

ARTICLE 74:36

AIR POLLUTION CONTROL PROGRAM

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CHAPTER 74:36:01

DEFINITIONS

Section

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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~~ §§ 50.5 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

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74:36:05:17	Public participation in permitting process.
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74:36:05:20.02	Petitions for contested case hearing.
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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

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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. § 60₂, 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. § 60₂, 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](#)).

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

$$M_{NMOC} = \sum_{i=1}^n 2kL_oM_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

(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:

$$M_{NMOC} = 2L_oR(e^{-kc} - e^{-kt})C_{NMOC}(3.6 \times 10^{-9}), \text{ where}$$

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; 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 a 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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- 74:36:08:21 National emission standards for hazardous air pollutants from the portland cement manufacturing industry.

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- 74:36:08:26 National emission standards for secondary aluminum production.
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- 74:36:08:32 National emission standards for integrated iron and steel manufacturing facilities.
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- 74:36:08:35 National emission standards for flexible polyurethane foam fabrication operations.
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- 74:36:08:39 National emission standards for stationary combustion turbines.
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- 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.
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- 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.
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- 74:36:08:51 National emission standards for off-site waste and recovery operations.
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- 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.
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- 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.
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- 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.
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- 74:36:08:76 National emission standards for surface coating of large appliances.
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- 74:36:08:78 National emission standards for surface coating of plastic parts and products.
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- 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.
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- 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.
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- 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.
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- 74:36:08:112 National emission standards for flexible polyurethane foam production and fabrication area sources.
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- 74:36:08:118 National emission standards for plating and polishing area sources.
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- 74:36:08:120 National emission standards for ferroalloys production area sources.
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- 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 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 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 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 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 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: 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective 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 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](#)). 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 BBBB BBB (~~July 1, 2016~~ [July 1, 2018](#)). A source that operates a unit subject to Subpart BBBB BBB 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 BBBB BBB. Exempted sources must still meet the applicable requirements in Subpart BBBB BBB.

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

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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.