

**CERTIFICATION OF THE 2008 LEAD INFRASTRUCTURE STATE  
IMPLEMENTATION PLAN**

**August 30, 2012**

Each time EPA revises or adds a new National Ambient Air Quality Standards the state must review the current regulations and make the necessary changes to keep the state's air pollution control program regulations comparable to the EPA standards and regulations.

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 2008 revised Lead National Ambient Air Quality Standard. The review finds that all the necessary changes to the regulations have been completed and no state laws will need to be changed to implement the 2008 revised Lead standard. DENR certifies that South Dakota is implementing the 2008 revised Lead standard and is meeting all the requirements in 110(a)(1) and 110(a)(2) of the Clean Air Act.

All regulation changes went through the public notice procedures, board approval and were adopted into state regulations. The following information describes the regulations and how DENR is implementing the air quality program.

**State of South Dakota**  
**Infrastructure State Implementation Plan for**  
**2008 Lead National Ambient Air Quality Standard**

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## **1.0 Introduction**

On October 14, 2011, EPA issued guidance to states for preparation of a state implementation plan that satisfy the Clean Air Act sections 110(a)(1) and (2) requirements for the revisions in 2008 to the National Ambient Air Quality Standard for lead. The information included in this document will certify South Dakota is meeting the requirements in section 110(a)(1) and (2) of the Clean Air Act. Attachment 1 provides a list of each section in the Administrative Rules of South Dakota (ARSD) Article 74:36 (Air Pollution Control Program), 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**

As required by Section 110(a)(1) of the Clean Air Act, after reasonable notice for public comment, proposed rule changes are presented to the Board of Minerals and Environment during a public hearing. The approved rules 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 changes to the State Implementation Plan to EPA with the documentation necessary to demonstrate the changes were approved in accordance with state procedures.

Currently, DENR has submitted the following SIP changes to EPA related to the new lead standard:

1. June 14, 2010 – Submitted revisions to South Dakota's State Implementation Plan 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. These rule changes adopted the new federal National Ambient Air Quality Standards for lead (waiting for EPA's approval);
2. January 21, 2011 – Submitted South Dakota's Regional Haze Program (waiting for EPA's approval);
3. September 19, 2011 – Submitted revisions to South Dakota's Regional Haze Program (waiting on EPA's approval); and

4. June 20, 2011 – Submitted rules that adopted EPA’s greenhouse tailoring rule and revisions to the construction permit program (waiting for EPA’s approval).

### **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**

South Dakota is currently attaining the previous and 2008 revised National Ambient Air Quality Standards for lead throughout the state. Therefore, South Dakota has not been required to adopt specific rules limiting lead emissions from businesses in South Dakota. South Dakota relies on its existing Administrative Rules of South Dakota (ARSD) identified below in implementing, maintaining, and enforcing the 2008 revised National Ambient Air Quality Standards for lead in South Dakota:

1. ARSD Chapter 74:36:04 (Operating permits for minor sources);
2. ARSD Chapter 74:36:05 (Operating permits for Part 70 sources);
3. ARSD Chapter 74:36:06 (Regulated air pollutant emissions);
4. ARSD Chapter 74:36:07 (New source performance standards);
5. ARSD Chapter 74:36:08 (National emission standards for hazardous air pollutants);
6. ARSD Chapter 74:36:09 (Prevention of significant deterioration);
7. ARSD Chapter 74:36:17 (Rapid City street sanding and deicing);
8. ARSD Chapter 74:36:18 (Regulations for state facilities in the Rapid City area);
9. ARSD Chapter 74:36:20 (Construction permits for new sources and modifications); and
10. ARSD Chapter 74:36:21 (Regional haze program).

South Dakota’s authority to promulgate these rules is contained in South Dakota Codified Laws (SDCL) Sections 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 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. 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 lead 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 in the Annual Network Plan 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, compared to the National Ambient Air Quality Standards in South Dakota, are 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 lead monitoring rule requires source-oriented monitoring and monitoring in large urban areas. In 2010, EPA completed a rule change that requires source type testing in addition to network testing if a source has emissions of 0.5 ton or greater per year. The final rule required testing at National Core Sites only if the site is located in a city with 500,000 and greater population.

As indicated in South Dakota's Annual Network Plan for 2011, there are no facilities in South Dakota with lead emissions at or greater than 0.5 ton per year. South Dakota's National Core site is located in Sioux Falls and the city has a population under 500,000. Therefore, source-oriented monitoring and ambient monitoring for lead in South Dakota is not required. South Dakota will continue to evaluate the need for ambient monitoring for lead in its Annual Network Plan.

### **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 all South Dakota state implementation plan 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 National Ambient Air Quality Standard before the air quality permit is issued. The air quality 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).

### **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**

As stated earlier, South Dakota is attaining the 2008 revised National Ambient Air Quality Standard for lead and does not have any facilities with lead emissions greater than or equal to 0.5 tons per year. Otter Tail Power Company's Big Stone I power plant emits the greatest lead emission in South Dakota at approximately 62 pounds of lead per year or 0.03 tons per year. Big Stone I is located about 2.8 miles from the Minnesota border. Based on the distance from the Minnesota border and the quantity of lead emissions from Big Stone I, South Dakota does not believe it is contributing or interfering with the maintenance of the lead standard in Minnesota.

In addition, South Dakota does not have any facilities that emit greater than or equal to 0.5 tons per year near its borders with the state of Iowa, Nebraska, Wyoming, Montana and North Dakota and these states are also attaining the 2008 lead standard. See Attachment 2 for a map of the lead nonattainment areas in the nation. Therefore, South Dakota does not believe it is contributing or interfering with the maintenance of the lead standard in those states.

South Dakota has a fully 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 that were 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.

South Dakota concludes its PSD program ensures South Dakota will be able to regulate any new major source or major modification of lead emissions to prevent it from causing a nonattainment area in another state or interfere with the maintenance of the lead standard and visibility in those states.

### **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 fully SIP approved PSD program which requires major new sources or major modification of an existing source of air pollution to provide written notification to all nearby states of the potential impacts from the source. This satisfies section 126(a) of the Clean Air Act.

EPA has not identified any lead sources in South Dakota that endanger public health or the welfare of a foreign country or another state. Therefore, South Dakota is not subject to Section 115, 126(b), or 126(c) of the Clean Air Act.

### **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 103 and 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 require sources to monitor and periodically report to ensure compliance with its air quality permit:

1. ARSD section 74:36:04:15(10);
2. ARSD section 74:36:05:16.01(9);
3. ARSD Chapter 74:36:09 (Prevention of significant deterioration program);
4. ARSD Chapter 74:36:11 (Performance testing);
5. ARSD Chapter 74:36:13 (Continuous emission monitoring systems); and
6. ARSD Chapter 74:36:20(10).

In addition, ARSD Chapter 74:36:07 (New Source Performance Standards) and 74:36:08 (National Emission Standards for Hazardous Air Pollutants) identify monitoring and periodic reporting requirements for sources applicable to these standards.

### **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 11 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/daq/aarealtime.aspx>

Three of these sites also report hourly ozone and PM<sub>2.5</sub> levels to the AirNow EPA website which we have a linked to our department database. Through both the department's website and the AirNow website the public is notified of high concentration periods and what actions to take to reduce health impacts.

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 advise, 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 1**  
**Administrative Rules of South Dakota**  
**State Implementation Plan for South Dakota**

<b>State Citation</b>	<b>Title</b>	<b>State Effective Date</b>	<b>EPA's Last SIP Approval</b>
74:36:01:01	Definitions	4/20/2011	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:01:03	Administrative permit amendment defined	4/4/1999	4/7/2003 68 FR 16726
74:36:01:04	Affected states defined	4/22/1993	10/19/1998 63 FR 55804
74:36:01:05	Applicable requirements of the CAA defined	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:01:06	Complete application defined	4/22/1993	10/19/1998 63 FR 55804
74:36:01:08	Major source defined	4/20/2011	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:01:09	Categories of sources defined	1/2/2005	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:01:10	Modification defined	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:01:11	National ambient air quality standard (NAAQS)	4/22/1993	10/19/1998 63 FR 55804
74:36:01:12	Potential to emit defined	4/22/1993	10/19/1998 63 FR 55804
74:36:01:13	Process weight rate defined	4/22/1993	10/19/1998 63 FR 55804
74:36:01:15	Regulated air pollution defined	4/20/2011	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:01:16	Responsible official defined	1/2/2005	8/14/2006 71 FR 46403
74:36:01:18	Municipal solid waste landfill defined	12/29/1996	10/19/1998 63 FR 55804
74:36:01:19	Existing municipal solid waste landfills defined	12/29/1996	10/19/1998 63 FR 55804
74:36:01:20	Physical change or change in method of operation	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:01:21	Commenced construction defined	6/28/2010	Pending <sup>1</sup>
74:36:02:01	Air quality goals	4/22/1993	10/19/1998 63 FR 55804
74:36:02:02	Ambient air quality standards	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>

<b>State Citation</b>	<b>Title</b>	<b>State Effective Date</b>	<b>EPA's Last SIP Approval</b>
74:36:02:03	Methods of sampling and analysis	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:02:04	Air Quality monitoring network	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:02:05	Ambient air monitoring requirements	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:03:01	Air pollution emergency episodes	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:03:02	Episodes emergency contingency plan	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:04:01	Applicability	4/22/1993	10/19/1998 63 FR 55804
74:36:04:02	Minor source operating permit required	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:02.01	Minor source operating permit exemption	6/28/2010	Pending <sup>1</sup>
74:36:04:03	Emission unit exemptions	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:04:03.01	Minor source operating permit variance	6/28/2010	Not approved by EPA into the SIP
74:36:04:04	Standards for issuance of a minor source operating permit	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:04:05	Time period for operating permits and renewals	4/22/1993	10/19/1998 63 FR 55804
74:36:04:06	Timely and complete application for operating permit required	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:04:07	Required contents of complete application for operating permit	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:08	Applicant required to supplement or correct application	1/5/1995	10/19/1998 63 FR 55804
74:36:04:09	Permit application completeness review	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:10	Time period for department's recommendation	6/28/2010	10/19/1998 63 FR 55804
74:36:04:12	Public participation in	6/28/2010	4/7/2003

<b>State Citation</b>	<b>Title</b>	<b>State Effective Date</b>	<b>EPA's Last SIP Approval</b>
	permitting process		68 FR 16726 <sup>1</sup>
74:36:04:12.1	Public review of department's draft permit	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:13	Final permit decision – Notice to interested persons	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:14	Right to petition for contested case hearing	4/4/1999	4/7/2003 68 FR 16726
74:36:04:15	Contents of operating permit	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:16	Operating permit expiration	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:17	Renewal of operating permit	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:18	Operating permit revision	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:19	Administrative permit amendment	4/4/1999	4/7/2003 68 FR 16726
74:36:04:20	Procedures for administrative permit amendments	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:20.01	Minor permit amendment required	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:20.02	Requirements for minor permit amendment	1/5/1995	10/19/1998 63 FR 55804
74:36:04:20.03	Application for minor permit amendment	1/5/1995	10/19/1998 63 FR 55804
74:36:04:20.04	Department deadline to approve minor permit amendment	6/28/2010	4/7/2003 68 FR 16726 <sup>1</sup>
74:36:04:21	Permit modification	1/5/1995	10/19/1998 63 FR 55804
74:36:04:22	Source status change - - new permit required	4/4/1999	4/7/2003 68 FR 16726
74:36:04:23	Reopening operating permit for cause	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:24	Procedures to reopen operating permit	4/22/1993	10/19/1998 63 FR 55804
74:36:04:27	Operating permit terminated, modification, and revocation	6/28/2010	10/19/1998 63 FR 55804 <sup>1</sup>
74:36:04:28	Notice of operating noncompliance - - contents	4/22/1993	10/19/1998 63 FR 55804

<b>State Citation</b>	<b>Title</b>	<b>State Effective Date</b>	<b>EPA's Last SIP Approval</b>
74:36:04:29	Petition for contested case on alleged violation	4/22/1993	10/19/1998 63 FR 55804
74:36:04:31	Circumvention of emissions not allowed	4/22/1993	10/19/1998 63 FR 55804
74:36:04:32	General permits	6/28/2010	5/10/2004 69 FR 25839 <sup>1</sup>
74:36:04:33	Secretary may require an individual permit	9/1/2003	5/10/2004 69 FR 25839
74:36:06:01	Applicability	1/5/1995	10/19/1998 63 FR 55804
74:36:06:02	Allowable emissions for fuel-burning units	4/4/1999	4/7/2003 68 FR 16726
74:36:06:03	Allowable emissions for process industry units	4/4/1999	4/7/2003 68 FR 16726
74:36:06:04	Regulated Air Pollution Emissions	1/2/2005	10/11/2007 72 FR 57864
74:36:06:05	Most stringent interpretation applicable	4/22/1993	10/19/1998 63 FR 55804
74:36:06:06	Stack performance test	1/2/2005	10/11/2007 72 FR 57864
74:36:06:07	Open burning practices prohibited	4/4/1999	4/7/2003 68 FR 16726
74:36:07:08	New Source Performance Standards	6/28/2010	5/22/2000 65 FR 32033 <sup>1</sup>
74:36:07:29	Operating requirements for wire reclamation furnaces	4/22/1993	9/6/1995 60 FR 46222
74:36:07:30	Monitoring requirements for wire reclamation furnaces	4/22/1993	9/6/1995 60 FR 46222
74:36:09:01	Applicability	9/18/2006	12/21/2007 72 FR 72617
74:36:09:01.01	Prevention of significant deterioration permit required	9/18/2006	12/21/2007 72 FR 72617
74:36:09:02	Prevention of significant deterioration	6/28/2010	12/21/2007 72 FR 72617 <sup>1</sup>
74:36:09:03	Public participation	6/28/2010	12/21/2007 72 FR 72617 <sup>1</sup>

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74:36:10:01	Applicability	4/22/1993	10/19/1998 63 FR 55804
74:36:10:02	Definitions	6/28/2010	8/14/2006 72 FR 46403 <sup>1</sup>
74:36:10:03.01	New source review preconstruction permit required	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:10:05	New source review preconstruction permit	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:10:06	Causing or contributing to violation of any ambient air quality standard	9/1/2003	5/10/2004 69 FR 25839
74:36:10:07	Determine credit for emission offsets	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:10:08	Projected actual emissions	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:10:09	Clean unit test for emission units subject to lowest achievable emission rate	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:10:10	Clean unit test for emission units Comparable to lowest achievable emission rate	6/28/2010	8/14/2006 71 FR 46403 <sup>1</sup>
74:36:11:01	Stack performance testing methods	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:11:02	Secretary may require performance tests	12/29/1996	10/19/1998 63 FR 55804
74:36:11:03	Notice to department of performance test	12/29/1996	10/19/1998 63 FR 55804
74:36:11:04	Testing new fuels or raw materials	4/4/1999	2/3/2000 65 FR 5264
74:36:12:01	Restrictions on visible emissions	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:12:02	Exception to restrictions	4/22/1993	10/19/1998 63 FR 55804
74:36:12:03	Exception granted to alfalfa pelletizers or dehydrators	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:01	Secretary may require	4/22/1993	10/19/1998

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	continuous emission monitoring systems (CEMS)		63 FR 55804
74:36:13:02	Minimum performance specifications for all continuous emission monitoring systems	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:03	Reporting requirements	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:04	Notice to department of exceedance	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:05	Compliance determined by data from continuous emission monitor	4/22/1993	10/19/1998 63 FR 55804
74:36:13:06	Compliance certification	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:07	Credible evidence	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
74:36:13:08	Compliance assurance monitoring	6/28/2010	10/11/2007 72 FR 57864 <sup>1</sup>
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
74:36:18:01	Definitions	7/1/2002	1/20/2004 72 FR 57864
74:36:18:02	Applicability	7/1/2002	1/20/2004 72 FR 57864
74:36:18:03	Permit required	7/1/2002	1/20/2004 72 FR 57864
74:36:18:04	Time period for permits and renewals	7/1/2002	1/20/2004 72 FR 57864
74:36:18:05	Required contents of a	7/1/2002	1/20/2004

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	complete application for a permit		72 FR 57864
74:36:18:06	Contents of permit	7/1/2002	1/20/2004 72 FR 57864
74:36:18:07	Permit expiration	7/1/2002	1/20/2004 72 FR 57864
74:36:18:08	Renewal of permit	7/1/2002	1/20/2004 72 FR 57864
74:36:18:09	Reasonably available control technology required	7/1/2002	1/20/2004 72 FR 57864
74:36:18:10	Visible emission limit for construction and continuous operation activities	7/1/2002	1/20/2004 72 FR 57864
74:36:18:11	Exception to visible emission limit	7/1/2002	1/20/2004 72 FR 57864
74:36:18:12	Notice of operation noncompliance contents	7/1/2002	1/20/2004 72 FR 57864
74:36:20:01	Applicability	6/28/2010	Pending <sup>1</sup>
74:36:20:02	Construction permit required	6/28/2010	Pending <sup>1</sup>
74:36:20:02.01	Initiating construction prior to permit issuance	6/28/2010	Pending <sup>1</sup>
74:36:20:03	Construction permit exemption	6/28/2010	Pending <sup>1</sup>
74:36:20:04	Emission unit exemption	6/28/2010	Pending <sup>1</sup>
74:36:20:05	Standard for issuance of construction permit	6/28/2010	Pending <sup>1</sup>
74:36:20:06	Timely and complete application for a construction permit required	6/28/2010	Pending
74:36:20:07	Required contents of complete application for a construction permit	6/28/2010	Pending <sup>1</sup>
74:36:20:08	Applicant required to supplement or correct application	6/28/2010	Pending <sup>1</sup>
74:36:20:09	Permit application – Completeness review	6/28/2010	Pending <sup>1</sup>
74:36:20:10	Time period for	6/28/2010	Pending <sup>1</sup>

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	department's recommendation		
74:36:20:11	Public participation in permitting process	6/28/2010	Pending <sup>1</sup>
74:36:20:12	Public review of department's draft permit	6/28/2010	Pending <sup>1</sup>
74:36:20:13	Final permit decision – Notice to interested persons	6/28/2010	Pending <sup>1</sup>
74:36:20:14	Right to petition for contested case hearing	6/28/2010	Pending <sup>1</sup>
74:36:20:15	Contents of construction permit	6/28/2010	Pending <sup>1</sup>
74:36:20:16	Administrative permit amendment	6/28/2010	Pending <sup>1</sup>
74:36:20:17	Procedures for administrative permit amendment	6/28/2010	Pending <sup>1</sup>
74:36:20:18	Reopening construction permit for cause	6/28/2010	Pending <sup>1</sup>
74:36:20:19	Procedures for reopening construction permit	6/28/2010	Pending <sup>1</sup>
74:36:20:20	Construction permit does not exempt from other requirements	6/28/2010	Pending <sup>1</sup>
74:36:20:21	Expiration of a construction permit	6/28/2010	Pending <sup>1</sup>
74:36:20:22	Notice of constructing or operating noncompliance - - Contents	6/28/2010	Pending <sup>1</sup>
74:36:20:23	Petition for contested case or alleged violation	6/28/2010	Pending <sup>1</sup>
74:36:20:24	Circumvention of emissions not allowed	6/28/2010	Pending <sup>1</sup>

<sup>1</sup> – Waiting on EPA to approve changes since EPA's last SIP approval.

## Attachment 2 Counties Designated Nonattainment for Lead 2008 Standard

