sources are those in 40 C.F.R. § 63, Subpart WWWWWW (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart WWWWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWWWW. Exempted sources must still meet the applicable requirements in Subpart WWWWWW.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:119. National emission standards for nine metal fabrication and finishing area sources. The national emission standards for nine fabrication and finishing area sources are those in 40 C.F.R. § 63, Subpart XXXXXX (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart XXXXXX is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than

the source is subject to Subpart XXXXXX. Exempted sources must still meet the applicable requirements in Subpart XXXXXX.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:120. National emission standards for ferroalloys production area sources.

The national emission standards for ferroalloys production area sources are those in 40 C.F.R. § 63, Subpart YYYYYY (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart YYYYYY is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart YYYYYY. Exempted sources must still meet the applicable requirements in Subpart YYYYYY.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:121. National emission standards for aluminum, copper, and other nonferrous foundry area sources. The national emission standards for aluminum, copper, and

other nonferrous foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZZ (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart ZZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZZ.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:122. National emission standards for coal- and oil-fired electric utility steam generating units. The national emission standards for coal- and oil-fired electric utility steam generating units are those in 40 C.F.R. § 63, Subpart UUUUU (~~July 1, 2016~~ **July 1, 2018**).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:123. National emission standards for industrial, commercial, and institutional boilers area sources. The national emission standards for industrial, commercial, and institutional boilers area sources are those in 40 C.F.R. § 63, Subpart JJJJJ (~~July 1, 2016~~ **July 1, 2018**).

July 1, 2018). A source that operates a unit subject to Subpart JJJJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJJJ.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:124. National emission standards for chemical manufacturing area sources.

The national emission standards for chemical manufacturing area sources are those in 40 C.F.R. § 63, Subpart VVVVVV (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart VVVVVV is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart VVVVVV. Exempted sources must still meet the applicable requirements in Subpart VVVVVV.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:125. National emission standards for asphalt processing and asphalt roofing manufacturing area sources. The national emission standards for asphalt processing and asphalt roofing manufacturing area sources are those in 40 C.F.R. § 63, Subpart AAAAAAA (July 1, 2016 July 1, 2018). A source that operates a unit subject to Subpart AAAAAAA is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAAAAAA. Exempted sources must still meet the applicable requirements in Subpart AAAAAAA.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:126. National emission standards for chemical preparations industry area sources. The national emission standards for chemical preparations industry area sources are those in 40 C.F.R. § 63, Subpart BBBBBBB (July 1, 2016 July 1, 2018). A source that operates a unit subject to Subpart BBBBBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBBB.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:127. National emission standards for paints and allied products manufacturing area sources. The national emission standards for paints and allied products manufacturing area sources are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart CCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCC.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:128. National emission standards for prepared feeds manufacturing area sources. The national emission standards for prepared feeds manufacturing area sources are those in 40 C.F.R. § 63, Subpart DDDDDDD (~~July 1, 2016~~ **July 1, 2018**). A source that operates a unit subject to Subpart DDDDDDD is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than

the source is subject to Subpart DDDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDDD.

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:129. National emission standards for gold mine ore processing and production area sources. The national emission standards for gold mine ore processing and production area sources are those in 40 C.F.R. § 63, Subpart EEEEEEE (~~July 1, 2016~~ **July 1, 2018**).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

74:36:08:130. National emission standards for polyvinyl chloride and copolymers production. The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart HHHHHHH (~~July 1, 2016~~ **July 1, 2018**).

Source: 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:09

PREVENTION OF SIGNIFICANT DETERIORATION

Section

74:36:09:01 Applicability.

74:36:09:01.01 Prevention of significant deterioration permit required.

74:36:09:02 Prevention of significant deterioration.

74:36:09:03 Public participation.

74:36:09:02. Prevention of significant deterioration. For the purposes of this chapter, the state's definitions and requirements for the prevention of significant deterioration are those in 40 C.F.R. § 52.21 (~~July 1, 2016~~ **July 1, 2018**), except for 40 C.F.R. § 52.21(a)(1), (a)(2)(iv)(e), (b)(2)(iii)(h), (b)(3)(iii)(b), (b)(32), (b)(42), (b)(49)(v), (b)(55), (b)(56), (b)(57), (b)(58), (f), (k)(2), (q), (s), (t), (u), (x), (y), (z), and (cc) (~~July 1, 2016~~ **July 1, 2018**) with the following differences:

(1) For the purposes of this section, all terms defined in this section have the meaning defined in 40 C.F.R. § 52.21, except for the term "administrator" which means the secretary with the following exceptions:

(a) In 40 C.F.R. §§ 52.21(b)(3)(iii) and 52.21(b)(37)(iii), the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(b) In 40 C.F.R. §§ 52.21(w)(2) ~~to~~ ^{through} 52.21(w)(4), ~~inclusive~~, the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(c) In 40 C.F.R. §§ 52.21(b)(17); 52.21(b)(37)(i); 52.21(b)(43); 52.21(b)(48)(ii)(c); 52.21(b)(50)(i); 52.21(g)(1) ~~to~~ ^{through} 52.21(g)(6), ~~inclusive~~; 52.21(l)(2); and 52.21(p)(2) the term "administrator" means the administrator of EPA;

(2) For the purposes of this section, the term "Act" means the Clean Air Act;

(3) For the purposes of this section, in 40 C.F.R. § 52.21(c), the Class I areas in South Dakota are Wind Cave National Park and the Badlands National Park;

(4) For the purposes of this section, 40 C.F.R. § 52.21(b)(2)(iii)(a) is incorporated by reference excluding the second sentence which states, "Routine maintenance, repair and

replacement shall include, but not be limited to, any activity~~(s)~~ that meets the requirements of the equipment replacement provisions contained in paragraph (cc) of this section";

(5) For the purposes of this section, 40 C.F.R. § 52.21(v)(1) is incorporated by reference excluding the phrase, "under 40 CFR 124.10";

(6) For the purposes of this section, 40 C.F.R. § 52.21(w)(1) through (w)(3), ~~inclusive~~, is incorporated by reference as amended and published in 81 Fed. Reg. 78048 (November 7, 2016);

(7) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(i) is incorporated by reference excluding the phrase, "through (v)";

(8) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(ii), the term "(b)(49)(iii) through (v)" means "(b)(49)(iii) through (iv)";

(9) For the purposes of this section, 40 C.F.R. § 52.21 (b)(49)(iii) is incorporated by reference excluding the phrase, "through (v)"; and

(10) For the purposes of this section, 40 C.F.R. § 52.21(b)(49)(iv)(b), the term "also will have an emissions increase of a regulated NSR pollutant" means "also will have a major modification of a regulated NSR pollutant that is not GHGs".

The secretary shall transmit to the administrator of the EPA a copy of each permit application subject to this section and shall notify the administrator of the EPA of each significant action the secretary takes on the application.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 33 SDR 43, effective September 18, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:09:03. Public participation. For the purposes of this chapter, the state's public participation procedures are those in 40 C.F.R. § 51.166(q) (~~July 1, 2016~~ **July 1, 2018**), excluding the phrase "The plan shall provide that..." with the following differences:

(1) For the purposes of this section, in 40 C.F.R. § 52.166(q) the phrase "reviewing authority" means the secretary;

(2) For the purposes of this section, in 40 C.F.R. § 51.166(q)(1) the phrase "specified time period" means 60 days;

(3) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iv), the term "administrator" means the administrator of EPA;

(4) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iii), the phrase "Notify the public" shall consist of a public notice once in a legal newspaper in the county where the proposed source would be constructed. The public notice shall include a statement that a person may submit comments or contest the draft permit within 30 days after the publication of the notice. The statement shall also describe the procedures a person must follow to contest the draft permit and request a hearing in accordance with article 74:09;

(5) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(v), a public hearing is required if a person contests the draft permit or contests the secretary's final determination and requests a hearing in accordance with article 74:09; and

(6) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(viii), if a request for a contested case hearing is not submitted during the public notice period, the secretary shall make a final determination within 30 days of the end of the public comment period on the draft permit. The secretary shall notify, in writing, the applicant and each person that submitted written comments or requested notice of the final determination. The notice shall include reference to the procedures for contesting the final determination and requesting a hearing in accordance with article 74:09 within 30 days of receiving the secretary's final determination. If no person comments on a draft permit, requests changes, or contests the draft permit during the public

notice period, the draft permit automatically becomes the secretary's final determination and is issued at the end of the public notice period.

Source: 33 SDR 43, effective September 18, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:10

NEW SOURCE REVIEW

Section

74:36:10:01	Applicability.
74:36:10:02	Definitions.
74:36:10:03	Repealed.
74:36:10:03.01	New source review preconstruction permit required.
74:36:10:04	Repealed.
74:36:10:05	New source review preconstruction permit.
74:36:10:06	Causing or contributing to a violation of any national ambient air quality standard.

74:36:10:07	Determining credit for emission offsets.
74:36:10:08	Projected actual emissions.
74:36:10:09	Repealed.
74:36:10:10	Repealed

74:36:10:02. Definitions. For the purposes of this chapter, the definitions for new source review are those in 40 C.F.R. § 51.165(a)(1), except for the second sentence of 40 C.F.R. § 51.165(a)(1)(v)(C)(1), and 40 C.F.R. § 51.165(a)(1)(v)(G), (a)(1)(vi)(C)(3), (a)(1)(xliii), (a)(1)(xliv), (a)(1)(xlv), and (a)(1)(xlvi) (~~July 1, 2016~~ **July 1, 2018**).

For the purposes of this chapter, the term, Act, means the Clean Air Act.

For the purposes of this section, the term, reviewing authority, means the secretary.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:10:03.01. New source review preconstruction permit required. New major stationary sources or major modifications to existing major sources must obtain a preconstruction permit before beginning actual construction if they are located in the following areas:

(1) An attainment or unclassified area if the source would cause or contribute to a violation of any national ambient air quality standard; or

(2) An area designated nonattainment for any national ambient air quality standard if the source is major for the pollutant for which the area is designated nonattainment.

Except as provided by a plant-wide applicability limit, a proposed project is considered a major modification to an existing major source if the proposed project meets the criteria in 40 C.F.R. § 51.165(a)(2)(ii)(A) ^{through} (F), inclusive, (July 1, 2016 July 1, 2018).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-6, 34A-1-21.

Note: The procedural requirements for obtaining a preconstruction permit under the new source review program are similar to the procedural requirements for a Part 70 source, such as a

timely and complete application, completeness review, statement of basis, public participation, and departmental recommendation, as outlined in §§ 74:36:05:08 ^{through} to 74:36:05:20.01, inclusive.

74:36:10:05. New source review preconstruction permit. A new source review preconstruction permit must satisfy the following criteria before beginning actual construction:

(1) All requirements for new source performance standards in chapter 74:36:07 that apply to the facility;

(2) Compliance with the lowest achievable emission rate ~~(LAER)~~;

(3) Certification of compliance that all other major sources, major modifications, or reconstructed facilities that are owned, operated, or controlled by the applicant either in whole or in part elsewhere in the state are in compliance with all applicable emission limitations and standards; and

(4) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit. Emissions offsets are determined in accordance with § 74:36:10:07.

The owner or operator may apply for a plant-wide applicability limit. The procedures for a plant-wide allowable limit are those in 40 C.F.R. § 51.165(f)(1) to (f)(15), inclusive, (~~July 1, 2016~~ **July 1, 2018**).

Approval to construct does not relieve an owner or operator of the responsibility to comply fully with applicable provisions of this article or the Clean Air Act and any other requirements under local, state, or federal law.

Submission of preconstruction monitored or projected ambient air quality data, or both, from the proposed source must accompany the permit application. In addition, air quality dispersion modeling and meteorological data for the prescribed area may be required by the department. Costs of these requirements must be absorbed by the proposed source.

Source: 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:16, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:16, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-22.

74:36:10:07. Determining credit for emission offsets. The baseline for determining credit for emission offsets is the emission limit in effect at the time the application to construct is filed, except that the offset baseline is the actual emission of the unit from which offset credit is obtained if the demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emission of sources located within a designated nonattainment area; or if there is no applicable emission limit.

In determining credit for emission offsets the following criteria shall be met:

(1) All offsets must be for the same regulated NSR pollutant, result in a net positive air quality benefit in the affected area, and be approved by the department before issuance of the permit, even though they need not be in effect until the source commences operation. The offset ratio of total actual emissions reductions to the emissions increase shall be at least 1 to 1 unless an alternative ratio is provided in accordance with the offset requirements in 40 C.F.R. § 51.165(a)(9)(ii) through 51.165(a)(9)(iv) (~~July 1, 2016~~ **July 1, 2018**);

(2) External offsets or those emission limitations from sources not owned, operated, or controlled by an applicant for a permit shall be made through a revision of the permit conditions of the participating source or sources. At no time may the baseline be exceeded;

(3) The permissible location of offsetting emissions shall be conducted in accordance with 40 C.F.R., Part 51, Appendix S, section IV.D (~~July 1, 2016~~ **July 1, 2018**);

(4) For an existing fuel combustion unit, credit shall be based on the emission limit for the type of fuel being burned at the time the application to construct is filed. If the existing source agrees to switch to a cleaner fuel at some future date, emission offset credits based on the allowable or actual emissions for the fuels involved may be allowed only if permit conditions specify an alternative control measure that would achieve the same degree of emission reduction if the source switched back to the dirtier fuel at some later date;

(5) Emission reductions achieved by shutting down an existing unit or curtailing production or operating hours below baseline levels may be credited if the reductions are permanent, quantifiable, federally enforceable, and the area has a federally-approved attainment plan. In addition, the shutdown or curtailed production must occur after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier. Emission reductions may be credited in the absence of a federally-approved attainment plan if the shutdown or curtailment occurred on or after the date the application is filed for a new unit or if the applicant can establish that the proposed new unit is a replacement for the shutdown or curtailed unit, and the shutdown or curtailment occurred after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier;

(6) Except as set forth in 40 C.F.R. § 51.165(a)(3)(ii)(D) (~~July 1, 2016~~ **July 1, 2018**), emission offset credit may not be allowed for replacing one hydrocarbon compound with another of lesser reactivity;

(7) Credit for emissions reduction may be claimed to the extent that the department has not relied on it in issuing a permit or in its demonstration of attainment or reasonable further progress;

(8) If the emissions limit allows greater emissions than the potential to emit of the unit, the emission offset credit is allowed only for the control below the potential to emit of the unit; and

(9) All emission reductions claimed as offset credit must be federally enforceable.

Source: 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:01:15 and 44:10:01:17, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:01:15, 74:26:01:16.01, and 74:26:01:17, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-21.

Law Implemented: SDCL 34A-1-21, 34A-1-22.

74:36:10:08. Projected actual emissions. Any owner or operator who proposes a project for existing emissions units at a major stationary source that is not considered a major modification based on projected actual emissions but may result in a significant emission

increase shall comply with the requirements in 40 C.F.R. § 51.165(a)(6)(i) ^{through} ~~to~~ (vi), inclusive, ~~(July 1, 2016~~ **July 1, 2018**). This section does not apply to a source with a plant-wide applicability limit.

The owner or operator shall make the information required to be documented in 40 C.F.R. § 51.165(a)(6)(i) ^{through} ~~to~~ (vi), inclusive, ~~(July 1, 2016~~ **July 1, 2018**) available for review upon a request for inspection by the secretary or the general public pursuant to the requirements contained in 40 C.F.R. § 70.4(b)(3)(viii) ~~(July 1, 2016~~ **July 1, 2018**).

Source: 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:11

PERFORMANCE TESTING

Section

74:36:11:01 Stack performance testing or other testing methods.

- 74:36:11:02 Secretary may require performance tests.
- 74:36:11:03 Notice to department of performance test.
- 74:36:11:04 Testing new fuels or raw materials.

74:36:11:01. Stack performance testing or other testing methods. All stack performance tests or other test methods must be made in accordance with the applicable method specified in 40 C.F.R. § 60.17; Part 60, Appendix A; § 63.14; Part 63, Appendix A; and Part 51, Appendix M (all ~~July 1, 2016~~ **July 1, 2018**).

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:05:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:05:01, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:05:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

CHAPTER 74:36:12

CONTROL OF VISIBLE EMISSIONS

Section

- 74:36:12:01 Restrictions on visible emissions.
- 74:36:12:02 Exceptions to restrictions.
- 74:36:12:03 Exceptions granted to alfalfa palletizes or dehydrators.

74:36:12:01. Restrictions on visible emissions. The owner or operator of a source may not discharge into the ambient air from a single unit of emissions an air pollutant of a density equal to or greater than that designated as 20 percent opacity, as established by the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ **July 1, 2018**).

Source: SL 1975, ch 16, § 1; transferred from § 34:10:03:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:03:01, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4,

1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:12:03. Exceptions granted to alfalfa palletizes or dehydrators. The owner or operator of a facility that pelletizes or dehydrates alfalfa, or that does both, may discharge into the ambient air an air pollutant of a density no greater than 30 percent opacity, as established by the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ July 1, 2018).

Source: 8 SDR 133, effective April 18, 1982; 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

CHAPTER 74:36:13

CONTINUOUS EMISSION MONITORING SYSTEMS

Section

- 74:36:13:01 Secretary may require continuous emission monitoring systems (CEMS).
- 74:36:13:02 Minimum performance specifications for all continuous emission monitoring systems.
- 74:36:13:03 Reporting requirements.
- 74:36:13:04 Notice to department of exceedance.
- 74:36:13:05 Compliance determined by data from continuous emission monitor.
- 74:36:13:06 Compliance certification.
- 74:36:13:07 Credible evidence.
- 74:36:13:08 Compliance assurance monitoring.

74:36:13:02. Minimum performance specifications for all continuous emission monitoring systems. Minimum performance specifications for all continuous emission monitoring systems are those contained in 40 C.F.R. Part 60, Appendix B and 40 C.F.R. § 60.13 (~~July 1, 2016~~ **July 1, 2018**).

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:03. Reporting requirements. Owners or operators of those sources required to install continuous emission monitoring systems shall observe the reporting requirements contained in 40 C.F.R. § 60.7 (~~July 1, 2016~~ **July 1, 2018**). All records must be made available to the department on request.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:04. Notice to department of exceedance. Any emissions that exceed the standards listed in 40 C.F.R. Part 60 (~~July 1, 2016~~ **July 1, 2018**) or this article that are detected through continuous emission monitoring systems (~~CEMS~~) must be reported to the department within the time constraints as determined by the secretary in the permit to operate.

Source: 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209,

effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:06. Compliance certification. Notwithstanding any other provision in any plan approved by the administrator, for the purpose of submission of compliance certifications an owner or operator may use monitoring as required under 40 C.F.R. § 70.6(a)(3) (~~July 1, 2016~~ **July 1, 2018**) and incorporated into a federally enforceable operating permit in addition to any specified compliance methods.

Source: 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:07. Credible evidence. Notwithstanding any other provision, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of a plan. Credible evidence is as follows:

(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(a) A monitoring method approved for the source pursuant to 40 C.F.R. § 70.6(a)(3) (~~July 1, 2016~~ **July 1, 2018**) and incorporated in a federally enforceable operating permit;

(b) Compliance methods specified in the applicable plan; and

(2) The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods;

(a) Any federally enforceable monitoring or testing methods, including those in 40 C.F.R. Parts 51, 60, 61, and 75 (~~July 1, 2016~~ **July 1, 2018**);

(b) Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subdivision (1) or (2)(a) ~~of this section.~~

Source: 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:13:08. Compliance assurance monitoring. The owner or operator of a unit that is subject to 40 C.F.R. § 64.2 (~~July 1, 2016~~ **July 1, 2018**), must comply with 40 C.F.R. §§ 64.1 and 64.3 to 64.10, ~~inclusive~~ (~~July 1, 2016~~ **July 1, 2018**).

Source: 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

CHAPTER 74:36:16

ACID RAIN PROGRAM

Section

- 74:36:16:01 General provisions.
- 74:36:16:02 Allowance system.
- 74:36:16:03 Reserved.
- 74:36:16:04 Continuous emission monitoring.

74:36:16:05 Nitrogen oxides emission reduction.

74:36:16:01. General provisions. The following provisions are incorporated by reference: 40 C.F.R. §§ 72.2 ^{through} to 72.85, inclusive, (~~July 1, 2016~~ **July 1, 2018**) except for the following definitions in § 72.2: Environmental Appeals Board, EPA trial staff, ex parte communication, hearing clerk, presiding officer, and state operating permit program and except for §§ 72.4, 72.5, 72.6(c), 72.10, 72.12, 72.13, 72.20, 72.23 ^{through} to 72.25, inclusive, 72.60 ^{through} to 72.71, inclusive, 72.73, and 72.74. For the purposes of this chapter, "administrator" means the secretary, except for those authorities which cannot be delegated to the state, in which case "administrator" means the administrator of the Environmental Protection Agency.

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:02. Allowance system. The allowance system for the acid rain program is that in 40 C.F.R. §§ 73.1 ^{through} to 73.53, inclusive, (~~July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:03. Reserved.

74:36:16:04. Continuous emission monitoring. The continuous emission monitoring requirements for the acid rain program are those in 40 C.F.R. §§ 75.1 ^{through} 75.67, ~~inclusive~~ (July 1, 2016 ^{through} July 1, 2018) and Appendixes A to H, ~~inclusive~~ to 40 C.F.R. Part 75 (July 1, 2016 July 1, 2018).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 24, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

74:36:16:05. Nitrogen oxides emission reduction. The nitrogen oxides emission reduction requirements for the acid rain program are those in 40 C.F.R. §§ 76.1 ^{through} 76.16, inclusive, ~~(July 1, 2016~~ **July 1, 2018**).

Source: 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:18

REGULATIONS FOR STATE FACILITIES IN THE RAPID CITY AREA

Section

- 74:36:18:01 Definitions.
- 74:36:18:02 Applicability.
- 74:36:18:03 Permit required.
- 74:36:18:04 Time period for permits and renewals.
- 74:36:18:05 Required contents of a complete application for a permit.

- 74:36:18:06 Contents of permit.
- 74:36:18:07 Permit expiration.
- 74:36:18:08 Renewal of permit.
- 74:36:18:09 Reasonably available control technology required.
- 74:36:18:10 Visible emissions limit for construction and continuous operation activities.
- 74:36:18:11 Exception to visible emission limit.
- 74:36:18:12 Notice of operating noncompliance -- Contents.

74:36:18:10. Visible emission limit for construction and continuous operation activities. The owner or operator of a state facility or state contractor may not discharge into the ambient air from a fugitive source an air pollutant of a density equal to or greater than that designated as 20 percent opacity for a series of two minute averages with a minimum of a total of six minutes of readings. The Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2016~~ **July 1, 2018**) shall be used to determine the opacity.

Source: 28 SDR 178, effective July 1, 2002; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-47, 34A-1-49.

CHAPTER 74:36:20

CONSTRUCTION PERMITS FOR NEW SOURCES OR MODIFICATIONS

Section

- 74:36:20:01 Applicability.
- 74:36:20:02 Construction permit required.
- 74:36:20:02.01 Initiating construction prior to permit issuance.
- 74:36:20:03 Construction permit exemption.
- 74:36:20:04 Emission unit exemptions.
- 74:36:20:05 Standard for issuance of construction permit.
- 74:36:20:05.01 Procedures for an insignificant increase in allowable emissions.
- 74:36:20:06 Timely and complete application for a construction permit required.
- 74:36:20:07 Required contents of complete application for a construction permit.
- 74:36:20:08 Applicant required to supplement or correct application.
- 74:36:20:09 Permit application -- Completeness review.
- 74:36:20:10 Time period for department's recommendation.
- 74:36:20:11 Public participation in permitting process.
- 74:36:20:12 Public review of department's draft permit.
- 74:36:20:13 Final permit decision -- Notice to interested persons.
- 74:36:20:14 Right to petition for contested case hearing.
- 74:36:20:15 Contents of construction permit.

- 74:36:20:16 Administrative permit amendment.
- 74:36:20:17 Procedures for administrative permit amendments.
- 74:36:20:18 Reopening construction permit for cause.
- 74:36:20:19 Procedures to reopen construction permit.
- 74:36:20:20 Construction permit does not exempt from other requirements.
- 74:36:20:21 Expiration of a construction permit.
- 74:36:20:22 Notice of constructing or operating noncompliance -- Contents.
- 74:36:20:23 Petition for contested case or alleged violation.
- 74:36:20:24 Circumvention of emissions not allowed.

74:36:20:05. Standard for issuance of construction permit. A construction permit for a new source or modification to an existing source may be issued only if it has been shown that the operation of the new source or modification to an existing source will not prevent or interfere with the attainment or maintenance of an applicable national ambient air quality standard. If air pollution dispersion modeling is required, the modeling shall be performed in accordance with the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W (~~July 1, 2016~~ **July 1, 2018**) and is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2016~~ **July 1, 2018**). Each new source or modification to an existing source must comply with emission limits and other requirements of the act and the Clean Air Act. The construction permit must include reasonable conditions, including adherence to plans and specifications, to ensure compliance with the act, the Clean Air Act, and any other conditions justified under SDCL 34A-1-19.

Source: 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-19, 34A-1-21.

Law Implemented: SDCL 34A-1-21.

CHAPTER 74:36:21

REGIONAL HAZE PROGRAM

Section

- | | |
|-------------|---|
| 74:36:21:01 | Applicability. |
| 74:36:21:02 | Definitions. |
| 74:36:21:03 | Existing stationary facility defined. |
| 74:36:21:04 | Visibility impact analysis. |
| 74:36:21:05 | BART determination. |
| 74:36:21:06 | BART determination for a BART-eligible coal-fired power plant. |
| 74:36:21:07 | Installation of controls based on visibility impact analysis or BART determination. |
| 74:36:21:08 | Operation and maintenance of controls. |
| 74:36:21:09 | Monitoring, recordkeeping, and reporting. |

- 74:36:21:10 Permit to construct.
- 74:36:21:11 Permit required for BART determination.
- 74:36:21:12 Federal land manager notification and review.

^{As}
74:36:21:02. Definitions. ~~Unless otherwise specified, the terms~~ used in this chapter
^{mean:}

(1) "Adverse impact on visibility" ^{means} visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I federal area. Adverse impact on visibility shall be based on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with times of visitor use of a mandatory Class I federal area and the frequency and timing of natural conditions that reduce visibility;

(2) "BART" ^{means} best available retrofit technology;

(3) "Best available retrofit technology" ^{means} an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the

substantive law.
Should not be in definition

substantive law.
Should not be in definition

source, and the degree of improvement in visibility that may reasonable be anticipated to result
↑ from the use of such technology;

(4) "BART-eligible source," ^{means} an existing stationary facility;

(5) "Coal-fired power plant," ^{means} any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise real property used, or intended for use, for the conversion of coal into electric power;

(6) "Contribute to adverse impact on visibility," ^{means} a change in visibility impairment in a mandatory Class I federal area of five-tenths deciviews or more, based on a 24-hour average, above the average natural visibility baseline. A source exceeds the threshold if the 98th percentile (eighth highest value) of the modeling results, based on one year of the three years of meteorological data modeled, equals or exceeds five-tenths deciviews;

Substantive

(7) "Major source," ^{means the same} as defined in § 74:36:01:08(2) and (3);

(8) "Mandatory Class I federal area," ^{means} any area identified in 40 C.F.R. § 81, Subpart D (July 1, 2016 July 1, 2018);

(9) "Visibility impairment," ^{means} any human-perceptible change in visibility such as light extinction, visual range, contrast, coloration, from that which would have existed under natural conditions;

(10) "30-day rolling average," ^{means an amount} expressed as pounds per million Btus and pounds per hour and calculated in accordance with the following procedures:

(a) Sum the total pounds of pollutant in question emitted from a unit during an operating day and the previous 29 operating days;

(b) Sum the total heat input to the unit in million Btus during the operating day and the previous 29 operating days;

(c) Sum the total hours the unit operated in hours during the day and the previous 29 operating days;

(d) For pounds per million Btus, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total heat input during the 30-day operating days;

(e) For pounds per hour, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total hours operated during the 30-day operating days.

These calculations are substantive and should not be in definitions

A new 30-day rolling average shall be calculated for each new operating day. Each 30-day rolling average shall represent all emissions, including emissions that occur during periods of startup, shut down, and malfunction; and

(11) "Operating day" ^{means} a 24-hour period between ¹² midnight and the following midnight during which any fuel is combusted at any time in the ^{unit}. ~~It is not necessary for fuel to be combusted the entire 24-hour period.~~ ^{period, even if fuel is not}

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:04. Visibility impact analysis. An air quality construction permit for a new major source or modification to a major source shall demonstrate to the department that the potential to emit from the new major source or modification to a major source may be issued only if it has been shown that the operation of the new major source or modification to a major source will not contribute to adverse impact on visibility in any mandatory Class I federal area. If air pollution dispersion modeling is required, the modeling shall be performed in accordance with the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W (~~July 1, 2016~~ **July 1, 2018**) and is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2016~~ **July 1, 2018**).

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:05. BART determination. The owner or operator of a BART-eligible source that emits any air pollutant which may reasonably be anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area shall submit a BART determination. The BART determination shall follow the procedures outlined in 40 C.F.R. § 51, Subpart Y (~~July 1, 2016~~ July 1, 2018) and must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source. In this analysis, the BART determination must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology. The BART determination ^{must} ~~shall~~ be submitted within nine months after being notified by the department that the existing stationary source is reasonably anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area.

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:09. Monitoring, recordkeeping, and reporting. The owner or operator required to install and operate controls established in a visibility impact analysis or BART determination shall conduct periodic monitoring, recordkeeping, and reporting. All sulfur dioxide and nitrogen oxides emissions from the BART-eligible source ^{must} shall be routed to the main stack of a BART-eligible source. The owner or operator of a BART-eligible source shall install, certify, maintain, calibrate, and operate a continuous emission monitoring system for sulfur dioxide and nitrogen oxide in accordance with 40 C.F.R. Part 75 (~~July 1, 2016~~ **July 1, 2018**), except the recordkeeping and reporting requirements for the continuous emission monitoring systems ^{must} shall be in accordance with 40 C.F.R. § 60.7 (~~July 1, 2016~~ **July 1, 2018**). Monitoring and related recordkeeping and reporting requirements for other air pollutants from a BART-eligible source or from a major source or modification of a major source ^{must} shall consist of at least the following:

- (1) All emissions monitoring and analysis procedures, alternative approved methods, or test methods required in determining compliance with §§ 74:36:21:04 and 74:36:21:06;
- (2) As necessary, documentation of the use, maintenance, and if appropriate, installation of monitoring equipment or methods;
- (3) Documentation of the following:

- (a) The date, place, and time of sampling or measurements;
- (b) The date or dates analyses were performed;
- (c) The company or entity that performed the analyses;
- (d) The analytical techniques or methods used;
- (e) The results of such analyses; and
- (f) The operating conditions as existing at the time of sampling or measurement;

(4) Recordkeeping and reporting requirements that comply with the following:

(a) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all exceedances with §§ 74:36:21:04 and 74:36:21:06. All required reports must be certified by a responsible official; and

(b) Exceedances of §§ 74:36:21:04 and 74:36:21:06, including those attributable to upset conditions. The probable cause of such exceedance and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

(5) Requirements for retention of monitoring records and all supporting documentation for at least five years from the date of the monitoring sample, measurement, report, or application.

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

Appendix B
EPA's Preliminary Comments

From: Lohrke, Gregory
To: Brakke, Ashley
Subject: RE: [EXT] EPA Comments on Draft ARSD Revisions
Date: Thursday, August 22, 2019 5:44:26 PM

Hi Ashley

I'm back in the office and had a chance to look at my full notes.

First Comment (section 74:36:07:109)

Re-reading section 106, 107 and 109, I realize that the second part of this comment is unnecessary. Striking the section and subdivision references from the last sentence of the first paragraph from subdivision (4) does not change the conditional exemption from the requirements of sections 106 and 107 and paragraphs (1), (2) or (3) of section 109. Disregard this second part of the comment.

For the first part of the first comment, I would suggest the following highlighted changes:

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

- (1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 § 60.37f(d); or
 - (2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; or
 - (3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less; or.
 - (4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) paragraph (c)(1) or (2) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section. Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section.
- If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements;

With these changes, I think it is clearer that the landfill must meet the requirements of either paragraph (1), (2) or (3), and ALSO must meet the requirements of paragraph (4). I believe this is the intent of 40 CFR 60.33f(c). Let me know if you have a different view, or if this otherwise makes sense.

Second Comment (74:36:07:117)

For this comment, it is my understanding that section 117 incorporates the requirements of 40 CFR 60.37f(a). With this in mind, the requirements of § 74:36:07:117(2)(b) are *supposed* to be equivalent to 40 CFR 60.37f(a)(2)(ii):

<p>(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. <u>If the sample location is prior to combustion, the following apply:</u></p> <p><u>(i) The span shall be set between 10 and 12 percent oxygen;</u></p> <p><u>(ii) A data recorder is not required;</u></p> <p><u>(iii) Only two calibration gases are required, a zero and span;</u></p> <p><u>(iv) A calibration error check is not required; and</u></p> <p><u>(v) The allowable sample bias, zero drift, and calibration drift are ±10 percent;</u></p>	<p>(ii) Unless an alternative test method is established as allowed by §60.38f(d)(2), the oxygen level must be determined by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (incorporated by reference, see §60.17). <u>Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:</u></p> <p><u>(A) The span must be set between 10 and 12 percent oxygen;</u></p> <p><u>(B) A data recorder is not required;</u></p> <p><u>(C) Only two calibration gases are required, a zero and span;</u></p> <p><u>(D) A calibration error check is not required; and</u></p> <p><u>(E) The allowable sample bias, zero drift, and calibration drift are ±10 percent.</u></p>
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Question: Do the underlined portions of the two texts mean the same thing?

I did not mean to suggest that all three methods be used to determine the oxygen level. I was trying to verify that the two regs mean the same thing with reference to the exceptions to oxygen measurement methodology. It was my interpretation that ASTM D6522-11 is only acceptable if measurements are being taken from a pre-combustion location. My uncertainty was whether the exceptions to the method of measurement (sec. 60.37f(a)(2)(ii)(A)–(E)) apply only to the use of ASTM D6522-11, or if they apply to all three methods.

It was my reading that the exceptions apply to all three, but the state's revisions suggest that the exceptions apply only when taking the sample from a pre-combustion location (when using ASTM D6522-11). Unless you are sure that the exceptions apply only to the use of ASTM D6522-11, I would suggest the following change of language (highlighted):

(b) Unless an alternative test method is established, the oxygen level shall be determined by an

oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 (if the sample location is prior to combustion) except that: If the sample location is prior to combustion, the following apply:

- (i) The span shall be set between 10 and 12 percent oxygen;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span;
- (iv) A calibration error check is not required; and
- (v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;

Also let me know if this clarifies the original comment.

Get back to me with any other questions, and thanks again for letting EPA provide comments before finalizing.

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, August 19, 2019 7:55 AM
To: Lohrke, Gregory <lohrke.gregory@epa.gov>
Subject: RE: EPA Comments on Draft ARSD Revisions

Sounds good, clarification by Friday is fine. I will be in and out of the office with travel as well this week. Thanks!

From: Lohrke, Gregory <lohrke.gregory@epa.gov>
Sent: Sunday, August 18, 2019 8:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: RE: [EXT] EPA Comments on Draft ARSD Revisions

Hi Ashley

I'm on work travel until Thursday. However, I can provide a clear response/follow up by Monday evening. If that is too late for the State, I believe both of these sections would be okay as is, if the state has an interpretation matching the corresponding requirements of Subpart Cf. Let me know, but I will plan on having a clarifying explanation by Friday afternoon regardless.

Thanks

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Friday, August 16, 2019 11:00 AM
To: Lohrke, Gregory <lohrke.gregory@epa.gov>
Subject: RE: EPA Comments on Draft ARSD Revisions

Hi Gregory,

I'm not completely clear on a couple comments for the drafted sections for 74:36:07:109 and

74:36:07:117 on the following comments:

The first comment:

Striking “§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section,” from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the “subdivision” and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

74:36:07:109. Existing municipal solid waste landfill control system. The Secretary shall approve the control system if it meets one of the following requirements, except as provided in 40 C.F.R. § 60.24 (July 1, 2018):

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 & 60.37f(d);

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight;

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less; or

(4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, the treated landfill gas shall be controlled according to subdivision (1), (2) or (3) paragraph (e)(1) or (2) of this section. All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section. Atmospheric vents located on the condensate storage tank are not part of the treatment system and exempt from the requirements of this subdivision §§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) paragraph (b) or (c) of this section.

If a boiler or process heater is used as a control device, the landfill gas stream shall be introduced into the flame zone. The control device shall be operated within the operating parameter ranges established during the initial or most recent performance test. For the closed landfill subcategory, the initial or most recent performance test conducted on or before July 17, 2014 satisfies the performance testing requirements;

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

Do you have proposed language to more explicitly state the requirements? I am open to proposed revisions to make the rule as clear as possible.

The second comment:

Unclear if these two phrasings mean the same thing:

"Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply"

AND

"Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:"

Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.

The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion AND(?) using ATSM D6522-11

74:36:07:117. Existing municipal solid waste landfill active gas collection system monitoring. The owner or operator of an existing municipal solid waste landfill that seeks to comply with subdivision 74:36:07:107(1) §60.33f(b)(2) for an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead. The owner or operator shall:

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in subdivision 74:36:07:112(3) § 60.36f(a)(3);

2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as follows:

(a) The nitrogen level shall be determined using 40 C.F.R. Part 60, Appendix A, Method 3C (July 1, 2018), unless an alternative test method is established as allowed by subdivision 74:36:07:126(2) §60.38f(d)(2); and

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply:

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ±10 percent;

(c) A portable gas composition analyzer may be used to monitor the oxygen levels provided the analyzer is calibrated and meets all quality assurance and quality control requirements for 40 C.F.R. Part 60, Appendix A, Method 3A (July 1, 2018) or ASTM D6522-11.

3. Monitor the temperature of the landfill gas on a monthly basis as provided in subdivision 74:36:07:112(4) §60.36f(a)(5). The temperature measuring device shall be calibrated annually using the procedure in 40 C.F.R. Part 60, Appendix A-1, Method 2, Section 10.3 (July 1, 2018).

Source:

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

Do you propose you propose using both method 3A, 3C, and ASTM D6522? I open to revised language suggestions for this section as well.

The rest of the comments primarily being typographical errors, we did not have any issue with changing.

Ashley

From: Lohrke, Gregory <lohrke.gregory@epa.gov>

Sent: Tuesday, August 13, 2019 2:01 PM

To: Brakke, Ashley <Ashley.Brakke@state.sd.us>

Cc: Fiedler, Kerri <Fiedler.Kerri@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Leone, Kevin <Leone.Kevin@epa.gov>

Subject: [EXT] EPA Comments on Draft ARSD Revisions

Dear Ms. Brakke

Thank you for the opportunity to provide comments on the South Dakota Department of Environment and Natural Resources (DENR) draft revisions to Chapter 74:36 of the Administrative Rules of South Dakota (ARSD). I have completed a preliminary review of draft revisions to §§ 74:36:01:19 and 74:36:07:94 through 74:36:07:145. As the reviewer, it is my opinion that the draft revisions to the aforementioned sections of the ARSD are substantively consistent with the requirements of 40 CFR part 60, subparts B and 40 CFR part 60, subpart Cf (Subpart Cf) and that finalization of these revisions will constitute an approvable incorporation of standards of performance for existing municipal solid waste (MSW) landfills.

However, during my review I found that several portions of the revisions deserve comments relating

to two general issues:

1. typographical errors; and
2. general questions about the method (or style) of incorporation which may be resolved with a more in depth EPA review.

Please see the attached document, "Comments on ARSD Incorporation of Subpart Cf" for more detailed comments related to these general issues.

If these comments are addressed in the final incorporation of Subpart Cf into the ARSD, it is likely that the final rule revisions will form the foundation for an approvable 111(d) state plan for existing MSW landfills. However, the EPA will not reach any final conclusions regarding these revisions to the ARSD until South Dakota provides a formal 111(d) state plan submittal and until the EPA publishes its own notice and comment rulemaking in the Federal Register concerning the plan's approvability. I look forward to continuing work with you on South Dakota's 111(d) state plan for existing MSW landfills. If you have any questions on these comments, or any other issue related to South Dakota's 111(d) plan, please contact me at (303) 312-6396 or by response to this email.

Thank you

Gregory Lohrke
U.S. EPA Region 8 | Air and Radiation Division
Air Toxics, Radiation and Modeling Branch
(303) 312-6396

40 CFR part 60, subpart Cf	SDAR Article 74:36
60.30f(a)	Not Applicable (NA)
60.30f(b)	74:36:07:104
60.31f(a)-(b)	74:36:01:19
60.31f(c)-(d)	74:36:07:96
60.31f(e)(5)-(7)	74:36:07:145, 140 and 139
60.32f	74:36:07:106
60.33f(a)	74:36:07:105
60.33f(b)	74:36:07:106 and 107
60.33f(c)	74:36:07:109 and 110
60.33f(d)	74:36:07:94
60.33f(e)	74:36:07:98
60.33f(f)	74:36:07:144
60.34f	74:36:07:111
60.35f(a)(1)	74:36:07:99
60.35f(a)(2)	74:36:07:100
60.35f(a)(3)	74:36:07:101
60.35f(a)(4)	74:36:07:102
60.35f(a)(5)	74:36:07:104
60.35f(a)(6)	74:36:07:103
60.35f(b)	74:36:07:143
60.35f(c)	74:36:07:97
60.35f(d)-(e)	74:36:07:110
60.36f(a)	74:36:07:112
60.36f(b)	74:36:07:113
60.36f(c)	74:36:07:114
60.36f(d)	74:36:07:115
60.36f(e)	74:36:07:116
60.37f(a)	74:36:07:117
60.37f(b)	74:36:07:118
60.37f(c)	74:36:07:119
60.37f(d)	74:36:07:123
60.37f(e)	74:36:07:122
60.37f(f)	74:36:07:120
60.37f(g)	74:36:07:121
60.37f(h)	74:36:07:124
60.38f(a)	74:36:07:94
60.38f(b)	74:36:07:95
60.38f(c)	74:36:07:125
60.38f(d)	74:36:07:126
60.38f(e)	74:36:07:127
60.38f(f)	74:36:07:142
60.38f(g)	74:36:07:145
60.38f(h)	74:36:07:140
60.38f(i)	74:36:07:139
60.38f(j)	74:36:07:138

60.38f(k)	74:36:07:129
60.38f(l)	74:36:07:141
60.38f(m)	74:36:07:128
60.39f(a)	74:36:07:130
60.39f(b)	74:36:07:131
60.39f(c)	74:36:07:132
60.39f(d)	74:36:07:133
60.39f(e)	74:36:07:134
60.39f(f)	74:36:07:135
60.39f(g)	74:36:07:136
60.39f(h)-(j)	74:36:07:137
60.40f	74:36:07:108
60.41f	NA

Page	Division	Comment
NA	NA	<p>The commenter wonders how South Dakota has handled terms defined in discrete subparts of 40 CFR part 60, but not defined in the incorporation of those subparts, nor in the general 'definitions' subdivisions. Is the commenter not seeing somewhere where the State explains that terms used but not defined in the incorporations will have the meanings given to them in, for example, Subpart Cf?</p> <p>If there are no terms used in the revised sections that would benefit from the definitions provided in 40 CFR 60, subpart CF, disregard this comment.</p>
140	74:36:07	The draft amendments do not include adding the draft new sections to the Table of Contents for Chapter 74:36:07. Does this happen automatically with the acceptance/finalization of draft revisions?
172	74:36:07:43	The repeal of the old NSPS for new MSW landfills is expected. The commenter wonders why the state will be adding direction to comply with the new NSPS (Subpart XXX) at the end of this Chapter (74:36:07:146), instead of replacing the struck through direction to Subpart WWW found in this section.
204	74:36:07:99	<p>The draft incorporation of Eq. 2 has transcribed the equation as it appears in the CFR:</p> $M_{NMOC} = 2L_o R(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$ <p>as</p> $M_{NMOC} = 2L_o R(e^{-kcc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$ <p>The incorporation also does not define the variable "c" – Time since closure, years; for active landfill c = 0.</p>
222	74:36:07:109	60.33f(c) gives a choice between the non-enclosed flare as outlined in paragraph (c)(1) <u>OR</u> the 98% reduction systems available in paragraph (c)(2). The arrangement of paragraphs (1), (2) and (3), in the strictest reading of the section, makes it seem like all must be done. If this is an incorrect reading, and the rule will be clear to regulated facilities, disregard this comment.
223	74:36:07:109	<p>Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?</p> <p>Assuming the latter, but the commenter wanted to bring this up.</p>
224	74:36:07:110	Section 60.33f(c)(2) states that the performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than <u>44</u> megawatts. Was it the drafter's intention to lower this to equal or greater than <u>40</u> megawatts?

224	74:36:07:110	<p>For the equation used to calculate the net heating value of landfill gas, the reference should point to 40 CFR 60.18(f)(3). A transcription error has given a reference to "40 CFR sec. 60.18(3)" – a nonexistent section.</p> <p>The above genre of typo is seen again in the transcription of 40 CFR 60.18(f)(4) in the same paragraph.</p>
224	74:36:07:110	Typo- The second variable in the key for Eq. 4 has also been recorded as NMOC sub 'in' instead of 'out'
228	74:36:07:111	The draft sentence in paragraph (7) is incomplete: "If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, this section."
234	74:36:07:113	I believe section 74:36:07:126 had been earlier established as the counterpart to section 60.38f(d). Here, the direction is pointing back to this same section.
237	74:36:07:115	The original is requiring owner/operator to comply with paragraphs (d)(1)–(4) if they are first complying with other surface emission monitoring provisions. Reference to compliance with section 114 aligns, but compliance with section 99 seems overly general. In this instance, would it not be proper to address owner/operators complying with <u>section 103</u> ?
239	74:36:07:117	<p>Unclear if these two phrasings mean the same thing:</p> <p>"Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply"</p> <p>AND</p> <p>"Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:"</p> <p>Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.</p> <p>The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion AND(?) using ATSM D6522-11</p>
248	74:36:07:126	Typo in paragraph (1): "The design requirements of §§ 74:36:07:9106"
272	74:36:07:140	Paragraph (7) may make more sense without 'are required' being struck.

Comments that were received by EPA on the drafted revisions along with the discussed changes:

EPA general comment on overall draft: *The commenter wonders how South Dakota has handled terms defined in discrete subparts of 40 CFR part 60, but not defined in the incorporation of those subparts, nor in the general 'definitions' subdivisions. Is the commenter not seeing somewhere where the State explains that terms used but not defined in the incorporations will have the meanings given to them in, for example, Subpart Cf?*

If there are no terms used in the revised sections that would benefit from the definitions provided in 40 CFR 60, subpart CF, disregard this comment.

DENR Response: There are no terms used in the revised sections; therefore, no changes will occur based on this comment.

EPA comment in ARSD 74:36:07: *The draft amendments do not include adding the draft new sections to the Table of Contents for Chapter 74:36:07. Does this happen automatically with the acceptance/finalization of draft revisions?*

DENR response for ARSD 74:36:07: The table is automatically included; therefore, no changes will occur from this comment.

EPA comment in section ARSD 74:46:07:43: *The repeal of the old NSPS for new MSW landfills is expected. The commenter wonders why the state will be adding direction to comply with the new NSPS (Subpart XXX) at the end of this Chapter (74:36:07:146), instead of replacing the struck through direction to Subpart WWW found in this section.*

DENR response for ARSD 74:46:07:43: In previous rules changes, the South Dakota Legislative Research Council has preferred an entire section be removed and the new section added back in which is why it is separate. No changes occurred based on this comment.

EPA comment in section ARSD 74:36:07:99:

The draft incorporation of Eq. 2 has transcribed the equation as it appears in the CFR:

$$M_{NMOC} = 2L_o R(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

as

$$M_{NMOC} = 2L_o R(e^{-kcc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9})$$

The incorporation also does not define the variable "c" – Time since closure, years; for active landfill c = 0.

DENR response for ARSD 74:36:07:99: This was a typographical error and DENR agrees with EPA's proposed change.

EPA initial comment in section ARSD 74:36:07:109: 60.33f(c) gives a choice between the non-enclosed flare as outlined in paragraph (c)(1) OR the 98% reduction systems available in paragraph (c)(2). The arrangement of paragraphs (1), (2) and (3), in the strictest reading of the section, makes it seem like all must be done. If this is an incorrect reading, and the rule will be clear to regulated facilities, disregard this comment.

Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

DENR response for ARSD 74:36:07:109: DENR asked for more clarification and potential proposed language for ARSD 74:36:07:109 from the initial comment while agreeing to the following addition as underlined below:

"74:36:07:109. Existing municipal ... if it meets one of the following requirements..."

The second comment from EPA to provide more clarification was the following:

Striking "§§ 74:36:07:106 and 74:36:07:107 or subdivision (1), (2), or (3) of this section," from the end of paragraph (4)- Does this remove the conditional exemption from sections §§ 74:36:07:106 and 74:36:07:107- or am I correct in that paragraph (4) is the "subdivision" and so the remaining language provides a conditional exemption to the earlier reference of vents being subject to §§ 74:36:07:106 and 74:36:07:107?

Assuming the latter, but the commenter wanted to bring this up.

Based on that comment, DENR added the bold, underlined sections above, removed "or" from the third subsection and made the fourth subsection its own paragraph requirement that is applicable in all situations.

"74:36:07:109. Existing municipal...

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (July 1, 2018), except as provided in § 74:36:07:123 § ~~60.37f(d)~~; **or**

(2) A control system designed and operated to reduce nonmethane organic compounds by 98 percent by weight; **or**

(3) An enclosed combustor designed and operated to either reduce nonmethane organic compounds by 98 percent by weight or the outlet nonmethane organic compound concentration to 20 parts per million as hexane by volume, dry basis at three percent oxygen, or less; or

(4) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use..."

EPA comments in section 74:36:07:110: *Section 60.33f(c)(2) states that the performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts. Was it the drafter's intention to lower this to equal or greater than 40 megawatts?*

For the equation used to calculate the net heating value of landfill gas, the reference should point to 40 CFR 60.18(f)(3). A transcription error has given a reference to "40 CFR sec. 60.18(3)" – a nonexistent section.

The above genre of typo is seen again in the transcription of 40 CFR 60.18(f)(4) in the same paragraph.

Typo- The second variable in the key for Eq. 4 has also been recorded as NMOC sub 'in' instead of 'out'

DENR responses for ARSD 74:36:07:110: DENR agrees with all three of EPA's proposed changes in this section that were typographical errors.

EPA comment in section ARSD 74:36:07:111: *The draft sentence in paragraph (7) is incomplete: "If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, this section."*

DENR response for ARSD 74:36:07:111: Based on EPA's comment, DENR agrees with the proposed change and added the additional language that is bold, underlined below that had been erroneously left out.

74:36:07:111. Existing municipal...

(7) ...If corrective actions are taken as specified in §§ 74:36:07:112 to 74:36:07:116, inclusive, ~~§60.36f,~~ **the monitored exceedance is not a violation of the operational requirements in** this section..."

EPA comment in section ARSD 74:36:07:113: *I believe section 74:36:07:126 had been earlier established as the counterpart to section 60.38f(d). Here, the direction is pointing back to this same section.*

DENR response for ARSD 74:36:07:113: DENR agrees with EPA's proposed change as this was a typographical error.

EPA comment in section ARSD 74:36:07:115: *The original is requiring owner/operator to comply with paragraphs (d)(1)–(4) if they are first complying with other surface emission monitoring provisions. Reference to compliance with section 114 aligns, but compliance with section 99 seems overly general. In this instance, would it not be proper to address owner/operators complying with section 103?*

DENR response for ARSD 74:36:07:115: DENR agrees with EPA's comment and made the change as this was a typographical error.

EPA Comment in section ARSD 74:36:07:117: *Unclear if these two phrasings mean the same thing:*

"Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. If the sample location is prior to combustion, the following apply"

AND

"Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:"

Unfamiliar with these methods. Is only ATSM D6522-11 to be used if the sample location is prior to combustion, or do the following five points apply when the sample location is prior to combustion.

The commenter is considering that the following 5 points are deviations from ASTM D6522-11 and that these will only apply when prior to combustion AND(?) using ATSM D6522-11

DENR response to 74:36:07:117: DENR asked for additional information for clarification on the original comment and received the following from EPA:

For this comment, it is my understanding that section 117 incorporates the requirements of 40 CFR 60.37f(a). With this in mind, the requirements of § 74:36:07:117(2)(b) are supposed to be equivalent to 40 CFR 60.37f(a)(2)(ii):

(b) Unless an alternative test method is	(ii) Unless an alternative test
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<p>established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11. <u>If the sample location is prior to combustion, the following apply:</u></p> <p><u>(i) The span shall be set between 10 and 12 percent oxygen;</u></p> <p><u>(ii) A data recorder is not required;</u></p> <p><u>(iii) Only two calibration gases are required, a zero and span;</u></p> <p><u>(iv) A calibration error check is not required; and</u></p> <p><u>(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;</u></p>	<p>method is established as allowed by §60.38f(d)(2), the oxygen level must be determined by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (incorporated by reference, see §60.17). <u>Determine the oxygen level by an oxygen meter using Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:</u></p> <p><u>(A) The span must be set between 10 and 12 percent oxygen;</u></p> <p><u>(B) A data recorder is not required;</u></p> <p><u>(C) Only two calibration gases are required, a zero and span;</u></p> <p><u>(D) A calibration error check is not required; and</u></p> <p><u>(E) The allowable sample bias, zero drift, and calibration drift are ± 10 percent.</u></p>
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Question: Do the underlined portions of the two texts mean the same thing?

I did not mean to suggest that all three methods be used to determine the oxygen level. I was trying to verify that the two regs mean the same thing with reference to the exceptions to oxygen measurement methodology. It was my interpretation that ASTM D6522-11 is only acceptable if measurements are being taken from a pre-combustion location. My uncertainty was whether the exceptions to the method of measurement (sec. 60.37f(a)(2)(ii)(A)—(E)) apply only to the use of ASTM D6522-11, or if they apply to all three methods.

It was my reading that the exceptions apply to all three, but the state's revisions suggest that the exceptions apply only when taking the sample from a pre-combustion location (when using ASTM D6522-11). Unless you are sure that the exceptions apply only to the use of ASTM D6522-11, I would suggest the following change of language (highlighted):

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 (if the sample location is prior to combustion) except that: If the sample location is prior to combustion, the following apply:

(i) The span shall be set between 10 and 12 percent oxygen;

(ii) A data recorder is not required;

(iii) Only two calibration gases are required, a zero and span;

(iv) A calibration error check is not required; and

(v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent;

Also let me know if this clarifies the original comment.

Based on EPA's clarification of the original comment, DENR agrees to make the following change by adding the bold underlined language below and removing the language that is overstrike:

74:36:07:117. Existing municipal ...

(b) Unless an alternative test method is established, the oxygen level shall be determined by an oxygen meter using 40 C.F.R. Part 60, Appendix A, Method 3A or 3C (all July 1, 2018) or ASTM D6522-11 **(if the sample location is prior to combustion)** **except that**. ~~If the sample location is prior to combustion,~~ the following apply;

- (i) The span shall be set between 10 and 12 percent oxygen;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span;
- (iv) A calibration error check is not required; and
- (v) The allowable sample bias, zero drift, and calibration drift are ± 10 percent...

EPA comment in section ARSD 74:36:07:126: *Typo in paragraph (1): "The design requirements of §§ 74:36:07:9106"*

DENR response for ARSD 74:36:07:126: DENR agrees with EPA's proposed change by removing the "9" and that was a typographical error.

EPA comment in section ARSD 74:36:07:140: *Paragraph (7) may make more sense without 'are required' being struck.*

DENR response to ARSD 74:36:07:140: DENR agrees with EPA's proposed change as this was a typographical error.

Appendix C

Other Comments

From: Coon, Dan
To: Brakke, Ashley
Cc: Tech Dale; Titus Stacey; Pauli Steven
Subject: [EXT] Proposed Air Quality ARSD
Date: Tuesday, August 13, 2019 12:19:10 PM

Ms. Brakke,

The City of Rapid City does not have any comments concerning the proposed changes to the Administrative Rules of South Dakota Chapter 74:36 as provided by the SDDENR for review.

Dan Coon, P.E.
Assistant Public Works Director
City of Rapid City
(605) 394-4165

From: Berg, Andrew
To: Brakke, Ashley
Cc: Kuper, Don; Neyens, Jesse
Subject: RE: [EXT] Drafted Revisions to Air Quality Administrative Rules
Date: Thursday, August 8, 2019 1:54:12 PM

Ashley,

We have reviewed the drafted revisions and do not have any comments. Thank you.

For future correspondence, I can be the point of contact for our Environmental group and Don Kuper would be the point of contact at the landfill. Our phone numbers are below and emails are on this email chain. Thanks.

Don Kuper
Sanitary Landfill Superintendent
367-8163

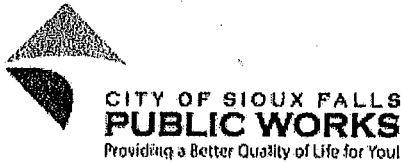
Andy Berg
Environmental/Stormwater Manager
367-8637

From: Perry, Mark
Sent: Wednesday, July 24, 2019 8:02 AM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Cc: Berg, Andrew <ABerg@siouxfalls.org>; Kuper, Don <DKuper@siouxfalls.org>; Neyens, Jesse <JNeyens@siouxfalls.org>
Subject: RE: Drafted Revisions to Air Quality Administrative Rules
Importance: High

Ashley,

For Landfill items with the city of Sioux Falls I would start with Andy Berg, Environmental/Stormwater Manager and Donny Kuper, Sanitary Landfill Superintendent. I have CC them on this email along with Jesse Neyens from Environmental Division. If you have any other items please do not hesitate to contact us.

Mark Perry
City of Sioux Falls
Wastewater Superintendent
Public Works / Water Reclamation Division
4500 N. Sycamore Avenue
Sioux Falls, SD 57104
Office- 605-367-8191
Cell - 605-941-1151



From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Tuesday, July 23, 2019 4:57 PM
To: Perry, Mark <mperry@SIOUXFALLS.org>
Subject: FW: Drafted Revisions to Air Quality Administrative Rules

External email - use caution when clicking on links or attachments.

Hi Mark,

This email was sent last Thursday for initial outreach to David McElroy at dmcelroy@sioux falls.org, but was returned. Do you prefer I send correspondence regarding the landfill rule updates to you?

Thank You,

Ashley

From: Brakke, Ashley
Sent: Thursday, July 18, 2019 4:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Drafted Revisions to Air Quality Administrative Rules

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/aq/airprogr.aspx> and are also attached to this email. The drafted additions are in bold, blue underlined with deletions in red, overstrike.

Please respond by **August 9th, 2019** to indicate if your facility is in agreement with the drafted rule changes or if your facility would like to submit any comments for us to consider before the draft changes are proposed. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

If DENR does not receive a response by the date listed above, DENR will make additional

attempts to reach you for concurrence on the drafted rule changes. DENR tentatively plans to publish a formal public notice in August or September 2019, announcing a rule hearing in front of the Board of Minerals and Environment in September or October 2019. Thank you for assisting us in this rule making process.

Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: Mike Boerger
To: Brakke, Ashley
Subject: RE: [EXT] Drafted Revisions to Air Quality Administrative Rules
Date: Wednesday, August 7, 2019 9:21:18 AM
Attachments: Image001.png

Ashley:

I have looked at the proposed changes. Changing the Tier 'trigger' from 50 to 34 megagrams has minimal impact to our landfill. We are currently performing our second Tier Assessment. Even at 34 megagrams, a Tier III Assessment is in our distant future. Our current Tier II concentration yielded 3.55 megagrams for our landfill in 2018, so we will see Tier III coming and will be able to budget for it well in advance of the 34 megagrams "trigger".

I assume the landfill design capacity report requirement will be included the annual certification/operational report requirements.

Sincerely,



Superintendent Wastewater & Solid Waste
605-882-6243

mboerger@watertownsd.us

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Thursday, July 18, 2019 4:20 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Drafted Revisions to Air Quality Administrative Rules

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151



**DEPARTMENT OF EXECUTIVE MANAGEMENT
BUREAU OF FINANCE AND MANAGEMENT**

500 East Capitol Ave. • Pierre, South Dakota 57501-5070 • Voice: (605) 773-3411 • Fax: (605) 773-4711

RECEIVED

SEP 17 2019

**Division of Financial
& Technical Assistance**

MEMORANDUM

TO: Department of Environment and Natural Resources
FROM: Bureau of Finance and Management
RE: Fiscal Note
DATE: September 13, 2019

The Bureau of Finance and Management has reviewed the proposed rules from the Department of Environment and Natural Resources and concurs with the department's assumptions and fiscal impact calculations.

HG:dk

Attachment: BFM Fiscal Note

cc: Jason Hancock, Director
South Dakota Legislative Research Council (BFM Fiscal Note)

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	20	Department of Environment and Natural Resources
DIVISION	2	Environmental Services
PROGRAM		Air Quality

PROPOSED RULES: Revisions to ARSD 74:36

Hearing Date: October 17, 2019

FISCAL IMPACT STATEMENT:

Brief description of fiscal impact: No impact. These are updated federal requirements that must be met with or without the state rules. No additional staffing is needed.

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected: None

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
	\$0	\$0
TOTAL	\$0	\$0
Local Subdivisions:		
	\$0	\$0
TOTAL	\$0	\$0

Small Business Increases (Decreases)		
	\$0	\$0
TOTAL	\$0	\$0

REVENUE INCREASES (DECREASES)

Revenue Increases (Decreases) State, Local & Small Business:		
	\$0	\$0
TOTAL	\$0	\$0

APPROVED


Signature Department Secretary or Board or Commission Chairman

DATE

9/13/19

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption; 2) statistics used, and their source; 3) assumptions that were made to arrive at fiscal impact; 4) computations that were made; and 5) small business impact statement

Revised June 2004

From: [Halgerson, Jeremy](#)
To: [Brakke, Ashley](#)
Cc: [Sprang, Lisa](#); [May, Colin](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Thursday, September 26, 2019 9:15:08 AM

Hi Ashley,

POET Biorefining – Hudson has no comments regarding this proposed change.

Thank-you!

Jeremy Halgerson
General Manager



29619 Spur Avenue
Hudson, SD 57034
P/ +1 (605) 984-7201
F/ +1 (605) 984-2056
C/ +1 (605) 940-4493
poet.com



POET Fast



From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, September 9, 2019 3:45 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Proposed Amendments to Air Quality Administrative Rules

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/eq/airprogr.aspx> and are also attached to this email. The proposed additions are in bold, blue underlined with deletions in red, overstrike.

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South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

Confidentiality Notice: The information contained in this e-mail message, including any attachments, is for use by the intended recipient(s) only and contains information that may be legally privileged, confidential, trade secret, proprietary in nature or copyrighted under applicable law. If you are not the intended recipient(s), you are hereby formally notified that any use, disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail transmission, in whole or in part, is strictly prohibited. This e-mail transmission does not constitute a consent to the use of sender's contact

information for direct marketing purposes or for transfers of data to third parties. If you are not the intended recipient(s), please promptly notify the sender by reply e-mail and destroy all copies of the original message.

From: [Timothy Verhey](#)
To: [Brakke, Ashley](#)
Cc: [Robert Bauerle](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Thursday, September 12, 2019 3:08:41 PM

Hello Ashley,

NuGen Energy LLC has no issues with the proposed Administrative Rule Changes.

Thank you and have a good day.

TIMOTHY D. VERHEY



Environmental Specialist
(605)648-2172
TVerhey@NuGenMarion.com

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain proprietary and privileged information for the use of the designated recipients named above. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, September 9, 2019 3:45 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Proposed Amendments to Air Quality Administrative Rules

Dear Title V permit holder:

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Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: [Teresa Suida](#)
To: [Brakke, Ashley](#)
Cc: [Mike Tchida](#)
Subject: Re: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Tuesday, September 17, 2019 10:47:05 AM

Ms. Brakke,
Woodland Cabinetry Inc has reviewed the proposed revisions to the Administrative Rules of South Dakota Chapter 74:36 as provided and we have no comments or concerns.

Sincerely,
Teresa Suida
Human Resources/Safety/Compliance Manager

Woodland Cabinetry Inc.
2415 SD Hwy 10, Sisseton, SD 57262
P:605-698-4300 x39
F:605-698-3034 or 866-698-3034
tsuida@woodlandcabinetry.com

On Sep 10, 2019, at 2:41 PM, Brakke, Ashley <Ashley.Brakke@state.sd.us> wrote:

Teresa,

You are correct, the primary changes will be applicable to landfills, ozone, and the date changes. The full proposal with a detailed summary is attached. Please let me know if you have any other questions.

Ashley

From: Teresa Suida <tsuida@woodlandcabinetry.com>
Sent: Tuesday, September 10, 2019 8:33 AM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Re: [EXT] Proposed Amendments to Air Quality Administrative Rules

Ashley,
I have reviewed the proposed changes and it appear as though the only changes, other than dates, is in relation to landfills.

We do not have a landfill, with that proviso, can you confirm that there are no proposed changes to the regulations that would apply to our permit for our finish operations? VOCs, HAPs, etc...

Thanks,

Teresa Suida

Human Resources/Safety/Compliance Manager

Woodland Cabinetry Inc.
2415 SD Hwy 10, Sisseton, SD 57262
P:605-698-4300 x39
F:605-698-3034 or 866-698-3034
tsuida@woodlandcabinetry.com

On Sep 10, 2019, at 7:36 AM, Mike Tchida
<miket@woodlandcabinetry.com> wrote:

Thank You,

Mike Tchida
General Manager
Woodland Cabinetry
(605)-698-4300 Ext. 20
miket@woodlandcabinetry.com

Begin forwarded message:

From: "Brakke, Ashley" <Ashley.Brakke@state.sd.us>
Subject: **Proposed Amendments to Air Quality
Administrative Rules**
Date: September 9, 2019 at 3:44:49 PM CDT
To: "Brakke, Ashley" <Ashley.Brakke@state.sd.us>

Dear Title V permit holder:

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to consider before the rule hearing in front of the Board of Minerals and Environment on **October 17, 2019**. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

<ARSD 74_36 proposed_20190903.pdf>

<Statement of Basis_20190909.pdf>

From: [Todd Langland](#)
To: [Brakke, Ashley](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Sunday, September 15, 2019 9:03:30 AM

Ashley:

The City of Brookings Landfill is in agreement with you changes.

Thank you,

Todd

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, September 09, 2019 3:45 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Proposed Amendments to Air Quality Administrative Rules

Dear Title V permit holder:

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Air Quality Program
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523 East Capitol
Pierre, South Dakota 57501

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program

523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: [Neyens, Jesse](#)
To: [Brakke, Ashley](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Wednesday, September 11, 2019 12:39:29 PM

Ashley, the city of Sioux Falls reviewed changes to Chapter 74.36 back in August per your previous email. Is this something new or different from your previous correspondence we need to look at?

Thanks

Jesse Neyens
Environmental Analyst



Environmental Division

1017 East Chambers Street
Sioux Falls, SD 57104
(605) 367-8278
jneyens@siouxfalls.org

From: Brakke, Ashley [<mailto:Ashley.Brakke@state.sd.us>]
Sent: Tuesday, September 10, 2019 4:22 PM
To: Berg, Andrew <ABerg@siouxfalls.org>; Kuper, Don <DKuper@siouxfalls.org>; Neyens, Jesse <JNeyens@siouxfalls.org>
Subject: Proposed Amendments to Air Quality Administrative Rules

External email - use caution when clicking on links or attachments.

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: [Alex Haag](#)
To: [Brakke, Ashley](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Friday, September 20, 2019 10:41:23 AM

No comments from DE here

Regards,
Alex

Alexander Haag
Plant Manager



46269 SD HWY 34
PO BOX 100
WENTWORTH, SD 57075
PH: 605-483-2679
CELL: 952-393-4621
FAX: 605-483-2681
ahaag@dakotaethanol.com

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, September 9, 2019 3:45 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: [Jay Sommers](#)
To: [Brakke, Ashley](#)
Subject: RE: [EXT] Proposed Amendments to Air Quality Administrative Rules
Date: Thursday, October 3, 2019 4:28:24 PM

Ashley,

Red River Energy is in agreement with the proposed changes.

Jay

Jay Sommers
General Manager



47333 104th St
PO Box 17
Rosholt, SD 57260
605-537-4550 Ext#110
316-295-6823 Cell

From: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Sent: Monday, September 9, 2019 3:45 PM
To: Brakke, Ashley <Ashley.Brakke@state.sd.us>
Subject: Proposed Amendments to Air Quality Administrative Rules

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Pierre, South Dakota 57501

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Sincerely,

Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151

From: [Coon Dan](#)
To: [Brakke, Ashley](#)
Subject: [EXT] Proposed Air Quality Amendments
Date: Monday, October 7, 2019 3:07:27 PM

Dear Ms. Brakke,

The City of Rapid City has no comments or objections to the proposed amendments to the South Dakota Air Quality Administrative Rules.

Sincerely,

Dan Coon, P.E.
Assistant Public Works Director
City of Rapid City
(605) 394-4165



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 23, 2019

Toby Crow
Associated General Contractors of SD
300 East Capitol
Pierre, SD 57501

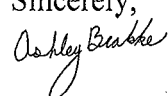
Dear Mr. Crow:

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Air Quality Program
Joe Foss Building
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Pierre, South Dakota 57501

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Sincerely,


Ashley Brakke
Engineer III
SD Department of Environment and Natural Resources
Air Quality Program
(605) 773-3151

Salutation	FNAME_LC	LNAME_LC	OFFICE1_LC	ADDRESS_LC	CITY_LC	STATE	ZIP
Mr.	Toby	Crow	Associated General Contractors of SD	300 East Capitol	Pierre	SD	57501
Mr.	Eric	Brunnemann	Badlands National Park	25216 Ben Reifel Rd	Interior	SD	57750
Mr.	David	Nelson	BAE Systems	PO Box 1947	Aberdeen	SD	57401
Mr.	Jerry	Menge	Basin Electric Power Company	1717 Interstate Avenue	Bismarck	ND	58501
	BH	Council	BH Council of Local Govts	730 E Watertown Suite 102	Rapid City	SD	57701
Sir or Madam			Black Hills Group - Sierra Club	PO Box 1624	Rapid City	SD	57709-1624
Mr.	Dean	Berger	Black Hills National Forest	1019 North 5th Street	Custer	SD	57730-8214
Ms.	Nancy	Hilding	Black Hills Regional Multiple Use Coalit	PO Box 788	Black Hawk	SD	57718
Mr.	Delvin	Deboer	Board of Certification	3466 Shadow Wood Ln	West Fargo	ND	58078-7954
Mr.	John	Scheetz	Board of Minerals and Environment	153 Pinecone Avenue	Spearfish	SD	57783
Ms.	Jessica	Peterson	Board of Minerals and Environment	38469 133rd Street	Aberdeen	SD	57401
Mr.	Bob	Morris	Board of Minerals and Environment	PO Box 370	Belle Fourche	SD	57717
Mr.	Gregg S	Greenfield	Board of Minerals and Environment	609 E. Tan Tara Circle Suite 102	Sioux Falls	SD	57108
Mr.	Glenn	Blumhardt	Board of Minerals and Environment	2014 6th Ave Box 134	Bowdle	SD	57428-0134
Mr.	Rexford	Hagg	Board of Minerals and Environment	PO Box 8008	Rapid City	SD	57709
Mr.	Doyle	Karpen	Board of Minerals and Environment	47946 332nd Street	Jefferson	SD	57038
Mr.	Dennis	Landguth	Board of Minerals and Environment	613 Alta Vista Court	Rapid City	SD	57701
Mr.	Daryl	Englund	Board of Minerals and Environment	1200 Telluride Lane	Brookings	SD	57006
Mr.	Keith	Brokke	Border States Paving Inc	PO Box 2586	Fargo	ND	58108-2586
Mr.	Dennis	Bucher	Bureau of Land Management	309 Bonanza Street	Belle Fourche	SD	57717-6251
Mr.	Robert	Melvin	c/o Denver Federal Center	PO Box 25546 Bldg 41 Rm 240	Denver	CO	80225-0546
Ms.	Dixie	Hendricks	Dakota Rural Action	PO Box 549	Brookings	SD	57006
Mr.	Alex	Huff	Dakota Southern Railroad	PO Box 612	Richmond	MO	64085-0612
Mr.	John	Mulloy	Ellis & Eastern Railroad	1201 W Russell	Sioux Falls	SD	57104
Ms.	Amy	Platt 8P-AR	EPA Region VIII	1595 Wynkoop Street	Denver	CO	80202
Ms.	Cathy	Atkins	EPA Region VIII	721 19th Street, 4th Floor Rm. 427	Denver	CO	80202-2500
Ms.	Andrea	Stomberg	Montana Dakota Utilities Company	400 N 4th Street	Bismarck	ND	58501

Mr.	Ron	Ness	ND Petroleum Council	100 W Broadway Ave Ste 200	Bismarck	ND	57501-3996
Mr.	Sara	Greff Dannen	NorthWestern Energy	3010 West 69th Street	Sioux Falls	SD	57108
Mr.	Jerry	Holsapple	PSI	2361 S Plaza Drive	Rapid City	SD	57702
		Public Works	Public Works-Environmental	1017 East Chambers Street	Sioux Falls	SD	57104
Ms.	Rebecca	Craddock	SD Assoc of Health Care Organizations	3708 Brooks Place Suite 1	Sioux Falls	SD	57106
Mr.	Steve	Hasenohrl	SD Dept of Ag Div of Wildlife Fire Supp	3305 W South Street	Rapid City	SD	57703
Mr.	Steve	Willard	SD Electric Utility Companies	PO Box 247	Pierre	SD	57501-0247
Ms.	Yvonne	Taylor	SD Municipal League	208 Island Dr	Ft Pierre	SD	57532
Ms.	Dawna	Leitzke	SD Petroleum Marketers Assoc	PO Box 1058	Pierre	SD	57501-1058
	SD	Rural Electric	SD Rural Electric Assoc	PO Box 1138	Pierre	SD	57501-1138
Mr.	Chris	Hesla	SD Wildlife Federation	PO Box 7075	Pierre	SD	57501
Ms.	Ann	Phillips	SEMA	1575 S Valley Vista Drive	Diamond Bar	CA	91765
Ms.	Lynne	Keller-Forbes	Southeastern Council of Governments	500 N. Western Avenue, Suite 100	Sioux Falls	SD	57104
Ms	Katherine	Edwards	Trinity Consultants	12445 55th St N Ste A	Lake Elmo	MN	55042-7402
Sir or Madam		Superintendent	Wind Cave National Park	26611 US Highway 385	Hot Springs	SD	57747-9430

Facility	Contact	Salutation	First Name	Last Name	Email Address	Mailing Address	City	State	Zip Code						
3M Company Aberdeen	Megan Acker	Ms.	Megan	Acker	macker@mmm.com	610 N. County Road 19	Aberdeen	SD	57401-3334						
3M Company Brookings	Jill Blissenbach	Ms.	Jill	Blissenbach	jblissenbach@mmm.com	3M Center, BLDG 224-5W-03	St. Paul	MN	55144						
ABE South Dakota LLC	Jessica Peterson	Ms.	Jessica	Peterson	Jessica.Peterson@advancedbioenergy.com	3601 Brown County 12W	Aberdeen	SD	57401						
Aberdeen Energy LLC	Pete Bullene	Mr.	Pete	Bullene	PBullene@glaciallakesenergy.com	13435 370TH AVE	Mina	SD	57451-6504						
Avera Saint Lukes Hospital	Jeff Goreham	Mr.	Jeff	Goreham	jeff.goreham@avera.org	305 South State Street	Aberdeen	SD	57401						
Basin Electric Power Cooperative	Erin Fox	Ms.	Erin	Fox	edukart@becp.com	1717 East Interstate Avenue	Bismarck	ND	58503-0564						
Benchmark Foam Inc.	Brenda Hanson	Ms.	Brenda	Hanson	brendah@benchmarkfoam.com	401 Pheasant Ridge Dr.	Watertown	SD	57201-9103						
Black Hills Corporation	Steve Finley	Mr.	Steve	Finley	Steve.Finley@blackhillscorp.com	P.O. Box 1400	Rapid City	SD	57709						
Black Hills Health Care System VA Medical Center	Mark Tupper	Mr.	Mark	Tupper	Mark.tupper2@va.gov	Facility Management, 500 North 5th Street	Hot Springs	SD	57747						
Broin Enterprises Inc. d.b.a POET Research Center	Adam Wirt	Mr.	Adam	Wirt	Adam.Wirt@POET.com	851 Washington St.	Scotland	SD	57059-2036						
Brookings Regional Landfill	Todd Langland	Mr.	Todd	Langland	tlangland@cityofbrookings.org	PO Box 270	Brookings	SD	57006						
Brown County Solid Waste Landfill	Mike Scott	Mr.	Mike	Scott	mike.scott@browncounty.sd.gov	PO Box 2137	Aberdeen	SD	57401-8680						
CCL Label Inc	Christian Link	Mr.	Christian	Link	clink@cclind.com	PO Box 5037	Sioux Falls	SD	57117						
City of Rapid City Landfill	Dale Tech	Mr.	Dale	Tech	dale.tech@rcgov.org	300 Sixth Street	Rapid City	SD	57702-8409						
City of Vermillion Landfill	Tim Taggart	Mr.	Tim	Taggart	timt@cityofvermillion.com	25 Center Street	Vermillion	SD	57069						
City of Watertown Regional Landfill	Michael Boerger	Mr.	Michael	Boerger	mboerger@watertownsd.us	PO Box 910	Watertown	SD	57201						
City/School Common Energy Plant	Chris Catlette	Mr.	Chris	Catlette	chris.catlette@rcgov.org	434 N Mount Rushmore Rd	Rapid City	SD	57701-1147						
Dakota Ethanol LLC	Alex Haag	Mr.	Alex	Haag	ahaag@dakotaethanol.com	PO Box 100	Wentworth	SD	57075-6934						
Dakota Foundry Inc	Josh Bartos	Mr.	Josh	Bartos	johs.bartos@Anderson-Industries.com	20 Park Lane	Webster	SD	57274-2207						updated email after initial contact email sent
Dakota Kitchen and Bath Inc.	Paul King	Mr.	Paul	King	pking@dakotakitchen.com	4101 N Hainje Ave.	Sioux Falls	SD	57104-7024						updated contact after letter
Daktronics Inc.	Jeff Fritz	Mr.	Jeff	Fritz	Jeff.Fritz@daktronics.com	PO Box 5128	Brookings	SD	57006-4704						
Design Tanks	Gholamreza Zahedi	Mr.	Gholamreza	Zahedi	rzahedi@designtanks.com	612 West Blackhawk Street	Sioux Falls	SD	57104						
Fort Pierre Power and Light Plant	Rick Hahn	Mr.	Rick	Hahn	r.hahn@fortpierre.com,shop@fortpierre.com	PO Box 700	Fort Pierre	SD	57532						
Fuels Reduction Services LLC	Jeff Haskell	Mr.	Jeff	Haskell	jhaskell67@gmail.com	13980 Neck Yoke Rd	Rapid City	SD	57702-7314						
GCC Dacotah	Jim Anderson	Mr.	Jim	Anderson	janderson@gcc.com	PO Box 360	Rapid City	SD	57709						
Great Plains Ethanol LLC d.b.a. POET Biorefining C	Rachel Kloos	Mr.	Rachel	Kloos	Rachel.Kloos@poet.com	27716 462ND AVE	Chancellor	SD	57015-5761						
Hydro Extrusion USA, LLC	Jeremy Basler	Mr.	Jeremy	Basler	jeremy.basler@hydro.com	2500 Alumax Rd	Yankton	SD	57078-6434						
James Valley Ethanol LLC d.b.a. POET Biorefining	Blake Gomer	Mr.	Blake	Gomer	blake.gomer@poet.com	40425 133RD ST	Groton	SD	57445-6400						
Jebro Incorporated	Sheila Gerke	Ms.	Sheila	Gerke	Sheila.Gerke@jebro.com	2303 Bridgeport Drive	Sioux City	IA	51111						
Madison Generation Plant	Brad Lawrence	Mr.	Brad	Lawrence	Brad.lawrence@cityofmadisonsd.com	116 West Center Street	Madison	SD	57042						
Magellan Pipeline Company	Teri Holmes	Ms.	Teri	Holmes	teri.holmes@magellanip.com	One Williams Center, MD27	Tulsa	OK	74172						
Marmen Energy Company	DJ Mittan	Mr.	DJ	Mittan	Dinajo.Mittan@marmeninc.com	1820 North Plum Avenue	Brandon	SD	57005						
Midwest Manufacturing d.b.a. Dakota Panel	Wayne Bunge	Mr.	Wayne	Bunge	wbunge@dakotapanel.com	1651 Culvert St.	Rapid City	SD	57701-0143						
Midwest Railcar Repair Inc	Gary Pekas	Mr.	Gary	Pekas	gypekas@mmwrail.com	25965 482nd Avenue	Corson	SD	57005						
Mitchell Regional Landfill	Kevin Roth	Mr.	Kevin	Roth	krth@cityofmitchell.org	612 North Main Street	Mitchell	SD	57301-0278						
Molded Fiber Glass Companies	Eric Schwan	Mr.	Eric	Schwan	eschwan@mfgsouthdakota.com	1401 Brown Co 19 N.	Aberdeen	SD	57401-9466						
Norcraft Companies LP d.b.a. StarMark Cabinetry In	Pete Bendix	Mr.	Pete	Bendix	pbendix@smhg.com	700 E 48TH ST N	Sioux Falls	SD	57104-0622						
Northern Border Pipeline Company Clark Compressor	Ruth Jensen	Ms.	Ruth	Jensen	ruth_jensen@transcanada.com	13710 FNB Parkway Suite 300	Omaha	NE	68154						
Northern Lights Ethanol LLC d.b.a. POET Biorefinin	DJ Haggerty	Mr.	DJ	Haggerty	DJ.Haggerty@poet.com	PO Box 356	Big Stone City	SD	57216-5406						
Northern States Power Company	Patricia Leaf	Ms.	Patricia	Leaf	patricia.b.leaf@xcelenergy.com	414 Nicollet Mall GO-2	Minneapolis	MN	55401						
NorthWestern Energy	Cory Huber	Mr.	Cory	Huber	Cory.huber@northwestern.com	600 Market St	Huron	SD	57350						
NuGen Energy LLC	Timothy Verhey	Mr.	Timothy	Verhey	Tverhey@Nugenmarion.com	PO Box 238	Marion	SD	57043-5100						
NuStar Pipeline Operating Partnership L.P. Wolsey	Suzanna McMillan	Ms.	Suzanna	McMillan	Suzanna.McMillan@nustarenergy.com	7340 West 21st Street North Suite 200	Wichita	KS	67205						
Otter Tail Power Company	Mark Thoma	Mr.	Mark	Thoma	mthoma@otpcp.com	PO Box 496	Fergus Falls	MN	56538-0496						
Pacer Corporation White Bear Mica Plant	Steve Burns	Mr.	Steve	Burns		25429 US Hwy 385	Custer	SD	57730						
Pete Lien and Sons Inc	Clint Beck	Mr.	Clint	Beck	CBeck@petelien.com	PO Box 440	Rapid City	SD	57709						
Pierre Regional Landfill	Valerie Keller	Ms.	Valerie	Keller	valerie.keller@ci.pierre.sd.us	PO Box 1253	Pierre	SD	57501-1253						
Prairie Ethanol LLC d.b.a. POET Biorefining Mitchell	Becky Pitz	Ms.	Becky	Pitz	Becky.Pitz@poet.com	40509 247TH St	Mitchell	SD	57301-5214						
Rapid City Regional Hospital	Jason Roach	Mr.	Jason	Roach	jroach@regionalhelath.org	353 Fairmont Blvd	Rapid City	SD	57701-7393						
Red River Energy LLC	Jay Sommers	Mr.	Jay	Sommers	jsommers@redriverenergy.com	47333 104th Street	Rosholt	SD	57260-6415						
Redfield Energy LLC	Simon Appel	Mr.	Simon	Appel	sappel@redfieldenergy.com	38650 171ST ST	Redfield	SD	57469-6640						
Rushmore Forest Products Inc	Timm Comer	Mr.	Timm	Comer	tcomer@spearfishfp.com	PO Box 619	Hill City	SD	57745-6517						
Sanford USD Medical Center	David Healy	Mr.	David	Healy	david.healy@sanfordhealth.org	1305 W 18TH ST	Sioux Falls	SD	57105-0401						
ShowPlace Wood Products Inc	Bart Brost	Mr.	Bart	Brost	brostbart@showplacewood.com	1 Enterprise St	Harrisburg	SD	57032-2051						
Simon Contractors DBA Hills Materials Company	Mike Lee	Mr.	Mike	Lee	mike.lee@hillsmaterials.com	PO Box 2720	Rapid City	SD	57709						
Sioux Falls Regional Sanitary Landfill	Matthew Gedney	Mr.	Matthew	Gedney	mgedney@siouxfalls.org	PO Box 7402	Sioux Falls	SD	57104						
Sioux River Ethanol LLC d.b.a. POET Biorefining Hudson	Jeremy Halgerson	Mr.	Jeremy	Halgerson	jeremy.halgerson@poet.com	29619 Spur Avenue	Hudson	SD	57034-0439						
Siouxland Energy Cooperative	Jeff Kooi	Mr.	Jeff	Kooi	jeffk@siouxlandenergy.com	3890 Garfield Avenue	Sioux Center	IA	51250						updated contact after letter sent
Smithfield Packaged Meats Corp.	Charles Schulz	Mr.	Charles	Schulz	charles.schulz@jmf.com	1400 North Weber Avenue	Sioux Falls	SD	57117						
South Dakota School of Mines & Technology	Margaret Smallbrock	Ms.	Margaret	Smallbrock	Margaret.Smallbrock@sdsmt.edu	501 East Saint Joseph Street	Rapid City	SD	57701						
South Dakota Soybean Processors	Jason Converse	Mr.	Jason	Converse	jason.converse@sdsbp.com	PO Box 500	Volga	SD	57071						
South Dakota State University	Barry Mielke	Mr.	Barry	Mielke	barry.mielke@sdsstate.edu	Facilities and Services - Box 2150	Brookings	SD	57007						
South Dakota State Veterans Home (Michael J. Fitzmaurice)	Bob Etzkorn	Mr.	Bob	Etzkorn	bob.etzkorn@state.sd.us	2500 Minnekahta Ave	Hot Springs	SD	57747-1129						
TCC Materials	Pat Bergin	Mr.	Pat	Bergin	pbergin@cemstone.com	2025 Centre Pointe Blvd., Suite 300	Mendota Heights	MN	55120						
The Bergquist Company a Henkel Company	Dave Bance	Mr.	Dave	Bance	davidba@bergquistcompany.com	18930 West 78th Street	Chanhassen	MN	55317						
Trussbilt LLC	Fernando Gonzalez	Mr.	Fernando	Gonzalez	fgonzalez@trussbilt.com	555 LINCOLN AVE NW	Huron	SD	57350-5012						
University of South Dakota	Kevin O'Kelley	Mr.	Kevin	O'Kelley	Kevin.okelley@usd.edu	414 E CLARK ST	Vermillion	SD	57069-2307						
Valero Renewable Fuels Company LLC	Molly Knutson	Ms.	Molly	Knutson	molly.knutson@valero.com	1 Valero pl	Aurora	SD	57002-6514						
WBI Energy Transmission Inc. Belle Fourche Compres	Jill Linn	Ms.	Jill	Linn	jill.linn@wbienrgy.com	2010 Montana Avenue	Glendive	MT	59330						
Western Minnesota Municipal Power Agency Watertown	Derek Bertsch	Mr.	Derek	Burtsch	derek.bertsch@mnenergy.com	P.O. Box 88920	Sioux Falls	SD	57109-8920						
Wharf Resources (USA) Inc - Coeur Wharf	Matt Zietlow	Mr.	Matt	Zietlow	mzietlow@coeur.com	10928 WHARF RD	Lead	SD	57754-3742						

Willow Lake Compressor Station	Kelly Henry	Ms.	Kelly	Henry	kelly.henry@nngco.com	1120 Centre Point Drive, Suite 400	Mendota Heights	MN	55120					
Woodland Cabinetry	Mike Tchida	Mr.	Mike	Tchida	miket@woodlandcabinetry.com	2415 SD HIGHWAY 10	Sisseton	SD	57262-2509					
Aberdeen Asphalt, LLC	Doug Braa	Mr.	Doug	Braa		PO Box 1007	Aberdeen	SD	57402-1007					
Aggregate Construction Inc	Brad Harju	Mr.	Brad	Harju		4100 Hwy 52 S	Minot	ND	58701-7878					
Anderson Western Inc	Tim Visger	Mr.	Tim	Visger		PO Box 2319	Bismarck	ND	58502					
Asphalt Paving & Materials	Michael Bartholow	Mr.	Michael	Bartholow		1836 US Highway 14E	Huron	SD	57350					
Atteberry Construction Inc	Lee Atteberry	Mr.	Lee	Atteberry		28709 322nd Avenue	Colome	SD	57528-0293					
Aulick Leasing Corp	Daniel Tompkins	Mr.	Daniel	Tompkins		PO Box 1369	Scottsbluff	NE	69393-1369					
B&B Equipment	Darrell Beck	Mr.	Darrell	Beck		28754 Western Rd	Pierre	SD	57501					
Baker Ranch DBA Badlands Sand & Gravel Inc	Gary Baker	Mr.	Gary	Baker		15199 Baker Road	Hermosa	SD	57744					
Bernard Mahrer Construction Company	Mitch Mahrer	Mr.	Mitch	Mahrer		PO Box 57	Rutland	ND	58067					
Bituminous Paving Inc	Bill Krckowski	Mr.	Bill	Krckowski		PO Box 6	Ortonville	MN	56278					
Border States Paving Inc	Scott Osman	Mr.	Scott	Osman		PO Box 2586	Fargo	ND	58108-2586					
Bowes Construction Inc	Charles Siver	Mr.	Charles	Siver		2915 22nd Ave S	Brookings	SD	57006-4521					
Brownlee Construction	Rita Brownlee	Ms.	Rita	Brownlee		1520 5th St Se	Watertown	SD	57201-5247					
Central Specialties Inc	Levi Hintermeister	Mr.	Levi	Hintermeister		6325 County Rd 87 SW	Alexandria	MN	56308					
Commercial Asphalt	Neil Waldera	Mr.	Neil	Waldera		25254 413th Avenue	Mitchell	SD	57301-7825					
Concrete Materials Company	Billy Pollema	Mr.	Billy	Pollema		PO Box 84140	Sioux Falls	SD	57118					
Creoll Inc	Kristi Chamley	Ms.	Kristi	Chamley		PO Box 1352	Sundance	WY	82729					
CT Sibson Gravel & Crushing, Inc	Cody Sibson	Mr.	Cody	Sibson		87994 280th St	Beadsley	MN	56211					
Diesel Machinery Inc	Don Mosey	Mr.	Don	Mosey		PO Box 85825	Sioux Falls	SD	57118					
Duinick Bros Inc	Jason Ver Steeg	Mr.	Jason	Ver Steeg		PO Box 208	Prinsburg	MN	56281					
First Rate Excavate Inc	Harold Goeden	Mr.	Harold	Goeden		1509 E 39th St N	Sioux Falls	SD	57104					
Fisher Sand & Gravel Company	Vent Wallace	Mr.	Vent	Wallace		PO Box 1034	Dickinson	ND	58602					
General Equipment & Supplies Inc	Kurtis Lemar	Mr.	Kurtis	Lemar		4300 Main Ave	Fargo	ND	58103					
H & S Sand & Gravel	David Hall	Mr.	David	Hall		11481 Brownsville Rd	Lead	SD	57754					
H F Jacobs & Sons Construction Inc	Shirley Jacobs	Ms.	Shirley	Jacobs		1217 N Kline St	Aberdeen	SD	57401					
Hallett Materials - OMG Midwest Inc	Joe Pille	Mr.	Joe	Pille		PO Box 3365	Des Moines	IA	50316					
Hanlon Brothers	Guy Hanlon	Mr.	Guy	Hanlon		40 N 3rd Street	Verdon	SD	57434					
Intex Corporation	Wade Van Vooren	Mr.	Wade	Van Vooren		PO Box 260	Albertville	MN	55301-0260					
J & J Asphalt Company	Jerry Wagner	Mr.	Jerry	Wagner		PO Box 7105	Rapid City	SD	57709					
James River Construction	Herman Decker	Mr.	Herman	Decker		27709 Tschetter Avenue	Olivet	SD	57052					
Jensen Rock & Sand Inc	Kyle D Jensen	Mr.	Kyle D	Jensen		PO Box 609	Mobridge	SD	57601					
Johner Gravel	Eric Johner	Mr.	Eric	Johner		415 Industrial Drive	Spearfish	SD	57783					
Knife River Midwest LLC	Luci Snowden	Ms.	Luci	Snowden		2220 Hawkeye Drive	Sioux City	IA	51102					
Knife River, an MDU Resources Company	Ron Klinker	Mr.	Ron	Klinker		3303 Rock Island Place	Bismarck	ND	58504					
Kraemer Trucking & Excavating Inc	Chad Kraemer	Mr.	Chad	Kraemer		PO Box 434	Cold Spring	MN	56320					
L G Everist Inc	Chris Cline	Mr.	Chris	Cline		350 S Main Ave Ste 400	Sioux Falls	SD	57104					
LEC Inc.	Kevin Logan	Mr.	Kevin	Logan		Box 53	Gettysburg	SD	57442					
Lien Transportation Company	Trevor Lien	Mr.	Trevor	Lien		PO Box 40	Aberdeen	SD	57401					
Mark Sand & Gravel Company	Jeff Hatlewick	Mr.	Jeff	Hatlewick		525 Kennedy Park Rd	Fergus Falls	MN	56537					
Michael Johnson Construction Inc	Michael Johnson	Mr.	Michael	Johnson		PO Box 422	Madison	SD	57042					
Morris Inc	Mark Morris	Mr.	Mark	Morris		PO Box 1162	Pierre	SD	57501					
Myrl & Roys Paving Inc	Rick Peterson	Mr.	Rick	Peterson		1300 N Bahnson	Sioux Falls	SD	57103					
North Central Rental & Leasing LLC (Butler Cat)	Mark Buth	Mr.	Mark	Buth		PO Box 9559	Fargo	ND	58106					
Northern Con Ag, LLP	Brad Salman	Mr.	Brad	Salman		3231 Fernbrook Ln	Plymouth	MN	55447					
Oban Construction LLC	Gene Oban	Mr.	Gene	Oban		P.O. Box 705	Ipswich	SD	57451					
Opperman Inc	Jeff Opperman	Mr.	Jeff	Opperman		908 E 14th St	Gregory	SD	57533					
Pacer Corporation	Randy Kramer	Mr.	Randy	Kramer		25429 US Hwy 385	Custer	SD	57730-9147					
Pete Lien & Sons Inc	Clint Beck	Mr.	Clint	Beck		PO Box 440	Rapid City	SD	57709-0767					
Rogers Construction, Inc.	James Rogers	Mr.	James	Rogers		1871 Lazelle St	Sturgis	SD	57785-1135					
Runge Enterprises Inc	Michael Runge	Mr.	Michael	Runge		PO Box 86490	Sioux Falls	SD	57118					
Sacrison Paving Inc	Nate Jolley	Mr.	Nate	Jolley		PO Box 100	Whitewood	SD	57793					
Scepaniak Wm D. Inc	John Scepaniak	Mr.	John	Scepaniak		PO Box 299	Holdingford	MN	56340					
Serocki Excavating Inc	Lee Hanson	Mr.	Lee	Hanson		PO Box 332	Browns Valley	MN	56219					
Sibson Gravel Inc	April Sibson	Ms.	April	Sibson		725 Sandhill Circle	Steamboat Springs	CO	80487					
Simon Contractors Inc.	Rod Havens	Mr.	Rod	Havens		6215 Clear Creek Pkwy Unit 2	Cheyenne	WY	82007					
Simon Contractors of South Dakota	Stephen Peterson	Mr.	Stephen	Peterson		PO Box 2720	Rapid City	SD	57709-2720					
Spencer Quarries Inc	Todd Waldera	Mr.	Todd	Waldera		25341 430 Ave	Spencer	SD	57374					
Stinson Construction, LLC	Lynley Stinson	Mr.	Lynley	Stinson		3706 Spring Hill Road	Gillette	WY	82718					
Tri State Construction, LLC	Mike Watson	Mr.	Mike	Watson		PO Box 627	Belle Fourche	SD	57717-0627					
TriState Paving - OMG Midwest Inc	Joe Pille	Mr.	Joe	Pille		PO Box 3365	Des Moines	IA	50316					
Western Construction Inc	Shailesh Patel	Mr.	Shailesh	Patel		PO Box 771	Rapid City	SD	57709					
City of Yankton	David Leyden	Mr.	David	Leyden		PO Box 176	Yankton	SD	57078					

From: [Brakke, Ashley](#)
To: [Brakke, Ashley](#); Brian.Gustafson@state.sd.us; Kyrik.Rombough@state.sd.us; Bob.Etzkorn@state.sd.us
Bcc: macker@mmm.com; jblissenbach@mmm.com; Jessica.Peterson@advancedbioenergy.com; PBullene@glaciallakesenergy.com; jeff.goreham@avera.org; edukart@bepec.com; brendah@benchmarkfoam.com; Steve.Finley@blackhillscorp.com; Mark.tupper2@va.gov; Adam.Wirt@POET.com; tlangland@cityofbrookings.org; mike.scott@browncounty.sd.gov; clink@cclind.com; dale.tech@rcgov.org; tint@cityofvermillion.com; mboerger@watertownsd.us; chris.catlette@rcgov.org; ahaag@dakotaethanol.com; johs.bartos@Anderson-Industries.com; pking@dakotakitchen.com; Jeff.Fritz@daktronics.com; rzahedi@designtanks.com; r.hahn@fortpierre.com; shop@fortpierre.com; jhaskell67@gmail.com; janderson@gcc.com; Rachel.Kloos@poet.com; jeremy.basler@hydro.com; blake.gomer@poet.com; Sheila.Gerke@jebro.com; Brad.lawrence@cityofmadisonsd.com; teri.holmes@magellanlp.com; DinaJo.Mittan@marmeninc.com; wbunge@dakotapanel.com; gvpekas@mwrrail.com; kroth@cityofmitchell.org; eschwan@mfgsouthdakota.com; pbendix@smihq.com; ruth.jensen@transcanada.com; DJ.Haggerty@poet.com; patricia.b.leaf@xcelenergy.com; Cory.huber@northwestern.com; Tverhey@Nugenmarion.com; Suzanna.McMillan@nustarenergy.com; mthoma@otpc.com; CBeck@petelien.com; valerie.keller@ci.pierre.sd.us; Becky.Pitz@poet.com; jroach@regionalhelath.org; jsommers@redriverenergy.com; sappel@redfieldenergy.com; tcomer@spearfishp.com; david.healy@sanfordhealth.org; brosbart@showplacewood.com; mike.lee@hillsmaterials.com; dmcelroy@siouxfalls.org; jeremy.halgerson@poet.com; jeffk@siouxlandenergy.com; charles.schulz@jmfg.com; [Smallbrock, Margaret \(Margaret.Smallbrock@sdsmt.edu\)](mailto:Smallbrock, Margaret (Margaret.Smallbrock@sdsmt.edu)); jason.converse@sdsbp.com; [Mielke, Barry](#); [Etzkorn, Bob](#); pbergin@cemstone.com; davidba@bergquistcompany.com; fgonzalez@trussbilt.com; OKelley, Kevin; molly.knutson@valero.com; jill.linn@wbienenergy.com; derek.bertsch@mrenergy.com; mzietlow@coeur.com; kelly.henry@nngco.com; miket@woodlandcabinetry.com; [Gustafson, Brian](#); [Rombough, Kyrik](#); [Williams, Teresa](#)
Subject: Drafted Revisions to Air Quality Administrative Rules
Date: Thursday, July 18, 2019 4:19:00 PM
Attachments: [ARSD 74_36 draft_20190718.pdf](#)

Dear Title V permit holder:

The South Dakota Department of Environment and Natural Resources (DENR) drafted revisions to several sections of Administrative Rules of South Dakota Chapter 74:36. The revisions to the Administrative Rules are being drafted to ensure DENR maintains updated rules to align with the current federal regulations. The drafted changes will be available on DENR's webpage at <http://denr.sd.gov/des/aq/airprogr.aspx> and are also attached to this email. The drafted additions are in bold, blue underlined with deletions in red, overstrike.

Please respond by **August 9th, 2019** to indicate if your facility is in agreement with the drafted rule changes or if your facility would like to submit any comments for us to consider before the draft changes are proposed. All correspondence can be submitted to me either by email at Ashley.Brakke@state.sd.us or by mail at the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

If DENR does not receive a response by the date listed above, DENR will make additional attempts to reach you for concurrence on the drafted rule changes. DENR tentatively plans to publish a formal public notice in August or September 2019, announcing a rule hearing in front of the Board of Minerals and Environment in September or October 2019. Thank you for assisting us in this rule making process.

Sincerely,

Ashley Brakke
Engineer III

SD Department of Environment and Natural Resources
Air Quality Program
523 E Capitol Ave
Pierre, SD 57501
(605) 773-3151



Proposed Amendments

ARSD 74:36

Air Pollution Control Program



Initial Outreach

- **July 2019 – Initial Outreach**
 - **Letter and Email**
 - **On Website**

Initial Public Outreach

– Environmental Groups

- **Black Hills Group Sierra Club, EPA, Dakota Rural Action, Black Hills Regional Multiple Use Coalition**

– Industry

- **Sioux Falls Regional Sanitary Landfill, Brookings Regional Landfill, Mitchell Regional Landfill, City of Rapid City Landfill, Brown County Solid Waste Landfill, Pierre Regional Landfill, City of Vermillion Landfill, City of Watertown Regional Landfill**

– Other Interested Parties

- **Badlands National Park, Bureau of Land Management, Dakota Southern Railroad, Montana Dakota Utilities Company, Wind Cave National Park**



Procedural Steps

- **September 2019**
 - **Interested Parties**
 - **Served Secretary of DENR**
 - **Served Legislative Research Council**
 - **Served Bureau of Finance and Management**



Procedural Steps Continued

- **September 2019:**
 - **Public Notice**
 - **11 Daily Newspapers**
 - **Title V permitted entities**
 - **Interested Parties**
 - **Webpage(s)**
 - **Open South Dakota**
 - **DENR One Stop**
 - **DENR Air Quality**
- **Comments Received**



Propose to Change

- **Chapter 74:36:01 – Definitions**
- **Chapter 74:36:02 – Ambient Air Quality**
- **Chapter 74:36:03 – Air Quality Episodes**
- **Chapter 74:36:05 – Operating Permits for Part 70 Sources**
- **Chapter 74:36:07 – New Source Performance Standards**
- **Chapter 74:36:08 – National Emission Standards for HAPs**
- **Chapter 74:36:09 – Prevention of Significant Deterioration**
- **Chapter 74:36:10 – New Source Review**
- **Chapter 74:36:11 – Performance Testing**
- **Chapter 74:36:12 – Control of Visible Emissions**
- **Chapter 74:36:13 – Continuous Emission Monitoring Systems**
- **Chapter 74:36:16 – Acid Rain Program**
- **Chapter 74:36:18 – State Facilities in the Rapid City Area**
- **Chapter 74:36:20 – Construction Permits**
- **Chapter 74:36:21 – Regional Haze Program**



Background

- Environmental Protection Agency (EPA) gives states approval to implement federal air quality programs
 - Three methods:
 - State adopt rules and submit to EPA for implementation;
 - State requests delegation to adopt state rules equivalent to federal regulations; and
 - State requests to have the program approved.



Revised Sections

- **Changed reference date from July 1, 2016 to July 1, 2018**
 - **Chapter 74:36:01 – Definitions**
 - **Chapter 74:36:02 – Ambient Air Quality**
 - **Chapter 74:36:03 – Air Quality Episodes**
 - **Chapter 74:36:05 – Operating Permits for Part 70 Sources**
 - **Chapter 74:36:08 – National Emission Standards for HAPs**
 - **Chapter 74:36:09 – Prevention of Significant Deterioration**



Revised Sections Cont'd

- **Changed reference date from July 1, 2016 to July 1, 2018**
 - **Chapter 74:36:10 – New Source Review**
 - **Chapter 74:36:11 – Performance Testing**
 - **Chapter 74:36:12 – Control of Visible Emissions**
 - **Chapter 74:36:13 – Continuous Emission Monitoring Systems**
 - **Chapter 74:36:16 – Acid Rain Program**
 - **Chapter 74:36:18 – State Facilities in the Rapid City Area**
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New Section

- **Chapter 74:36:01 – Definitions**
- **Chapter 74:36:07 – New Source Performance Standards**

Questions?