



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2011

James B. Martin
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Mr. Martin:

In a letter from Governor Daugaard to you dated January 18, 2011 (see enclosure), the secretary of the Department of Environment and Natural Resources (DENR) was delegated as Governor Daugaard's designee for the Air Quality Program in South Dakota. In that capacity, I am submitting an amendment to South Dakota's State Implementation Plan to address the requirements for Regional Haze under Section 308 of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart P – Protection of Visibility.

The enclosed package consists of DENR's evaluation of South Dakota's two Class I areas (e.g., Badlands and Wind Cave National Parks). The evaluation established the baseline, natural conditions, and uniform rate of improvement; an analysis of the IMPROVE monitoring data at each Class I area; source apportionment; a Best Available Retrofit Technology (BART) analysis; reasonable progress; long term strategy; monitoring strategy, our commitment to work with EPA, federal land managers, other states, and the public on meeting natural conditions by 2064; and a commitment to conduct periodic reviews.

In January 2010, DENR provided the federal land managers, EPA, neighboring states, and others a draft copy of South Dakota's Regional Haze Program. After considering all of the preliminary comments, DENR held a public hearing in front of the Board of Minerals and Environment on September 15, 2010, to take testimony and more comments on the proposed Regional Haze Program and adopt Administrative Rules of South Dakota (ARSD) Chapter 74:36:21 – Regional Haze Program, which included the BART requirements for Otter Tail Power Company. The Board of Minerals and Environment unanimously approved the rules.

The rule changes were approved by the Legislative Interim Rules Committee on November 17, 2010, and became effective on December 7, 2010. I have enclosed a final copy of the Administrative Rules of South Dakota (ARSD) Chapter 74:36:21 which should be attached to EPA's current version of the ARSD 74:36 and the supporting documentation to demonstrate the rules were revised in accordance with South Dakota's procedures for adopting rules. The finalized rules are available on South Dakota's webpage at: <http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=74:36:21>.

As described in 40 CFR Part 51, Subpart L – Legal Authority, the South Dakota's State Implementation Plan must show that it has the legal authority to carry out the plan. I have included the Attorney General's letter to you indicating DENR has the authority to implement the Regional Haze Program.

DENR has and will continue to have adequate resources to implement and enforce South Dakota's Air Quality Program, including regional haze. I want to thank you in advance for your favorable consideration of these requests. Please contact Rick Boddicker at (605) 773-3151, if you have any questions.

Sincerely,



Steven M. Pirner, P.E.
Secretary

Enclosures

cc w/o enclosures: Nathan Sanderson, Policy Advisor, Governor Daugaard's Office
Roxanne Giedd, Deputy Attorney General
Dick Sweetman, Chairman, Board of Minerals and Environment