CERTIFICATION OF THE 2010 1-HOUR NITROGEN DIOXIDE INFRASTURCTURE STATE IMPLEMENTATION PLAN

When EPA revises or adds a new National Ambient Air Quality Standard, section 110 of the federal Clean Air Act (42 USC § 7410) requires the state to review its current regulations and make the necessary changes to ensure the state's air pollution control program can implement, maintain, and enforce the revised or new National Ambient Air Quality Standards.

The South Dakota Department of Environment and Natural Resources (DENR) completed a review of the laws and regulations for the Air Pollution Control Program as it relates to the implementation, maintenance, and enforcement of the 2010 revised nitrogen dioxide National Ambient Air Quality Standard. The review finds that all the necessary changes to the regulations have been completed and currently no state laws or rules will need to be changed to implement the 2010 revised nitrogen dioxide standard. DENR certifies that South Dakota is implementing the 2010 revised nitrogen dioxide standard and is meeting all the requirements in section 110(a)(2)(A through H and J through M) of the Clean Air Act.

All state regulation changes go through the department's public notice procedures, board approval and were adopted into state regulations. The following information describes the regulations and how DENR is implementing in South Dakota the 2010 revised nitrogen dioxide National Ambient Air Quality Standard.

State of South Dakota
Infrastructure State Implementation Plan
2010 1-Hour Nitrogen Dioxide National Ambient Air Quality Standard

1.0 Introduction

On January 22, 2010, EPA revised the nitrogen dioxide National Ambient Air Quality Standard by adding a 1-hour concentration level of 100 parts per billion (ppb) which triggered the submittal of an infrastructure State Implementation Plan (SIP) from each state to EPA by January 2013.

On January 24, 2011, the South Dakota Department of Environment and Natural Resources (DENR) submitted its proposed designation of attainment of the 1-hour nitrogen dioxide standard for all counties in South Dakota. On January 20, 2012, EPA notified South Dakota of EPA's 2010 1-hour nitrogen dioxide standard designations of unclassifiable/attainment for all areas in the state.

This document certifies and demonstrates that South Dakota is meeting the requirements in section 110(a)(1) and 110(a)(2) of the Clean Air Act. Attachment A provides a list of each section in the Administrative Rules of South Dakota (ARSD) Article 74:36 (Air Pollution Control Program) that is part of South Dakota's SIP, the effective date of each section, and EPA's last approval of each section.

2.0 Section 110(a)(1)

Requirement Summary

"Each State shall, after reasonable notice and public hearing, adopt and submit to the Administrator, […] a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) with such State."

South Dakota's Infrastructure

In accordance with South Dakota Codified Laws (SDCL) 1-26, after reasonable notice for public comment, proposed rule changes are presented to the Board of Minerals and Environment during a public hearing. The rules if approved by the Board are then submitted to the State's Interim Rules Committee for approval. Once approved by the Committee, the rules are presented to the Secretary of State and are final. Once the rules are final, DENR submits the changes to EPA as part of South Dakota's SIP with the documentation necessary to demonstrate the changes were approved in accordance with state procedures.

Currently, DENR submitted the following SIP changes to EPA related to the revised 2010 1-hour nitrogen dioxide standard:

1. June 14, 2010 – DENR submitted revisions to South Dakota's SIP which includes an air quality construction permit program and revisions to the rules which adopt 40 Code of Federal Regulations in Parts 1 to 99 as published on July 1, 2009. DENR is waiting for EPA to approve this SIP submittal;
2. January 21, 2011 – DENR submitted South Dakota's Regional Haze program as part of South Dakota's SIP. DENR submitted revisions to the program on September 19, 2011. On April 26, 2012, EPA completed a full approval of the South Dakota's Regional Haze program in South Dakota's SIP;
3. June 20, 2011 – DENR submitted revisions to South Dakota's SIP which adopt EPA's greenhouse tailoring rule and revisions to the construction permit program. DENR is waiting for EPA to approve this SIP submittal; and
4. July 29, 2013 – DENR submitted revisions to the rules which adopt 40 Code of Federal Regulations in Parts 1 to 99 as published on July 1, 2012. The rule changes adopted the 2010 1-hour nitrogen dioxide standard. DENR is waiting for EPA to approve this SIP submittal.

The SIP submittals that have not been approved by EPA are reflected in Attachment A.

3.0 Section 110(a)(2)

3.1 Section 110(a)(2)(A) – Emission limits and other control measures

Requirement Summary

"Each such plan shall […] include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter;"

South Dakota's Infrastructure

Based on South Dakota's ambient air monitoring network, South Dakota has always attained the nitrogen dioxide National Ambient Air Quality Standards throughout the state, including the 2010 1-hour nitrogen dioxide standard. Therefore, South Dakota has not been required to adopt specific rules limiting nitrogen oxide emissions from businesses in South Dakota.

South Dakota's existing rules are sufficient to implement and maintain the 2010 1-hour nitrogen dioxide standard in South Dakota. The following is a list of those rules which have been approved in South Dakota's SIP or were submitted to EPA to be included in South Dakota's SIP and awaiting EPA's approval:

1. ARSD Chapter 74:36:04 (Operating permits for minor sources);
2. ARSD Chapter 74:36:09 (Prevention of significant deterioration);
3. ARSD Chapter 74:36:20 (Construction permits for new sources and modifications); and
4. ARSD Chapter 74:36:21 (Regional haze program).

In addition, the following rules which have been approved by EPA or delegated by EPA will also be used to implement and maintain the 2010 1-hour nitrogen dioxide standard in South Dakota:

1. ARSD Chapter 74:36:05 (Operating permits for Part 70 sources);
2. ARSD Chapter 74:36:07 (New source performance standards);
3. ARSD Chapter 74:36:08 (National emission standards for hazardous air pollutants); and
4. ARSD Chapter 74:36:16 (Acid rain program).

South Dakota's authority to promulgate these rules is contained in SDCL 34A-1-1, 34A-1-6, 34A-1-18, 34A-1-19, and 34A-1-21.

3.2 Section 110(a)(2)(B) – Ambient air quality monitoring/data system

Requirement Summary

"Each such plan shall […] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to the Administrator;"

South Dakota's Infrastructure

ARSD Chapter 74:36:02, which is part of South Dakota's SIP, defines the goals, national ambient air quality standards, air monitoring methods and monitoring requirements provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data and making this data available to EPA. Under these rules, DENR operates a network of air monitoring sites throughout South Dakota. Authority used to promulgate these rules is contained in SDCL 34A-1-6 and 34A-1-15.

The need for additional air monitoring sites to test for nitrogen dioxide levels are assessed each year as part of South Dakota's Annual Network Plan as required in 40 Code of Federal Regulations (CFR) section 58.10. The public is provided a 30 day period to comment on the proposed changes to South Dakota's ambient monitoring network before it is finalized and submitted to EPA for approval. The Annual Network Plan is available on DENR's website at:

http://denr.sd.gov/des/aq/monitoring/state-mo.aspx

The ambient data used to compare to the National Ambient Air Quality Standards in South Dakota is collected using EPA's designated federal reference method monitors as specified in 40 CFR Part 50 or federal equivalent method monitors as specified in 40 CFR Part 53. DENR submits the ambient data to EPA's Air Quality System (AQS) database as required by 40 CFR Part 58.

The nitrogen dioxide monitoring requirements in 40 CFR Part 58, Appendix D identifies the minimum number of nitrogen dioxide monitors in each state. The review of the requirements shows South Dakota is not required to have a near road site because there are no core-based

statistical areas (CBSA) with a population equal to or greater than 500,000. South Dakota is not required to have an area wide site because all CBSA's have a population less than 1,000,000. Finally EPA has not identified any regional susceptible and vulnerable populations in South Dakota requiring testing for nitrogen dioxide.

3.3 Section 110(a)(2)(C) – Programs for enforcement, PSD, and NSR

Requirement Summary

"Each such plan shall […] include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;"

South Dakota's Infrastructure

SDCL 34A-1-39 through 34A-1-54 and 34A-1-62 gives DENR the authority to provide enforcement of South Dakota's SIP measures and the regulations that require new sources or modifications to existing sources to apply for and obtain an air quality permit before constructing. DENR reviews the application and ensures the new source or modification to an existing source will not cause an exceedance of a federal National Ambient Air Quality Standard before the air quality permit is issued. The air quality construction permit programs are identified below:

1. ARSD Chapter 74:36:09 (Prevention of significant deterioration); and
2. ARSD Chapter 74:36:20 (Construction permits for new sources and modifications).

ARSD Chapter 74:36:09 already exists in South Dakota's SIP but certain sections have been revised and submitted to EPA for approval in South Dakota's SIP and are awaiting EPA's approval. ARSD Chapter 74:36:20 and revisions to the chapter have been submitted to EPA as part of South Dakota's SIP and is waiting EPA's approval. See Appendix A for the submittal dates and status.

3.4 Section 110(a)(2)(D)(i) – Interstate transport provisions

Requirement Summary

"Each such plan shall […] contain adequate provisions: prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility,"

South Dakota's Infrastructure

DENR recognizes the issues with the court opinion on EME Homer City Generation vs. Environmental Protection Agency and on how it affects Section 110(a)(2)(D)(i) prongs 1 and 2. However, the Clean Air Act still requires the state to provide information it has addressing these elements in the infrastructure SIP in lieu of additional information that may affect this in the future.

As stated earlier, South Dakota is attaining the 2010 1-hour nitrogen oxide standard and based on South Dakota's air emissions inventory, South Dakota does not contribute significantly or interfere with an implementation plan in another state. See Attachment B for supporting information.

3.5 Section 110(a)(2)(D)(ii) – Interstate and international transport provisions

Requirement Summary

"Each such plan shall […] insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);"

South Dakota's Infrastructure

South Dakota has a SIP approved PSD program which requires DENR to provide written notification to all nearby states and tribes treated as states of the potential impacts from the source for major new sources or major modification of an existing source of air pollution. This satisfies section 126(a) of the Clean Air Act.

All of the states and tribes bordering South Dakota are attaining the 2010 nitrogen dioxide standards. No source or sources in South Dakota are the subject of an active finding under Section 126 of the Clean Air Act with respect to any air pollutant. In addition, there are no final findings under Section 115 of the Clean Air Act against South Dakota with respect to any air pollutant.

3.6 Section 110(a)(2)(E)(i) – Adequate personnel, funding, and authority

Requirement Summary

"Each such plan shall […] provide:

(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate,

local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof),"

South Dakota's Infrastructure

SDCL section 34A-1-4, 34A-1-7 through 34A-1-10 provides DENR with adequate personnel to carry out South Dakota's SIP and related issues. SDCL section 34A-1-57 through 34A-1-60, DENR's agreement with EPA for 105 grants, and associated matching state funds provides DENR with the funding necessary to carry out South Dakota's SIP and related issues. SDCL Chapter 34A-1 provides DENR with the legal authority to carry out South Dakota's SIP and related issues.

3.7 Section 110(a)(2)(E)(ii) – Comply with the requirements respecting state boards

Requirement Summary

"Each such plan shall […] provide:

(ii) *requirements that the State comply with the requirements respecting State boards under section 128 of this title,"*

South Dakota's Infrastructure

SDCL section 1-40-25 (Board of Minerals and Environment-Composition-Appointment and terms) and 1-40-25.1 (Board of Minerals and Environment composed in conformance with Clean Air Act) specifies that the board's composition must comply with the requirements of section 128 of the Clean Air Act for all permits and enforcement orders initiated under SDCL 34A-1.

3.8 Section 110(a)(2)(E)(iii) – State responsibility for ensuring adequate implementation

Requirement Summary

"Each such plan shall […] provide:

(iii)necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;

South Dakota's Infrastructure

The authority in SDCL section 34A-1-36 (Municipal and county programs approved by board) and 34A-1-37 (Municipal and county cooperation with other agencies) provide for the authority of the board to allow a municipal or county government to implement portions or the entire air pollution control program in its respective municipality or county. The authority in SDCL section 34A-1-38 (Control of air contaminant sources beyond capability of local authority) provides that if the board finds that any part of the local program is beyond the reasonable capability of implementing the air pollution control program, the department may assume and retain jurisdiction of the air pollution control program.

3.9 Section 110(a)(2)(F) – Stationary source monitoring and reporting

Requirement Summary

"Each such plan shall […] require, as may be prescribed by the Administrator—

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

(iii)correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;"

South Dakota's Infrastructure

The following rules approved in South Dakota's SIP require sources to monitor and periodically report to ensure compliance with its air quality permit:

1. ARSD section 74:36:04:15 – Contents of operating permit;
2. ARSD Chapter 74:36:09 – Prevention of significant deterioration program;
3. ARSD Chapter 74:36:11 – Performance testing;
4. ARSD Chapter 74:36:13 – Continuous emission monitoring systems; and
5. ARSD Chapter 74:36:20:15 – Contents of construction permit.

In addition, the following rules have been approved by EPA or delegated by EPA and identify monitoring and periodic reporting requirements for sources applicable to these standards.

1. ARSD section 74:36:05:16.01 – Operating permit requirements;
2. ARSD Chapter 74:36:07 – New Source Performance Standards; and
3. ARSD Chapter 74:36:08 – National Emission Standards for Hazardous Air Pollutants.

3.10 Section 110(a)(2)(G) – Emergency episodes

Requirement Summary

"Each such plan shall […] provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority;"

South Dakota's Infrastructure

SDCL section 34A-1-45 (Emergency order for immediate reduction or discontinuance of emissions) is comparable to Section 303 of the Clean Air Act and provides that *"if the Secretary of the Department of Environment and Natural Resources finds that any person is causing or contributing to air pollution and that such pollution creates an emergency by causing imminent*

danger to human health or safety and requires immediate action to protect human health or safety, the Secretary shall order such person or persons to reduce or discontinue immediately the emissions of air contaminants."

ARSD section 74:36:03:01 (Air pollution emergency episode) provides the basis for the Secretary to take action to prevent air pollutant concentrations from reaching levels which could endanger the public health or to abate such concentrations should they occur. The Secretary may proclaim an air pollution emergency episode and its extent on the criteria specified in 40 CFR § 51.151 and Appendix L to Part 51.

3.11 Section 110(a)(2)(H) – Future SIP Revisions

Requirement Summary

"Each such plan shall […] provide for revision of such plan—
(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and
(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this chapter;"

South Dakota's Infrastructure

SDCL section 34A-1-6 provides the South Dakota Department of Environment and Natural Resources with the authority to revise South Dakota's SIP in response to changes to the federal National Ambient Air Quality Standards, availability of improved methods for attaining the federal standards, or in response to an EPA finding that South Dakota's SIP is substantially inadequate.

3.12 Section 110(a)(2)(I) – Plans for nonattainment areas

Requirement Summary

"Each such plan shall […] in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas);"

South Dakota's Infrastructure

South Dakota is in attainment for all National Ambient Air Quality Standards. Therefore, this section is not applicable.

3.13 Section 110(a)(2)(J) – Consultation with government officials

Requirement Summary

"Each such plan shall […] meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection);"

South Dakota's Infrastructure

SDCL section 34A-1-1 and 34A-1-10 provides the South Dakota Department of Environment and Natural Resources with the authority to meet the applicable requirements of section 121 of the Clean Air Act. SDCL section 34A-1-10 requires the department to advise, consult, and cooperate with agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.

SDCL section 1-40-31 provides full public inspection and disclosure of all nonconfidential public records relating to the Department of Environment and Natural Resources and those activities within its jurisdiction. SDCL section 34A-1-9 provides the department with the authority to collect and disseminate information to the public. The department implements this by notifying the public of any concentrations that exceed the National Ambient Air Quality Standards through the department's website that contains the daily concentrations updated hourly from 10 sites covering 33 parameters from continuous analyzers and monitors located throughout the state. The following is the department's website location:

http://denr.sd.gov/des/aq/aarealtime.aspx

ARSD Chapter 74:36:09 (Prevention of significant deterioration) adopts by reference federal regulations under 40 CFR Part 51 and 52 and provides DENR with regulations necessary to meet the applicable requirements of part C of the federal Clean Air Act related to prevention of significant deterioration and visibility protection.

3.14 Section 110(a)(2)(K) – Air quality modeling/data

Requirement Summary

"Each such plan shall […] provide for:

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;"

South Dakota's Infrastructure

ARSD Chapter 74:36:09 (Prevention of significant deterioration) and 74:36:20 (Construction permits for new sources and modifications) provide the South Dakota Department of Environment and Natural Resources with the ability to perform air quality modeling for predicting the new source or modification to an existing source impacts on the ambient air quality to ensure the National Ambient Air Quality Standard will not be exceeded.

As stated earlier, SDCL section 34A-1-1, 34A-1-10, and 1-40-31 provides the department with the authority to advice, consult, and cooperate with EPA and provide EPA with public records such as air quality modeling.

3.15 Section 110(a)(2)(L) – Permitting fees

Requirement Summary

"Each such plan shall […] require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and
(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;

South Dakota's Infrastructure

DENR has an EPA approved Title V air quality operating permit program that requires major stationary sources to pay permitting fees (ARSD 74:37:01 – Air Emission Fees) to cover the cost of reviewing, approving, implementing and enforcing the Title V air quality operating permit. Therefore, Section 110(a)(2)(L), is not applicable.

3.16 Section 110(a)(2)(M) – Consultation/participation by affected local entities

Requirement Summary

"Each such plan shall […] provide for consultation and participation by local political subdivisions affected by the plan.

South Dakota's Infrastructure

SDCL section 34A-1-1 and 34A-1-10 provide the South Dakota Department of Environment and Natural Resources with the authority to advise, consult, and cooperate with agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.

Attachment A
Administrative Rules of South Dakota
State Implementation Plan for South Dakota

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:01	**Definitions**		
74:36:01:01	Definitions	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:01:03	Administrative permit amendment defined	4/4/99	4/7/2003 68 FR 16726
74:36:01:04	Affected states defined	4/22/93	10/19/1998 63 FR 55804
74:36:01:05	Applicable requirements of the CAA defined	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:01:06	Complete application defined	4/22/93	10/19/1998 63 FR 55804
74:36:01:08	Major source defined	4/20/11	8/14/2006 71 FR 46403 [1]
74:36:01:09	Categories of sources defined	1/2/05	8/14/2006 71 FR 46403 [1]
74:36:01:10	Modification defined	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:01:11	National ambient air quality standard (NAAQS)	4/22/93	10/19/1998 63 FR 55804
74:36:01:12	Potential to emit defined	4/22/93	10/19/1998 63 FR 55804
74:36:01:13	Process weight rate defined	4/22/93	10/19/1998 63 FR 55804
74:36:01:15	Regulated air pollution defined	4/20/11	10/19/1998 63 FR 55804 [1]
74:36:01:16	Responsible official defined	1/2/05	8/14/2006 71 FR 46403
74:36:01:18	Municipal solid waste landfill defined	12/29/96	10/19/1998 63 FR 55804
74:36:01:19	Existing municipal solid waste landfills defined	12/29/96	10/19/1998 63 FR 55804
74:36:01:20	Physical change or change in method of operation	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:01:21	Commenced construction defined	6/28/10	Pending [1]
74:36:02	**Ambient Air Quality**		
74:36:02:01	Air quality goals	4/22/93	10/19/1998 63 FR 55804
74:36:02:02	Ambient air quality	6/25/13	10/11/2007

State Citation	Title	State Effective Date	EPA's Last SIP Approval
	standards		72 FR 57864 [1]
74:36:02:03	Methods of sampling and analysis	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:02:04	Air quality monitoring network	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:02:05	Ambient air monitoring requirements	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:03	**Air Quality Episodes**		
74:36:03:01	Air pollution emergency episodes	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:03:02	Episodes emergency contingency plan	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:04	**Operating Permits for Minor Sources**		
74:36:04:01	Applicability	4/22/93	10/19/1998 63 FR 55804
74:36:04:02	Minor source operating permit required	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:02.01	Minor source operating permit exemption	6/28/10	Pending [1]
74:36:04:03	Emission unit exemptions	6/28/10	8/14/2006 71 FR 46403 [1]
74:36:04:04	Standards for issuance of a minor source operating permit	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:04:05	Time period for operating permits and renewals	6/25/13	10/19/1998 63 FR 55804
74:36:04:06	Timely and complete application for operating permit required	6/28/10	8/14/2006 71 FR 46403 [1]
74:36:04:07	Required contents of complete application for operating permit	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:08	Applicant required to supplement or correct application	1/5/95	10/19/1998 63 FR 55804
74:36:04:09	Permit application completeness review	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:10	Time period for department's recommendation	6/28/10	10/19/1998 63 FR 55804
74:36:04:12	Public participation in permitting process	6/25/13	4/7/2003 68 FR 16726 [1]

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:04:12.01	Public review of department's draft permit	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:13	Final permit decision – Notice to interested persons	6/25/13	4/7/2003 68 FR 16726 [1]
74:36:04:14	Right to petition for contested case hearing	6/25/13	4/7/2003 68 FR 16726
74:36:04:15	Contents of operating permit	6/25/13	10/19/1998 63 FR 55804 [1]
74:36:04:16	Operating permit expiration	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:17	Renewal of operating permit	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:18	Operating permit revision	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:19	Administrative permit amendment	4/4/99	4/7/2003 68 FR 16726
74:36:04:20	Procedures for administrative permit amendments	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:20.01	Minor permit amendment required	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:20.02	Requirements for minor permit amendment	1/5/95	10/19/1998 63 FR 55804
74:36:04:20.03	Application for minor permit amendment	1/5/95	10/19/1998 63 FR 55804
74:36:04:20.04	Department deadline to approve minor permit amendment	6/28/10	4/7/2003 68 FR 16726 [1]
74:36:04:21	Permit modification	1/5/95	10/19/1998 63 FR 55804
74:36:04:22	Source status change - - new permit required	4/4/99	4/7/2003 68 FR 16726
74:36:04:23	Reopening operating permit for cause	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:24	Procedures to reopen operating permit	4/22/93	10/19/1998 63 FR 55804
74:36:04:27	Operating permit terminated, modification, and revocation	6/28/10	10/19/1998 63 FR 55804 [1]
74:36:04:28	Notice of operating noncompliance - - contents	4/22/93	10/19/1998 63 FR 55804

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:04:29	Petition for contested case on alleged violation	4/22/93	10/19/1998 63 FR 55804
74:36:04:31	Circumvention of emissions not allowed	4/22/93	10/19/1998 63 FR 55804
74:36:04:32	General permits	6/28/10	5/10/2004 69 FR 25839 [1]
74:36:04:33	Secretary may require an individual permit	9/1/03	5/10/2004 69 FR 25839
74:36:06	**Regulated Air Pollutant Emissions**		
74:36:06:01	Applicability	1/5/95	10/19/1998 63 FR 55804
74:36:06:02	Allowable emissions for fuel-burning units	4/4/99	4/7/2003 68 FR 16726
74:36:06:03	Allowable emissions for process industry units	4/4/99	4/7/2003 68 FR 16726
74:36:06:04	Particulate emission restrictions for incinerators and waste wood burners	1/2/05	10/11/2007 72 FR 57864
74:36:06:05	Most stringent interpretation applicable	4/22/93	10/19/1998 63 FR 55804
74:36:06:06	Stack performance test	1/2/05	10/11/2007 72 FR 57864
74:36:06:07	Open burning practices prohibited	4/4/99	4/7/2003 68 FR 16726
74:36:07	**New Source Performance Standards**		
74:36:07:08	Ash disposal requirements	12/29/96	5/22/2000 65 FR 32033 [1]
74:36:07:29	Operating requirements for wire reclamation furnaces	4/22/93	9/6/1995 60 FR 46222
74:36:07:30	Monitoring requirements for wire reclamation furnaces	4/22/93	9/6/1995 60 FR 46222
74:36:09	**Prevention of Significant Deterioration**		
74:36:09:01	Applicability	9/18/06	12/21/2007 72 FR 72617
74:36:09:01.01	Prevention of significant deterioration permit required	9/18/06	12/21/2007 72 FR 72617
74:36:09:02	Prevention of significant deterioration	6/25/13	6/30/11, 7/22/11 76 FR 43912 [1]
74:36:09:03	Public participation	6/25/13	6/30/11, 7/22/11 76 FR 43912 [1]

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:10	**New Source Review**		
74:36:10:01	Applicability	4/22/93	10/19/1998 63 FR 55804
74:36:10:02	Definitions	6/25/13	8/14/2006 71 FR 46403 [1]
74:36:10:03.01	New source review preconstruction permit required	6/25/13	8/14/2006 71 FR 46403 [1]
74:36:10:05	New source review preconstruction permit	6/25/13	8/14/2006 71 FR 46403 [1]
74:36:10:06	Causing or contributing to violation of any ambient air quality standard	6/25/13	5/10/2004 69 FR 25839 [1]
74:36:10:07	Determine credit for emission offsets	6/25/13	8/14/2006 71 FR 46403 [1]
74:36:10:08	Projected actual emissions	6/25/13	8/14/2006 71 FR 46403 [1]
74:36:11	**Performance Testing**		
74:36:11:01	Stack performance testing methods	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:11:02	Secretary may require performance tests	12/29/96	10/19/1998 63 FR 55804
74:36:11:03	Notice to department of performance test	12/29/96	10/19/1998 63 FR 55804
74:36:11:04	Testing new fuels or raw materials	4/4/99	2/3/2000 65 FR 5264
74:36:12	**Control of Visible Emissions**		
74:36:12:01	Restrictions on visible emissions	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:12:02	Exception to restrictions	6/25/13	10/19/1998 63 FR 55804 [1]
74:36:12:03	Exception granted to alfalfa pelletizers or dehydrators	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:13	**Continuous Emission Monitoring Systems**		
74:36:13:01	Secretary may require continuous emission monitoring systems (CEMS)	4/22/93	10/19/1998 63 FR 55804
74:36:13:02	Minimum performance specifications for all continuous emission	6/25/13	10/11/2007 72 FR 57864 [1]

State Citation	Title	State Effective Date	EPA's Last SIP Approval
	monitoring systems		
74:36:13:03	Reporting requirements	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:13:04	Notice to department of exceedance	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:13:05	Compliance determined by data from continuous emission monitor	4/22/93	10/19/1998 63 FR 55804
74:36:13:06	Compliance certification	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:13:07	Credible evidence	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:13:08	Compliance assurance monitoring	6/25/13	10/11/2007 72 FR 57864 [1]
74:36:17	**Rapid City Street Sanding and Deicing**		
74:36:17:01	Applicability	2/11/1996	6/10/2002 72 FR 57864
74:36:17:02	Reasonable available control technology	2/11/1996	6/10/2002 72 FR 57864
74:36:17:03	Street sanding specifications	2/11/1996	6/10/2002 72 FR 57864
74:36:17:04	Street deicing and maintenance plan	2/11/1996	6/10/2002 72 FR 57864
74:36:17:05	Street sanding and sweeping recordkeeping	2/11/1996	6/10/2002 72 FR 57864
74:36:17:06	Inspection authority	2/11/1996	6/10/2002 72 FR 57864
74:36:18	**Regulations for State Facilities in the Rapid City Area**		
74:36:18:01	Definitions	7/1/02	1/20/2004 72 FR 57864
74:36:18:02	Applicability	7/1/02	1/20/2004 72 FR 57864
74:36:18:03	Permit required	7/1/02	1/20/2004 72 FR 57864
74:36:18:04	Time period for permits and renewals	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:05	Required contents of a complete application for a permit	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:06	Contents of permit	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:07	Permit expiration	7/1/02	1/20/2004

State Citation	Title	State Effective Date	EPA's Last SIP Approval
			72 FR 57864
74:36:18:08	Renewal of permit	7/1/02	1/20/2004 72 FR 57864
74:36:18:09	Reasonably available control technology required	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:10	Visible emission limit for construction and continuous operation activities	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:11	Exception to visible emission limit	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:18:12	Notice of operation noncompliance contents	6/25/13	1/20/2004 72 FR 57864 [1]
74:36:20	**Construction Permits for New Sources or Modifications**		
74:36:20:01	Applicability	6/28/10	Pending [1]
74:36:20:02	Construction permit required	4/20/11	Pending [1]
74:36:20:02.01	Initiating construction prior to permit issuance	4/20/11	Pending [1]
74:36:20:03	Construction permit exemption	6/28/10	Pending [1]
74:36:20:04	Emission unit exemptions	6/28/10	Pending [1]
74:36:20:05	Standard for issuance of construction permit	6/25/13	Pending [1]
74:36:20:06	Timely and complete application for a construction permit required	6/28/10	Pending
74:36:20:07	Required contents of complete application for a construction permit	6/28/10	Pending [1]
74:36:20:08	Applicant required to supplement or correct application	6/28/10	Pending [1]
74:36:20:09	Permit application – Completeness review	6/28/10	Pending [1]
74:36:20:10	Time period for department's recommendation	6/28/10	Pending [1]
74:36:20:11	Public participation in permitting process	6/25/13	Pending [1]

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:20:12	Public review of department's draft permit	6/28/10	Pending [1]
74:36:20:13	Final permit decision – Notice to interested persons	6/25/13	Pending [1]
74:36:20:14	Right to petition for contested case hearing	6/25/13	Pending [1]
74:36:20:15	Contents of construction permit	6/25/13	Pending [1]
74:36:20:16	Administrative permit amendment	6/28/10	Pending [1]
74:36:20:17	Procedures for administrative permit amendment	6/28/10	Pending [1]
74:36:20:18	Reopening construction permit for cause	6/28/10	Pending [1]
74:36:20:19	Procedures for reopening construction permit	6/28/10	Pending [1]
74:36:20:20	Construction permit does not exempt from other requirements	6/28/10	Pending [1]
74:36:20:21	Expiration of a construction permit	6/28/10	Pending [1]
74:36:20:22	Notice of constructing or operating noncompliance -- Contents	6/28/10	Pending [1]
74:36:20:23	Petition for contested case or alleged violation	6/28/10	Pending [1]
74:36:20:24	Circumvention of emissions not allowed	6/28/10	Pending [1]
74:36:21	**Regional Haze Program**		
74:36:21:01	Applicability	12/7/10	4/26/12 77 FR 24845
74:36:21:02	Definitions	6/25/13	4/26/12 77 FR 24845 [1]
74:36:21:03	Existing stationary facility defined	12/7/10	4/26/12 77 FR 24845
74:36:21:04	Visibility impact analysis	6/25/13	4/26/12 77 FR 24845 [1]
74:36:21:05	BART determination	6/25/13	4/26/12 77 FR 24845 [1]

State Citation	Title	State Effective Date	EPA's Last SIP Approval
74:36:21:06	BART determination for a BART-eligible coal-fired power plant	9/19/11	4/26/12 77 FR 24845
74:36:21:07	Installation of controls based on visibility impact analysis or BART determination	12/7/10	4/26/12 77 FR 24845
74:36:21:08	Operation and maintenance of controls	12/7/10	4/26/12 77 FR 24845
74:36:21:09	Monitoring, recordkeeping, and reporting	6/25/13	4/26/12 77 FR 24845 [1]
74:36:21:10	Permit to construct	12/7/10	4/26/12 77 FR 24845
74:36:21:11	Permit required for BART determination	12/7/10	4/26/12 77 FR 24845
74:36:21:12	Federal land manager notification and review	12/7/10	4/26/12 77 FR 24845

[1] – Waiting on EPA to approve changes since EPA's last SIP approval.

Attachment B
Section 110(a)(2)(D)(ii)
Interstate and International Transport Provisions
No Significant Impact to Nonattainment Areas in Other States

B.1 South Dakota's Size and Population

South Dakota's population is the 5th smallest in the nation with a 2011 population of 824,082. The state is the 17th largest in the nation with a surface area of 77,116 square miles. The two largest cities in the state are Sioux Falls (156,592) on the southeast edge and Rapid City (69,200) on the west central edge of the state. South Dakota's remaining population is spreadout throughout the state with a majority on the eastern half of the state.

B.2 State Emissions Inventory

The state's emissions inventory shows there were 85 sources of nitrogen oxides in South Dakota in 2011 that had a Title V air quality operating permit and reported annual air emissions. The total nitrogen oxide emissions in 2011 from these sources was 14,070 tons. Table B-1 through B-7 contains a list of the air emissions from sources considered major sources in South Dakota under the Title V air quality operating permit program that potentially could impact air quality in South Dakota and neighboring states.

Table B-1. 2011 Air Emissions Inventory Potentially Impacting North Dakota

No.	Name	County	NOx	Units
1	3M Company	Brown	5	tons
2	ABE South Dakota	Brown	58	tons
3	Aberdeen Energy	Brown	81	tons
4	Associated Milk Producers	Walworth	1	tons
5	Avera St. Lukes Hospital	Brown	3	tons
6	Basin Electric - Groton	Brown	33	tons
7	Benchmark Foam	Codington	1	tons
8	Brown County Landfill	Brown	0	tons
9	Dakota Foundry	Day	0	tons
10	Glacial Lakes	Codington	94	tons
11	Magellan Pipeline Company	Codington	0	tons
12	Molded Fiber Glass Companies	Brown	0	tons
13	NorthWestern Energy	Brown	4	tons
14	NorthWestern Energy	Clark	1	tons
15	NorthWestern Energy	Faulk	1	tons
16	NuStar Pipe Line Operating Partnership	Brown	0	tons
17	Otter Tail Power Company - Big Stone I	Grant	9,825	tons
18	Poet Biorefining - James Valley Ethanol	Brown	50	tons

No.	Name	County	NOx	Units
19	Poet Biorefining - Northern Lights Ethanol	Grant	62	tons
20	Red River Energy	Roberts	12	tons
21	TransCanada	Clark	97	tons
22	TransCanada	Edmunds	95	tons
23	Watertown Regional Landfill	Codington	0	tons
24	Western Minnesota Municipal Power	Codington	2	tons
25	Woodland Cabinetry	Roberts	0	tons
		Total	**10,425**	**tons**

Table B-2. 2011 Air Emissions Inventory Potentially Impacting Minnesota

No.	Name	County	NOx	Units
1	3M Company	Brookings	7	tons
2	Benchmark Foam	Codington	1	tons
3	Bergquist Company	Minnehaha	3	tons
4	CCL Label	Minnehaha	1	tons
5	Dakota Ethanol	Lake	64	tons
6	Dakota Foundry	Day	0	tons
7	Dakota Kitchen and Bath	Minnehaha	0	tons
8	Daktronics	Brookings	0	tons
9	Design Tanks	Minnehaha	0	tons
10	Earthgrains Baking	Minnehaha	1	tons
11	Glacial Lakes	Codington	94	tons
12	Jebro	Minnehaha	1	tons
13	John Morrell & Company	Minnehaha	125	tons
14	Madison Generation Plant	Lake	1	tons
15	Magellan Pipeline Company	Codington	0	tons
16	Magellan Pipeline Company	Minnehaha	7	tons
17	Midwest Railcar Repair	Minnehaha	0	tons
18	Norcraft Companies	Minnehaha	0	tons
19	Northern States Power Company	Minnehaha	16	tons
20	NorthWestern Energy	Clark	1	tons
21	NuStar Pipe Line Operating Partnership	Minnehaha	0	tons
22	Otter Tail Power Company - Big Stone I	Grant	9,825	tons
23	Poet Biorefining - Great Plains Ethanol	Turner	95	tons
24	Poet Biorefining - Northern Lights Ethanol	Grant	62	tons
25	Poet Biorefining - Sioux River Energy	Lincoln	45	tons
26	Red River Energy	Roberts	12	tons
27	Sanford USD Medical Center	Minnehaha	42	tons
28	ShowPlace Wood Products	Lincoln	0	tons
29	Sioux Falls Regional Sanitary Landfill	Minnehaha	0	tons
30	Sioux Falls Water Reclamation Facility	Minnehaha	56	tons
31	Siouxland Energy and Livestock Coop	Lincoln	0	tons

No.	Name	County	NOx	Units
32	South Dakota Soybean Processors	Brookings	36	tons
33	South Dakota State University	Brookings	112	tons
34	TransCanada	Clark	97	tons
35	TransCanada	Deuel	97	tons
36	Valero Renewable Fuels	Brookings	85	tons
37	Watertown Regional Landfill	Codington	0	tons
38	Western Minnesota Municipal Power	Codington	2	tons
39	Woodland Cabinetry	Roberts	0	tons
		Total	**10,888**	**tons**

Table B-3. 2011 Air Emissions Inventory Potentially Impacting Iowa

No.	Name	County	NOx	Units
1	Bergquist Company	Minnehaha	3	tons
2	CCL Label	Minnehaha	1	tons
3	Dakota Kitchen and Bath	Minnehaha	0	tons
4	Design Tanks	Minnehaha	0	tons
5	Earthgrains Baking	Minnehaha	1	tons
6	Jebro	Minnehaha	1	tons
7	John Morrell & Company	Minnehaha	125	tons
8	Magellan Pipeline Company	Minnehaha	7	tons
9	Midwest Railcar Repair	Minnehaha	0	tons
10	Norcraft Companies	Minnehaha	0	tons
11	Northern States Power Company	Minnehaha	16	tons
12	NuStar Pipe Line Operating Partnership	Minnehaha	0	tons
13	Poet Biorefining - Great Plains Ethanol	Turner	95	tons
14	Poet Biorefining - Sioux River Energy	Lincoln	45	tons
15	Sanford USD Medical Center	Minnehaha	42	tons
16	ShowPlace Wood Products	Lincoln	0	tons
17	Sioux Falls Regional Sanitary Landfill	Minnehaha	0	tons
18	Sioux Falls Water Reclamation Facility	Minnehaha	56	tons
19	Siouxland Energy and Livestock Coop	Lincoln	0	tons
		Total	**392**	**tons**

Table B-4. 2011 Air Emissions Inventory Potentially Impacting Nebraska

No.	Name	County	NOx	Units
1	Basin Electric - Spirit Mound	Clay	7	tons
2	Bergquist Company	Minnehaha	3	tons
3	Black Hills Health Care	Fall River	5	tons
4	CCL Label	Minnehaha	1	tons
5	Dakota Kitchen and Bath	Minnehaha	0	tons
6	Design Tanks	Minnehaha	0	tons
7	Earthgrains Baking	Minnehaha	1	tons

No.	Name	County	NOx	Units
8	Jebro	Minnehaha	1	tons
9	John Morrell & Company	Minnehaha	125	tons
10	Kolberg-Pioneer	Yankton	0	tons
11	Magellan Pipeline Company	Minnehaha	7	tons
12	Midwest Railcar Repair	Minnehaha	0	tons
13	Norcraft Companies	Minnehaha	0	tons
14	Northern States Power Company	Minnehaha	16	tons
15	NorthWestern Energy	Yankton	4	tons
16	NuStar Pipe Line Operating Partnership	Minnehaha	0	tons
17	NuStar Pipe Line Operating Partnership	Yankton	0	tons
18	Pacer Corporation - White Bear Mica Plant	Custer	1	tons
19	Poet Biorefining - Great Plains Ethanol	Turner	95	tons
20	Poet Biorefining - Sioux River Energy	Lincoln	45	tons
21	Poet Research Center	Bon Homme	18	tons
22	Sanford USD Medical Center	Minnehaha	42	tons
23	SAPA Extrusions	Yankton	18	tons
24	ShowPlace Wood Products	Lincoln	0	tons
25	Sioux Falls Regional Sanitary Landfill	Minnehaha	0	tons
26	Sioux Falls Water Reclamation Facility	Minnehaha	56	tons
27	Siouxland Energy and Livestock Coop	Lincoln	0	tons
28	University of South Dakota	Clay	7	tons
		Total	**452**	**tons**

Table B-5. 2011 Air Emissions Inventory Potentially Impacting Colorado

No.	Name	County	NOx	Units
1	Black Hills Health Care	Fall River	5	tons
2	Black Hills Power - Ben French	Pennington	785	tons
3	Black Hills Power - Lange	Pennington	4	tons
4	Countertops	Pennington	36	tons
5	GCC Dacotah	Pennington	900	tons
6	Hills Materials	Pennington	4	tons
7	Pacer Corporation - White Bear Mica Plant	Custer	1	tons
8	Pete Lien and Sons	Pennington	627	tons
9	Rapid City Regional Hospital	Pennington	6	tons
10	Rapid City Regional Landfill	Pennington	0	tons
11	Rocky Mountain Pipeline System	Pennington	3	tons
12	Rushmore Forest Products	Pennington	13	tons
		Total	**2,384**	**tons**

Table B-6. 2011 Air Emissions Inventory Potentially Impacting Wyoming

No.	Name	County	NOx	Units
1	Black Hills Health Care	Fall River	5	tons

No.	Name	County	NOx	Units
2	Black Hills Power - Ben French	Pennington	785	tons
3	Black Hills Power - Lange	Pennington	4	tons
4	Countertops	Pennington	36	tons
5	GCC Dacotah	Pennington	900	tons
6	Hills Materials	Pennington	4	tons
7	Pacer Corporation - White Bear Mica Plant	Custer	1	tons
8	Pete Lien and Sons	Pennington	627	tons
9	Rapid City Regional Hospital	Pennington	6	tons
10	Rapid City Regional Landfill	Pennington	0	tons
11	Rocky Mountain Pipeline System	Pennington	3	tons
12	Rushmore Forest Products	Pennington	13	tons
13	Spearfish Forest Products	Lawrence	39	tons
14	Wharf Resources	Lawrence	1	tons
15	Williston Basin	Butte	276	tons
		Total	**2,700**	**tons**

Table B-7. 2011 Air Emissions Inventory Potentially Impacting Montana

No.	Name	County	NOx	Units
1	Black Hills Health Care	Fall River	5	tons
2	Black Hills Power - Ben French	Pennington	785	tons
3	Black Hills Power - Lange	Pennington	4	tons
4	Countertops	Pennington	36	tons
5	GCC Dacotah	Pennington	900	tons
6	Hills Materials	Pennington	4	tons
7	Pacer Corporation - White Bear Mica Plant	Custer	1	tons
8	Pete Lien and Sons	Pennington	627	tons
9	Rapid City Regional Hospital	Pennington	6	tons
10	Rapid City Regional Landfill	Pennington	0	tons
11	Rocky Mountain Pipeline System	Pennington	3	tons
12	Rushmore Forest Products	Pennington	13	tons
13	Spearfish Forest Products	Lawrence	39	tons
14	Wharf Resources	Lawrence	1	tons
15	Williston Basin	Butte	276	tons
		Total	**2,694**	**tons**

As represented in the tables, the largest emission source for nitrogen oxides is Big Stone I which is operated by Otter Tail Power Company in Grant County on the northeastern edge of the state. Of the 14,070 tons of nitrogen oxide statewide, Big Stone I is the major emitter at 9,825 tons. In June 2012, Otter Tail Power Company commenced construction of the air pollution control equipment required to meet the best available retrofit technology under South Dakota's Regional Haze program. The project consists of installing an upgraded baghouse, a dry flue gas desulfurization system, and a selective catalytic reduction system. Once completed, Otter Tail Power Company will reduce its

emissions of nitrogen oxides from 9,825 tons per year to approximately 2,400 tons per year which is approximately a 76% reduction in nitrogen oxide emissions.

Another reduction in emissions has come from Black Hills Power's Ben Fench facility in Rapid City which had the third highest emission level of nitrogen oxide. Black Hills Power's Ben French facility is located in the western side of the state and they shutdown the coal fired boiler at the facility in August 2012. This change will decrease emission levels down to around 20 tons of nitrogen oxide per year from the Ben French facility.

B.3 South Dakota SIP Approved Programs

South Dakota has a SIP approved PSD program and has successfully implemented this program for many years. After a 30 day public comment period, a public hearing on February 17, 2011, and Interim Rules Committee review on March 29, 2011, the federal Tailoring Rule provisions promulgated by EPA on June, 3, 2010 were incorporated in South Dakota's Prevention of Significant Deterioration program in ARSD Chapter 74:36:09. The change became effective on April 20, 2011. The Tailoring Rule changes were submitted to EPA for approval on June 20, 2011 and EPA has not yet acted on this submittal. ARSD Chapter 74:36:09 was revised on June 25, 2013 and submitted to EPA for SIP approval on July 29, 2013. EPA has not yet acted on this submittal.

South Dakota has a SIP approved Regional Haze Program which was revised on June 25, 2013. DENR submitted the revised Regional Haze Program to EPA for approval on July 29, 2013. EPA has not yet acted on this submittal.

As stated earlier, DENR is waiting on EPA to approve the original submittal for South Dakota's air quality construction permit program and subsequent revisions in the State Implementation Plan. DENR submitted the latest revision to EPA for approval on July 29, 2013.

B.4 South Dakota Meterology

South Dakota's predominate wind direction is form the northwest and southeast during most of the year. Major weather systems move mainly from west to east through the state.

B.5 Nonattainment and Maintenance Areas in Neighboring States

On January 24, 2011, DENR submitted the proposed designations for the 2010 1-hour nitrogen dioxide standard to EPA. In a response letter from EPA to Governor Dennis Daugaard, dated January 20, 2012, EPA designated all areas of the nation as unclassifiable/attainment for the 2010 standard. Although EPA designated all of South Dakota as unclassifiable/attainment; South Daktoa is attaining the 2010 1-hour nitorgen dioxide standard.

There are no states bordering South Dakota that have a nonattainment or maintenance area for the 2010 1-hour nitrogen dioxide standard. The only maintenance area in the nation is Los Angles, California which is hundreds of miles southwest of South Dakota.

B.6 Conclusions

The 2010 1-hour nitrogen dioxide standard is being attained throughout South Dakota. One of the main reasons South Dakota is attaining the standard is its population and air emissions are relatively small.

The 2010 1-hour nitrogen dioxide standard is being met by all areas of the nation, except for one area in Los Angles, Californai. Predominate wind direction during the year keeps air pollutants on both sides of the state from being blown to California. Even if the wind blew in this directions, the distance to the maintenance areas, crossing several mountain ranges and dilution of the air pollution, it would have minimal impact and would not be identifiable from other sources between Califoria and South Dakota.

The information above clearly shows South Dakota is not significantly impacting nonattainment or maintenance areas in other states. As South Dakota's Regional Haze Program is implemented, impacts, if any, will be even less from South Dakota. DENR believes its Regional Haze program in combination with its PSD program and air quality construction permit program ensures South Dakota is able to regulate any new source or modification to existing sources to prevent it from causing a nonattainment area in South Dakota or significantly impacting a nonattainment area or maintenance area in other states.