# PROPOSED AMENDMENTS

# ARSD 74:36

# AIR POLLUTION CONTROL PROGRAM

# April 23, 2013

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## 1.0 Background

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

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

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

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

## 2.0 Chapter 74:36:01 – Definitions

Chapter 74:36:01 is part of South Dakota's SIP. EPA approved sections 74:36:01:01 through 74:36:01:20 of this chapter into South Dakota's SIP. DENR submitted section 74:36:01:21 to EPA for approval. Section 74:36:01:21 currently has not received approval.

The definitions in Chapter 74:36:01 are reviewed periodically to ensure that they are up-to-date and consistent with the other Air Quality Program chapters. For example, the federal regulations periodically update the definition of a volatile organic compound by adding compounds to the list of organic compounds that have negligible photochemical reactivity, and therefore, are not included in the definition of a volatile organic compound. Therefore, a few minor changes are proposed to update the date referenced for the code of federal regulations to the most current version of the federal reference of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:01:01(8)(e);
2. 74:36:01:01(29);
3. 74:36:01:01(67);
4. 74:36:01:01(73);
5. 74:36:01:05;
6. 74:36:01:20(5);
7. 74:36:01:20(7); and
8. 74:36:01:20(8)

On March 12, 2013, the Governor of South Dakota signed house bill 1059 titled "An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources". This Act repealed the authority associated with "variances". Changes are proposed to delete the reference to the "variance" state authority from the regulations. These changes may be observed in the following sections.

1. 74:36:01:01(27)
2. 74:36:01:01(38)
3. 74:36:01:01(66)

## 3.0 Chapter 74:36:02 – Ambient Air Quality

Chapter 74:36:02 is part of South Dakota's SIP and EPA approved sections 74:36:02:01 through 74:36:02:05 of this chapter into South Dakota's SIP.

On February 9, 2010, EPA promulgated a new 1-hour nitrogen dioxide National Ambient Air Quality Standard, which became effective April 12, 2010. The new nitrogen dioxide standard is 100 parts per billion, based on the 3-year average of the 98$^{th}$ percentile of the yearly distribution of 1-hour daily maximum concentrations.

On June 22, 2010, EPA promulgated a new 1-hour sulfur dioxide National Ambient Air Quality Standard, which became effective August 23, 2010. The new sulfur dioxide standard is 75 parts per billion, based on the 3-year average of the 99$^{th}$ percentile of the yearly distribution of 1-hour daily maximum concentrations.

To incorporate these standards into South Dakota's SIP, the reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will also update any other minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

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

## 4.0 Chapter 74:36:03 – Air Quality Episodes

Chapter 74:36:03 is part of South Dakota's SIP and EPA approved sections 74:36:03:01 and 74:36:03:02 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:03:01; and
2. 74:36:03:02;

## 5.0 Chapter 74:36:04 – Operating Permits for Minor Sources

Chapter 74:36:04 is part of South Dakota's SIP. EPA approved sections 74:36:04:01 through 74:36:04:33 of this chapter into South Dakota's SIP, except for Section 74:36:04:03.01. Section 74:36:04:03.01 allows DENR to issue a variance to a source that is unable to meet a state emission limit. The variance allows the source to operate even while exceeding the state emission limit while the source makes changes to bring its operations back into compliance with the state emission limit. This section is not included as part of South Dakota's SIP because EPA will not approve variances in a SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following section:

1. 74:36:04:04.

On March 12, 2013, the Governor of South Dakota signee house bill 1059 titled "An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources". This Act repealed the authority associated with "variances". Changes are proposed to delete the reference to the "variance" state authority from the regulations. These changes may be observed in the following sections.

1. 74:36:04:05
2. 74:36:04:12
3. 74:36:04:13
4. 74:36:04:14
5. 74:36:04:15

Even though Section 74:36:04:03.01 is not proposed as being removed from the regulations. The house bill will automatically remove section 74:36:04:03.01 for these regulations.

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

South Dakota developed and EPA has approved its Operating Permit for Part 70 Source program, which may also be referred to as the Title V air quality operating permit program, using EPA's third method for administrating a federal program. This program is located in section 74:35:05:01 through 74:35:05:52.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor

inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:05:04(2);
2. 74:36:05:04(3);
3. 74:36:05:06;
4. 74:36:05:16.01(17); and
5. 74:36:05:16.01(18).

On March 12, 2013, the Governor of South Dakota signee house bill 1059 tiltled "An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources". This Act repealed the authority associated with "variances". Changes are proposed to delete the reference to the "variance" state authority from the regulations. These changes may be observed in the following sections.

1. 74:36:05:07
2. 74:36:05:20.01
3. 74:36:05:20.02

## 7.0 Chapter 74:36:07 – New Source Performance Standards

The federal new source performance standards program is delegated to South Dakota provided the rules are equivalent to the federal regulations. This chapter was last updated in June 2010, when the federal regulations promulgated as of July 1, 2009, were adopted by reference.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's rules and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

| | | | | | |
|---|---|---|---|---|---|
| 1. | 74:36:07:01; | 16. | 74:36:07:13; | 31. | 74:36:07:27; |
| 2. | 74:36:07:02; | 17. | 74:36:07:14; | 32. | 74:36:07:28; |
| 3. | 74:36:07:03; | 18. | 74:36:07:15; | 33. | 74:36:07:29; |
| 4. | 74:36:07:04; | 19. | 74:36:07:16; | 34. | 74:36:07:30; |
| 5. | 74:36:07:05; | 20. | 74:36:07:17; | 35. | 74:36:07:31; |
| 6. | 74:36:07:06; | 21. | 74:36:07:18; | 36. | 74:36:07:32; |
| 7. | 74:36:07:06.01; | 22. | 74:36:07:19; | 37. | 74:36:07:33; |
| 8. | 74:36:07:06.02; | 23. | 74:36:07:20; | 38. | 74:36:07:34; |
| 9. | 74:36:07:07; | 24. | 74:36:07:21; | 39. | 74:36:07:35; |
| 10. | 74:36:07:07.01; | 25. | 74:36:07:22; | 40. | 74:36:07:36; |
| 11. | 74:36:07:08; | 26. | 74:36:07:22.01; | 41. | 74:36:07:37(1); |
| 12. | 74:36:07:09; | 27. | 74:36:07:23; | 42. | 74:36:07:39; |
| 13. | 74:36:07:10; | 28. | 74:36:07:24; | 43. | 74:36:07:40; |
| 14. | 74:36:07:11; | 29. | 74:36:07:25; | 44. | 74:36:07:41; |
| 15. | 74:36:07:12; | 30. | 74:36:07:26; | 45. | 74:36:07:42; |

| | | | | | |
|---|---|---|---|---|---|
| 46. | 74:36:07:42.01; | 63. | 74:36:07:58; | 80. | 74:36:07:75; |
| 47. | 74:36:07:43; | 64. | 74:36:07:59; | 81. | 74:36:07:76; |
| 48. | 74:36:07:44; | 65. | 74:36:07:60; | 82. | 74:36:07:76.01; |
| 49. | 74:36:07:45; | 66. | 74:36:07:61; | 83. | 74:36:07:77; |
| 50. | 74:36:07:46; | 67. | 74:36:07:62; | 84. | 74:36:07:78 |
| 51. | 74:36:07:46.01; | 68. | 74:36:07:63; | 85. | 74:36:07:79; |
| 52. | 74:36:07:47; | 69. | 74:36:07:64; | 86. | 74:36:07:80; |
| 53. | 74:36:07:48; | 70. | 74:36:07:65; | 87. | 74:36:07:81; |
| 54. | 74:36:07:49; | 71. | 74:36:07:66; | 88. | 74:36:07:82; |
| 55. | 74:36:07:50; | 72. | 74:36:07:67; | 89. | 74:36:07:83; |
| 56. | 74:36:07:51; | 73. | 74:36:07:68; | 90. | 74:36:07:84; |
| 57. | 74:36:07:52; | 74. | 74:36:07:69; | 91. | 74:36:07:85; |
| 58. | 74:36:07:53; | 75. | 74:36:07:70; | 92. | 74:36:07:86; |
| 59. | 74:36:07:54; | 76. | 74:36:07:71; | 93. | 74:36:07:87; |
| 60. | 74:36:07:55; | 77. | 74:36:07:72; | 94. | 74:36:07:88; |
| 61. | 74:36:07:56; | 78. | 74:36:07:73; | 95. | 74:36:07:89; and |
| 62. | 74:36:07:57; | 79. | 74:36:07:74; | 96. | 74:36:07:90; |

EPA has promulgated new standards since the last update to this chapter. The following sections are proposed to be included into South Dakota's rules.

- 74:36:07:91. Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;
- 74:36:07:92. Standards of performance for new sewage sludge incineration units; and

### 7.1 74:36:07:91 – Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011

This federal regulation establishes standards of performance for nitric acid plants that commenced construction, reconstruction, or modification after October 14, 2011. This standard is located in 40 CFR Part 60, subpart Ga (July 1, 2012). DENR is proposing to adopt this standard by reference.

### 7.2 74:36:07:92 – Standards of performance for new sewage sludge incineration units

This federal regulation establishes standards of performance for new sewage sludge incineration units. This standard is located in 40 CFR Part 60, subpart LLLL (July 1, 2012). DENR is proposing to adopt this standard by reference.

## 8.0 Chapter 74:36:08 – National Emission Standards for Hazardous Air Pollutants

The revision process for chapter 74:36:08 is similar to the revision process for chapter 74:36:07.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's rules and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

| | | | | | |
|---|---|---|---|---|---|
| 1. | 74:36:08:01; | 42. | 74:36:08:37; | 83. | 74:36:08:78 |
| 2. | 74:36:08:02; | 43. | 74:36:08:38; | 84. | 74:36:08:79; |
| 3. | 74:36:08:02.01; | 44. | 74:36:08:39; | 85. | 74:36:08:80; |
| 4. | 74:36:08:02.02; | 45. | 74:36:08:40; | 86. | 74:36:08:81; |
| 5. | 74:36:08:02.03; | 46. | 74:36:08:41; | 87. | 74:36:08:82; |
| 6. | 74:36:08:02.04; | 47. | 74:36:08:42; | 88. | 74:36:08:83; |
| 7. | 74:36:08:03; | 48. | 74:36:08:43; | 89. | 74:36:08:84; |
| 8. | 74:36:08:03.01; | 49. | 74:36:08:44; | 90. | 74:36:08:85; |
| 9. | 74:36:08:04; | 50. | 74:36:08:45; | 91. | 74:36:08:86; |
| 10. | 74:36:08:05; | 51. | 74:36:08:46; | 92. | 74:36:08:87; |
| 11. | 74:36:08:06; | 52. | 74:36:08:47; | 93. | 74:36:08:88; |
| 12. | 74:36:08:07; | 53. | 74:36:08:48; | 94. | 74:36:08:89; |
| 13. | 74:36:08:08; | 54. | 74:36:08:49; | 95. | 74:36:08:90; |
| 14. | 74:36:08:09; | 55. | 74:36:08:50; | 96. | 74:36:08:91; |
| 15. | 74:36:08:10; | 56. | 74:36:08:51; | 97. | 74:36:08:92; |
| 16. | 74:36:08:11; | 57. | 74:36:08:52; | 98. | 74:36:08:93; |
| 17. | 74:36:08:12; | 58. | 74:36:08:53; | 99. | 74:36:08:94; |
| 18. | 74:36:08:13; | 59. | 74:36:08:54; | 100. | 74:36:08:95; |
| 19. | 74:36:08:14; | 60. | 74:36:08:55; | 101. | 74:36:08:96; |
| 20. | 74:36:08:15; | 61. | 74:36:08:56; | 102. | 74:36:08:97; |
| 21. | 74:36:08:16; | 62. | 74:36:08:57; | 103. | 74:36:08:98; |
| 22. | 74:36:08:17; | 63. | 74:36:08:58; | 104. | 74:36:08:99; |
| 23. | 74:36:08:18; | 64. | 74:36:08:59; | 105. | 74:36:08:100; |
| 24. | 74:36:08:19; | 65. | 74:36:08:60; | 106. | 74:36:08:101; |
| 25. | 74:36:08:20; | 66. | 74:36:08:61; | 107. | 74:36:08:102; |
| 26. | 74:36:08:21; | 67. | 74:36:08:62; | 108. | 74:36:08:103; |
| 27. | 74:36:08:22; | 68. | 74:36:08:63; | 109. | 74:36:08:104; |
| 28. | 74:36:08:23; | 69. | 74:36:08:64; | 110. | 74:36:08:105; |
| 29. | 74:36:08:24; | 70. | 74:36:08:65; | 111. | 74:36:08:106; |
| 30. | 74:36:08:25; | 71. | 74:36:08:66; | 112. | 74:36:08:107; |
| 31. | 74:36:08:26; | 72. | 74:36:08:67; | 113. | 74:36:08:108; |
| 32. | 74:36:08:27; | 73. | 74:36:08:68; | 114. | 74:36:08:109; |
| 33. | 74:36:08:28; | 74. | 74:36:08:69; | 115. | 74:36:08:110; |
| 34. | 74:36:08:29; | 75. | 74:36:08:70; | 116. | 74:36:08:111; |
| 35. | 74:36:08:30; | 76. | 74:36:08:71; | 117. | 74:36:08:112; |
| 36. | 74:36:08:31; | 77. | 74:36:08:72; | 118. | 74:36:08:113; |
| 37. | 74:36:08:32; | 78. | 74:36:08:73; | 119. | 74:36:08:144; |
| 38. | 74:36:08:33; | 79. | 74:36:08:74; | 120. | 74:36:08:115; |
| 39. | 74:36:08:34; | 80. | 74:36:08:75; | 121. | 74:36:08:116; |
| 40. | 74:36:08:35; | 81. | 74:36:08:76; | 122. | 74:36:08:117; |
| 41. | 74:36:08:36; | 82. | 74:36:08:77; | 123. | 74:36:08:118; |

124. 74:36:08:119; 125. 74:36:08:120; and 126. 74:36:08:121.

There are several national emission standards for hazardous air pollutants that have been promulgated by EPA. The following sections are proposed to be included into South Dakota's rules.

- 74:36:08:122. National emission standards for coal- and oil-fired electric utility steam generating units;
- 74:36:08:123. National emission standards for industrial, commercial, and institutional boilers area sources;
- 74:36:08:124. National emission standards for chemical manufacturing area sources;
- 74:36:08:125. National emission standards for asphalt processing and asphalt roofing manufacturing area sources;
- 74:36:08:126. National emission standards for chemical preparations industry area sources;
- 74:36:08:127. National emission standards paint and allied products manufacturing area sources;
- 74:36:08:128. National emission standards for prepared feeds manufacturing area sources;
- 74:36:08:129. National emission standards for gold mine ore processing and production area sources; and
- 74:36:08:130. National emission standards for polyvinyl chloride and copolymers production.

### 8.1 74:36:08:122 – National emission standards for coal- and oil-fired electric utility steam generating units

This federal regulation establishes national emission standards for hazardous air pollutants for coal- and oil-fired electric utility steam generating units. This standard is located in 40 CFR Part 63, subpart UUUUU (July 1, 2012). DENR is proposing to adopt this federal standard by reference.

### 8.2 74:36:08:123 – National emission standards for industrial, commercial, and institutional boilers area sources

This federal regulation establishes national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers area sources. This standard is located in 40 CFR Part 63, subpart JJJJJJ (July 1, 2012). Sources that may be subject to this standard include 3M (Aberdeen), John Morrell, Saputo Cheese, Black Hills VA Health Care System – Fort Meade, and Spearfish Forest Products. DENR is proposing to adopt this federal standard by reference.

### 8.3 74:36:08:124 – National emission standards for chemical manufacturing area sources

This federal regulation establishes national emission standards for hazardous air pollutants for chemical manufacturing area sources. This standard is located in 40 CFR Part 63, subpart VVVVVV (July 1, 2012). Sources that are subject to this standard include ABE South Dakota

(Huron and Aberdeen), Redfield Energy, and Dakota Ethanol. DENR is proposing to adopt this federal standard by reference.

### 8.4 74:36:08:125 – National emission standards for asphalt processing and asphalt roofing manufacturing area sources

This federal regulation establishes national emission standards for hazardous air pollutants for asphalt processing and asphalt roofing manufacturing area sources. This standard is located in 40 CFR Part 63, subpart AAAAAAA (July 1, 2012). DENR is proposing to adopt this federal standard by reference.

### 8.5 74:36:08:126 – National emission standards for chemical preparations industry area sources

This federal regulation establishes national emission standards for hazardous air pollutants for chemical preparations industry area sources. This standard is located in 40 CFR Part 63, subpart BBBBBBB (July 1, 2012). DENR is proposing to adopt this federal standard by reference.

### 8.6 74:36:08:127 – National emission standards for paint and allied products manufacturing area sources

This federal regulation establishes national emission standards for hazardous air pollutants for paint and allied products manufacturing area sources. This standard is located in 40 CFR Part 63, subpart CCCCCCC (July 1, 2012). DENR is proposing to adopt this federal standard by reference.

### 8.7 74:36:08:128 – National emission standards for prepared feeds manufacturing area sources

This federal regulation establishes national emission standards for hazardous air pollutants for prepared feeds manufacturing area sources. This standard is located in 40 CFR Part 63, subpart DDDDDDD (July 1, 2012). Sources that may be subject to this standard include Cenex Harvest States Nutrition, Land O'Lakes Purina Feed, Hubbard Feeds, Ridley Block Operations, and Eastern Farmers Coop. DENR is proposing to adopt this federal standard by reference.

### 8.8 74:36:08:129 – National emission standards for gold mine ore processing and production area sources

This federal regulation establishes national emission standards for hazardous air pollutants for gold mine ore processing and production area sources. This standard is located in 40 CFR Part 63, subpart EEEEEEE (July 1, 2012). Wharf Resources (USA) Inc. is subject to this standard. DENR is proposing to adopt this federal standard by reference.

### 8.9 74:36:08:130 – National emission standards for polyvinyl chloride and copolymers production

This federal regulation establishes national emission standards for hazardous air pollutants for polyvinyl chloride and copolymers production. This standard is located in 40 CFR Part 63, subpart HHHHHHH (July 1, 2012). DENR is proposing to adopt this federal standard by reference.

## 9.0 Chapter 74:36:09 – Prevention of Significant Deterioration

Chapter 74:36:09 is part of South Dakota's SIP. EPA approved sections 74:36:09:01 through 74:36:09:03 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:09:02; and
2. 74:36:09:03.

On June 24, 2005, the United States Court of Appeals for the District of Columbian Circuit vacated EPA's inclusion of clean unit and pollution control project regulations from the prevention of significant deterioration program. In 2007, EPA removed these requirements from the federal regulations. Changes are proposed to revise South Dakota's SIP to remove references to clean units and pollution control projects. These changes may be observed in section 74:36:09:02.

## 10.0 Chapter 74:36:10 – New Source Review

Chapter 74:36:10 is part of South Dakota's SIP and EPA approved sections 74:36:10:01 through 74:36:10:10 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

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

On June 24, 2005, the United States Court of Appeals for the District of Columbian Circuit vacated EPA's inclusion of clean unit and pollution control project regulations from the new source review program. In 2007, EPA removed these requirements from the federal regulations. Changes are proposed to revise South Dakota's SIP to remove references to clean units and pollution control projects. These changes may be observed in the following sections:

1. 74:36:10:03.01;
2. 74:36:10:09; and
3. 74:36:10:10;

## 11.0 Chapter 74:36:11 – Performance Testing

Chapter 74:36:11 is part of South Dakota's SIP and EPA approved sections 74:36:11:01 through 74:36:11:04 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following section:

1. 74:36:11:01.

## 12.0 Chapter 74:36:12 – Control of Visible Emissions

Chapter 74:36:12 is part of South Dakota's SIP and EPA approved sections 74:36:12:01 through 74:36:12:03 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:12:01; and
2. 74:36:12:03.

South Dakota's opacity requirements do not apply during periods of soot blowing, startup, shutdown, and malfunctions. However, the wording includes the phrase "such operations as" which may imply there are other periods that the standard did not apply, which was not the intention of the language. Changes to section 74:36:12:02 are proposed to remove this phrase to clarify the applicable time periods.

## 13.0 Chapter 74:36:13 – Continuous Emission Monitoring Systems

Chapter 74:36:13 is part of South Dakota's SIP and EPA approved sections 74:36:13:01 through 74:36:13:07 of this chapter into South Dakota's SIP. Section 74:36:13:08 is not part of South Dakota's SIP but was approved by EPA as part of South Dakota's Title V permitting Program noted in Chapter 74:36:05.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor

inconsistency between South Dakota's SIP, approved Title V permitting Program and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:13:02;
2. 74:36:13:03;
3. 74:36:13:04;
4. 74:36:13:06;
5. 74:36:13:07(1)(a);
6. 74:36:13:07(2)(a); and
7. 74:36:13:08.

## 14.0 Chapter 74:36:16 – Acid Rain Program

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

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

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

## 15.0 Chapter 74:36:18 – Regulations for State Facilities in the Rapid City Area

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

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:18:10.

On March 12, 2013, the Governor of South Dakota signee house bill 1059 tiltled "An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources". This Act repealed the authority associated with "variances". Changes are proposed to delete the reference to the "variance" state authority from the regulations. These changes may be observed in the following sections.

1. 74:36:18:04
2. 74:36:18:05
3. 74:36:18:06
4. 74:36:18:11
5. 74:36:18:12

## 16.0 Chapter 74:36:20 – Construction Permits for New Sources or Modifications

In June 2010, South Dakota requested EPA incorporate Chapter 74:36:20 into South Dakota's SIP. To date, EPA has not acted upon South Dakota's request.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following section:

1. 74:36:20:05.

On March 12, 2013, the Governor of South Dakota signee house bill 1059 tiltled "An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources". This Act repealed the authority associated with "variances". Changes are proposed to delete the reference to the "variance" state authority from the regulations. These changes may be observed in the following sections.

1. 74:36:20:11
2. 74:36:20:13
3. 74:36:20:14
4. 74:36:20:15

## 17.0 Chapter 74:36:21 – Regional Haze Program

Chapter 74:36:21 is part of South Dakota's SIP and EPA approved sections 74:36:21:01 through 74:36:21:12 of this chapter into South Dakota's SIP.

The reference date for the federal regulation is proposed to be updated to the most current version of the federal reference of July 1, 2012. This revision will update any minor inconsistency between South Dakota's SIP and EPA's federal regulations as of July 1, 2012. These changes may be observed in the following sections:

1. 74:36:21:02(8);
2. 74:36:21:04
3. 74:36:21:05 and
4. 74:36:21:09.

# Appendix A

# Proposed Amendments

# To

# ARSD 74:36 – Air Pollution Control Program

# ARTICLE 74:36

## AIR POLLUTION CONTROL PROGRAM

Chapter


74:36:01 Definitions.

74:36:02 Ambient air quality.

74:36:03 Air quality episodes.

74:36:04 Operating permits for minor sources.

74:36:05 Operating permits for Part 70 sources.

74:36:06 Regulated air pollutant emissions.

74:36:07 New source performance standards.

74:36:08 National emission standards for hazardous air pollutants.

74:36:09 Prevention of significant deterioration.

74:36:10 New source review.

74:36:11 Performance testing.

74:36:12 Control of visible emissions.

74:36:13 Continuous emission monitoring systems.

74:36:14 Variances, Repealed.

74:36:15 Open burning, Transferred or Repealed.

74:36:16 Acid rain program.

74:36:17 Rapid City street sanding and deicing.


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74:36:18 Regulations for state facilities in the Rapid City area.

74:36:19 Mercury budget trading program, Repealed.

74:36:20 Construction permits for new sources or modifications.

74:36:21 Regional haze program.

## CHAPTER 74:36:01

## DEFINITIONS

Section

74:36:01:01 Definitions.

74:36:01:02 Repealed.

74:36:01:03 Administrative permit amendment defined.

74:36:01:04 Affected states defined.

74:36:01:05 Applicable requirements of the Clean Air Act defined.

74:36:01:06 Complete application defined.

74:36:01:07 Repealed.

74:36:01:08 Major source defined.

74:36:01:09 Categories of sources defined.

74:36:01:10 Modification defined.

74:36:01:11 National ambient air quality standard (NAAQS).

74:36:01:12 Potential to emit defined.

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74:36:01:13 Process weight rate defined.

74:36:01:14 Repealed.

74:36:01:15 Regulated air pollutant defined.

74:36:01:16 Responsible official defined.

74:36:01:17 Repealed.

74:36:01:18 Municipal solid waste landfill defined.

74:36:01:19 Existing municipal solid waste landfill defined.

74:36:01:20 Physical change in or change in the method of operation defined.

74:36:01:21 Commenced construction defined.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The applicable standards in 40 C.F.R. Part 60, 61, or 63 (~~July 1, 2009~~ **July 1, 2012**);

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

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

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

(12) "Btu," British thermal unit;

(13) "CO," carbon monoxide;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(29) "Federally enforceable," all limits and conditions that are enforceable by the administrator of EPA pursuant to federal law. These limits and conditions include those requirements developed pursuant to this article, those appearing in 40 C.F.R. §§ 60 and 61 (~~July~~

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~~1, 2009~~ **July 1, 2012**), requirements within the state implementation plan, and permit requirements established pursuant to this article or 40 C.F.R. § 51 Subpart I (~~July 1, 2009~~ **July 1, 2012**). The use of this term does not impede the department's authority under state law to enforce these limits and conditions;

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

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

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

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

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

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

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

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

(38) "New source," a source that has not been constructed and does not possess a permit ~~or an approved state-issued variance~~;

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

(40) "NSR," new source review;

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

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

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

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

(45) Repealed;

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

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

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

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

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

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

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

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

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

(55) Repealed;

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

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

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

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

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

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

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

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

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

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

~~(66) "Variance," a written authorization issued by the board to operate a minor source in an attainment area that is not in compliance with certain portions of the Act;~~

(67) "VOC," "volatile organic compounds," as defined in 40 C.F.R. § 51.100(s) (~~July 1, 2009~~ **July 1, 2012**);

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

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

(70) "SO2," sulfur dioxide;

(71) "NO2," nitrogen dioxide;

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

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(73) "Subject to regulation," as defined in 40 CFR § 70.2 (~~July 1, 2009~~ **July 1, 2012**), as revised in publication 75 Fed. Reg. 31607 (June 3, 2010), in accordance with EPA requirements.

**Source:** SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:01, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011.

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

**Law Implemented:** SDCL 34A-1-6.

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

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

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(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Clean Air Act that implements the relevant requirements of the Clean Air Act, including any revisions to that plan promulgated in Part 52 of 40 C.F.R. (~~July 1, 2009~~ **July 1, 2012**);

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

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

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

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

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

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

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

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

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

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

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

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

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

(1) Routine maintenance, repair, and replacement;

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

(3) Use of an alternative fuel because of an order or rule under § 125 of the Clean Air Act;

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

(5) An increase in the hours of operation or in the production rate, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2009~~ **July 1, 2012**), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2009~~ **July 1, 2012**);

(6) Any change of ownership at a source;

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(7) The use of an alternative fuel or raw material by a source which the source was capable of accommodating before January 6, 1975, unless the change is prohibited under a federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 C.F.R. § 52.21 (~~July 1, 2009~~ **July 1, 2012**), or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I, or 40 C.F.R. § 51.166 (~~July 1, 2009~~ **July 1, 2012**); and

(8) The use of an alternative fuel or raw material which the source is approved to use under a permit issued under 40 C.F.R. § 52.21 (~~July 1, 2009~~ **July 1, 2012**) or under regulations approved pursuant to 40 C.F.R. § 51.165 (~~July 1, 2009~~ **July 1, 2012**).

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

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

**Law Implemented:** SDCL 34A-1-6.

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## CHAPTER 74:36:02

## AMBIENT AIR QUALITY

Section

74:36:02:01 Air quality goals.

74:36:02:02 Ambient air quality standards.

74:36:02:03 Methods of sampling and analysis.

74:36:02:04 Air quality monitoring network.

74:36:02:05 Ambient air monitoring requirements.

**74:36:02:02. Ambient air quality standards.** The ambient air quality standards listed in 40 C.F.R. §§ 50.1 to 50.5, inclusive, (~~July 1, 2009~~ **July 1, 2012**); 40 C.F.R. § 50.6 (~~July 1, 2009~~ **July 1, 2012**); 40 C.F.R. § 50.7(a)(1), (b), and (c) (~~July 1, 2009~~ **July 1, 2012**); 40 C.F.R. § 50.8 and 40 C.F.R. §§ 50.10 to 50.12, inclusive, (~~July 1, 2009~~ **July 1, 2012**), define the types and levels of air pollution above which the ambient air would limit the attainment of the goals specified in § 74:36:02:01. These standards apply to the entire state of South Dakota, and no person may cause these standards to be exceeded. The standards include normal background levels of air pollutants.

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

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

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**Law Implemented:** SDCL 34A-1-15.

**74:36:02:03. Methods of sampling and analysis.** Air pollutants of particulate matter, sulfur dioxide, carbon monoxide, ozone, nitrogen dioxide, and lead listed in 40 C.F.R. Part 50 (~~July 1, 2009~~ **July 1, 2012**) shall be measured by the reference method or methods stated in 40 C.F.R. Part 50, Appendix A to Appendix N, inclusive, (~~July 1, 2009~~ **July 1, 2012**) or an equivalent method designated in accordance with 40 C.F.R. Part 53 (~~July 1, 2009~~ **July 1, 2012**).

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

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

**Law Implemented:** SDCL 34A-1-15.

**74:36:02:04. Air quality monitoring network.** The department shall outline ambient air monitoring goals, changes, and network design in the air quality monitoring network. The department shall revise the air quality monitoring network as required by 40 C.F.R. § 58.20 (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-15.

**74:36:02:05. Ambient air monitoring requirements.** The operation of ambient air monitoring required by the department shall be consistent with 40 C.F.R. Part 58 (~~July 1, 2009~~ **July 1, 2012**). Records of monitoring activities and results shall be retained for a minimum of three years.

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-15.

## CHAPTER 74:36:03

## AIR QUALITY EPISODES

Section

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

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

**74:36:03:01. Air pollution emergency episode.** The proclamation of an air pollution emergency episode and its extent shall be made by the secretary, using the criteria in 40 C.F.R. § 51.151 and Appendix L to Part 51 (~~July 1, 2009~~ **July 1, 2012**), if the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of the public.

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

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

**Law Implemented:** SDCL 34A-1-15.

**74:36:03:02. Episode emergency contingency plan.** The department shall develop an episode emergency contingency plan and maintain it following the requirements in 40 C.F.R. § 51.152 (~~July 1, 2009~~ **July 1, 2012**). The department shall reevaluate the contingency plan in accordance with the requirements in 40 C.F.R. § 51.153 (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-15.

## CHAPTER 74:36:04

## OPERATING PERMITS FOR MINOR SOURCES


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| 74:36:04:04 | Standard for issuance o a minor source operating permit. |
| 74:36:04:05 | Time period for operating permits and renewals. |
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| 74:36:04:12 | Public participation in permitting process. |
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| 74:36:04:13 | Final permit decision -- Notice to interested persons. |
| 74:36:04:14 | Right to petition for contested case hearing. |
| 74:36:04:15 | Contents of operating permit. |
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| 74:36:04:20.03 | Application for minor permit amendment. |
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| 74:36:04:23 | Reopening operating permit for cause. |
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| 74:36:04:29 | Petition for contested case on alleged violation. |
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| 74:36:04:31 | Circumvention of emissions not allowed. |
| 74:36:04:32 | General permits. |
| 74:36:04:33 | Secretary may require an individual permit. |

**74:36:04:04. Standard for issuance of a minor source operating permit.** An operating permit for a source or permit revision may be issued only if it has been shown that the operation of the source or permit revision will not prevent or interfere with the attainment or maintenance of an applicable national ambient air quality standard. Compliance with this requirement as determined by air pollution dispersion modeling is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2009~~ **July 1, 2012**). Each source must comply with emission limits and other requirements of the act and the Clean Air Act. The minor source operating permit must include reasonable conditions, including adherence to plans and specifications, to assure compliance with the act, the Clean Air Act, and any other conditions justified under SDCL 34A-1-19.

**Source:** 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:08.02; transferred from § 44:10:01:12, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:12, 19 SDR 157, effective April 22, 1993; 21 SDR

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119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-19, 34A-1-21.

**Law Implemented:** SDCL 34A-1-19, 34A-1-21.

**74:36:04:05. Time period for operating permits and renewals.** An operating permit for a minor source shall be issued for a period up to five years and all subsequent operating permits shall be for a period of five years.

**Source:** 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:21.04; transferred from § 44:10:01:32, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:32, 19 SDR 157, effective April 22, 1993.

**General Authority:** SDCL 34A-1-6, 34A-1-21~~, 34A-1-24~~.

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-24~~.

**74:36:04:12. Public participation in permitting process.** The department shall mail a copy of the draft permit for a minor source to the applicant. The department shall publish a public notice of the draft permit once in a legal newspaper in the county where the source is located. The notice must include a brief statement describing the source and where it is located; the department's recommendation and the reasons for it; the activity or activities involved in the permit action; the emissions change involved in any permit modification; a statement that a person may submit comments or contest the draft permit within 30 days after the publication of

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the notice; describe the procedures a person must follow to contest the draft permit and request a hearing in accordance with article 74:09; and a statement describing where copies of the draft permit or other information may be obtained. The department shall provide to the interested parties a 30-day notice of any hearing to contest a draft permit.

**Source:** SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:01:02, 34:10:01:22.03, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:37, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 50, effective October 4, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:37, 19 SDR 157, effective April 22, 1993; 25 SDR 123, effective April 4, 1999; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 34A-1-21~~, 34A-1-30~~.

**74:36:04:13. Final permit decision -- Notice to interested persons.** The department shall make its final permit decision within 30 days of the end of the public comment period on a draft permit. The department shall notify, in writing, the applicant and each person that submitted written comments or requested notice of the final permit decision. The notice shall include reference to the procedures for contesting the final permit decision and requesting a hearing in accordance with article 74:09. For the purpose of this section, the final permit decision means proposing a permit, denying a permit, or terminating a permit.

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The final permit will be issued within 30 days of notifying the applicant and each person that submitted written comments or requested notification of the final permit decision except under the following conditions:

(1) A later effective date is specified in the final permit decision;

(2) A contested case hearing is requested; or

(3) No comments or request for changes in the draft permit were received during the public notice period on the draft permit. In this case, the draft permit automatically becomes the final permit decision and the final permit is issued at the end of the public notice period.

**Source:** SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:01:02, 34:10:01:22.04, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:38, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 50, effective October 4, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:38, 19 SDR 157, effective April 22, 1993; 25 SDR 123, effective April 4, 1999; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

**74:36:04:14. Right to petition for contested case hearing.** The applicant or interested person may petition the board and obtain a contested case hearing to dispute the department's draft permit. Any other person may petition to intervene and request a hearing if the person has an interest affected by the department's draft permit. Such petitions must comply with the

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provisions of article 74:09 and be received by the department within 30 days after publication of the notice required by § 74:36:04:12.

The applicant or an interested person that comments on the draft permit may petition the board for and obtain a contested case hearing to dispute the department's final permit decision. Such petitions must comply with the provisions of article 74:09 and be received by the department within 30 days after receiving the department's final permit decision.

If the draft permit or the final permit decision is contested, the department shall present the draft permit or final permit decision to the board for action in accordance with article 74:09.

**Source:** SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:01:02, 34:10:01:22.05, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:39, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 50, effective October 4, 1987; transferred from § 74:26:01:39, 19 SDR 157, effective April 22, 1993; 25 SDR 123, effective April 4, 1999.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

**74:36:04:15. Contents of operating permit.** An operating permit for a minor source shall include the following:

(1) The signature of either the secretary or the chairman;

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(2) The name of the person, company, political subdivision, agency, or institution granted a permit;

(3) The type of operation;

(4) The facility and mailing address;

(5) The date the operating permit was granted and on which it will expire;

(6) A number for administrative reference;

(7) The name of a designated person or officer responsible for the source's operation;

(8) A statement granting an operating permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the act and the Clean Air Act;

(9) Emission limits and standards, including operational requirements and limits for all regulated emission units, necessary to assure compliance with applicable requirements of the act and the Clean Air Act;

(10) Monitoring and related record keeping and reporting requirements;

(11) A severability clause to ensure the continued validity of the various permit requirements if any portions of the permit are challenged; and

(12) Provisions stating the following:

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

(b) The operating permit may be revised, revoked and reissued, reopened, or terminated for cause;

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

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

**Source:** 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:22.10, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:44, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:44, 19 SDR 157, effective April 22, 1993; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-30~~.

## CHAPTER 74:36:05

## OPERATING PERMITS FOR PART 70 SOURCES

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| 74:36:05:01 | Applicability. |
| 74:36:05:02 | Part 70 operating permit required. |

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| 74:36:05:03 | Sources required to obtain a Part 70 operating permit. |
| 74:36:05:03.01 | Repealed. |
| 74:36:05:04 | Sources exempt from obtaining a Part 70 operating permit. |
| 74:36:05:04.01 | Insignificant activities. |
| 74:36:05:05 | Transferred. |
| 74:36:05:06 | Standard for issuance of a Part 70 permit. |
| 74:36:05:06.01 | Fees required for operating permit. |
| 74:36:05:07 | Time period for operating permits and renewals. |
| 74:36:05:08 | Timely and complete application for operating permit required. |
| 74:36:05:09 | Complete application. |
| 74:36:05:10 and 74:36:05:11 | Transferred. |
| 74:36:05:12 | Required contents of complete application. |
| 74:36:05:13 | Applicant required to supplement or correct application. |
| 74:36:05:14 | Repealed. |
| 74:36:05:15 | Deadline for final action on permit application. |
| 74:36:05:16 | Statement of basis for recommended permit conditions. |
| 74:36:05:16.01 | Operating permit requirements. |
| 74:36:05:17 | Public participation in permitting process. |
| 74:36:05:18 | Public and affected state review of draft permit. |
| 74:36:05:19 | Transferred. |
| 74:36:05:20 | Repealed. |
| 74:36:05:20.01 | Final permit decision -- Notice to interested persons. |
| 74:36:05:20.02 | Petitions for contested case hearing. |

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| 74:36:05:20.03 | EPA review of Part 70 operating permit. |
| 74:36:05:21 | EPA objection to issuance of operating permit. |
| 74:36:05:21.01 | Department response to EPA objection. |
| 74:36:05:22 | Department failure to meet EPA objection deadline. |
| 74:36:05:23 | Public petition to EPA on the final permit. |
| 74:36:05:24 | Repealed. |
| 74:36:05:25 to 74:36:05:27 | Transferred. |
| 74:36:05:28 | Permit expiration. |
| 74:36:05:29 | Permit renewal. |
| 74:36:05:30 | Permit flexibility. |
| 74:36:05:31 | Permit amendment -- Application required. |
| 74:36:05:32 | Administrative permit amendment required. |
| 74:36:05:33 | Procedure for administrative permit amendments. |
| 74:36:05:34 | Minor permit amendment required. |
| 74:36:05:35 | Requirements for minor permit amendments. |
| 74:36:05:36 | Application for minor permit amendment. |
| 74:36:05:37 | Notification of EPA and affected states required. |
| 74:36:05:38 | Department deadline to approve minor permit amendment. |
| 74:36:05:39 | Permit modifications. |
| 74:36:05:40 | Reopening operating permit for cause. |
| 74:36:05:41 | Procedures to reopen permit. |
| 74:36:05:42 | Reopening permit for cause by EPA. |
| 74:36:05:43 | EPA review of proposed determination. |

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| 74:36:05:44 | Department failure to submit proposed determination. |
| 74:36:05:45 | Repealed. |
| 74:36:05:46 | Permit termination, modification, revocation, and reissuance by department. |
| 74:36:05:47 | Notice of operating noncompliance -- Contents. |
| 74:36:05:47.01 | Circumvention of emissions not allowed. |
| 74:36:05:48 | Petition for contested case on alleged violation. |
| 74:36:05:49 | Repealed. |
| 74:36:05:50 | Federal enforceability of permit conditions. |
| 74:36:05:51 | General permits. |
| 74:36:05:52 | Secretary may require an individual permit. |

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

(1) All sources that are not included in § 74:36:05:03;

(2) Sources that operate a unit subject to 40 C.F.R. 60, Subpart AAA-Standards of Performance for New Residential Wood Heaters (~~July 1, 2009~~ **July 1, 2012**) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAA. Exempted sources must still meet the applicable requirements in Subpart AAA; or

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(3) Sources that operate a unit subject to 40 C.F.R. § 61.145, Standard for Demolition and Renovation (~~July 1, 2009~~ **July 1, 2012**) are exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. § 61.145 (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. § 61.145 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:05:06. Standard for issuance of a Part 70 operating permit.** A Part 70 operating permit for a source or permit revision may be issued only if it has been shown that the operation of the source or permit revision will not prevent or interfere with the attainment or maintenance of an applicable ambient air quality standard. Compliance with this requirement as determined by air pollution dispersion modeling is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2009~~ **July 1, 2012**). Each source must comply with emission limits and other requirements of the act and the Clean Air Act. A Part 70 operating permit must include reasonable conditions, including adherence to plans and specifications, to assure compliance with the act, the Clean Air Act, and any other conditions justified under SDCL 34A-1-19.

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**Source:** 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:08.02; transferred from § 44:10:01:12, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:12, 19 SDR 157, effective April 22, 1993; 20 SDR 125, effective February 9, 1994; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-19, 34A-1-21.

**Law Implemented:** SDCL 34A-1-19, 34A-1-21.

**74:36:05:07. Time period for operating permits and renewals.** A permit for an affected source under Title IV of the Clean Air Act shall be for a fixed term of five years. Operating permits for all Part 70 sources shall be issued for a period up to five years, and all subsequent operating permits shall be for a period of five years. A permit issued for a solid waste incinerator subject to the requirements of § 129(e) of the Clean Air Act shall be for a period not to exceed 12 years and shall be reviewed by the department every five years.

**Source:** 2 SDR 40, effective December 7, 1975; transferred from § 34:10:01:21.04; transferred from § 44:10:01:32, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:32, 19 SDR 157, effective April 22, 1993; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-21~~, 34A-1-24~~.

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**Law Implemented:** SDCL 34A-1-21~~, 34A-1-24~~.

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

(1) The name of the person, company, political subdivision, agency, or institution granted a permit;

(2) The type of operation;

(3) The facility and mailing address;

(4) The date the operating permit was granted and on which it will expire;

(5) A number for administrative reference;

(6) The name of a designated person or officer responsible for the source's operation;

(7) A statement granting an operating permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the act and the Clean Air Act;

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(8) Emission limits and standards, including operational requirements and limits for all regulated emission units, necessary to assure compliance with applicable requirements of the act and the Clean Air Act and including the following:

(a) The reference of authority for each term or condition;

(b) The applicable requirements from the Clean Air Act and from Title IV requirements of the Clean Air Act, reviewing both requirements and distinguishing which is more stringent and incorporating both into the permit; and

(c) If an alternative emission limit is approved in the state implementation plan (SIP), provisions to ensure that the alternative emission limit in the permit issuance, renewal, or permit modification process has been demonstrated to be equivalent to the applicable emission limit in the state implementation plan and is quantifiable, accountable, enforceable, and based on replicable procedures;

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

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

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

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

(d) Documentation of the following:

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

(ii) The date or dates analyses were performed;

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

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement;

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

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

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

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

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

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

(12) Provisions stating the following:

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

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

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

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

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

(13) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application and approved by the department. The terms and conditions must require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating and

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must ensure that the terms and conditions of each such alternative scenario meet all requirements of the Clean Air Act;

(14) Compliance requirements that contain the following:

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

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

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

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

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

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

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

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

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

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

(17) Any provisions the department uses to issue general permits that are in accordance with 40 C.F.R. Part 70.6(d) (~~July 1, 2009~~ **July 1, 2012**);

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(18) Provisions for permit emission exceedances due to emergencies that are in accordance with the requirements in 40 C.F.R. Part 70.6(g) (~~July 1, 2009~~ **July 1, 2012**); and

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

**Source:** 19 SDR 157, effective April 22, 1993; transferred from § 74:36:05:27, 20 SDR 125, effective February 9, 1994; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:05:20.01. Final permit decision -- Notice to interested persons.** The department shall make its final permit decision within 30 days of the end of the public comment period on a draft permit. The department shall notify, in writing, the applicant and each person or affected state that submitted written comments or requested notice of the final permit decision. The notice shall include reference to the procedures for contesting the final permit decision and requesting a hearing in accordance with article 74:09. For the purpose of this section, the final permit decision means proposing a permit, denying a permit, or terminating a permit.

The proposed Part 70 operating permit must be submitted to EPA within 30 days of notifying the applicant and each person or affected state that submitted written comments or requested notification of the final permit decision except under the following conditions:

(1) A later effective date is specified in the final permit decision;

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(2) A contested case hearing is requested; or

(3) No comments or request for changes in the draft permit were received during the public notice period on the draft permit. In this case, the draft permit automatically becomes the final permit decision and the proposed Part 70 operating permit is submitted to EPA.

**Source:** 19 SDR 157, effective April 22, 1993; transferred from § 74:36:05:25, 20 SDR 125, effective February 9, 1994; 25 SDR 123, effective April 4, 1999; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

**74:36:05:20.02. Petitions for contested case hearing.** The applicant, interested person, or affected state may petition the board and obtain a contested case hearing to dispute the department's draft permit. Any other person may petition to intervene and request a hearing if the person has an interest affected by the department's draft permit. Such petitions must comply with the provisions of article 74:09 and be received by the department within 30 days after the notice required by § 74:36:05:17.

The applicant or an interested person or affected state that comments on the draft permit may petition the board for and obtain a contested case hearing to dispute the department's final permit decision. Such petitions must comply with the provisions of article 74:09 and be received by the department within 30 days after the applicant, interested person, or affected state receives the department's final permit decision.

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If the draft permit or the final permit decision is contested, the department shall present the draft permit or final permit decision to the board for action in accordance with article 74:09.

**Source:** SL 1975, ch 16, §1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:01:02, 34:10:01:22.05, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:39, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 50, effective October 4, 1987; transferred from § 74:26:01:39, 19 SDR 157, effective April 22, 1993; transferred from § 74:36:05:26, 20 SDR 125, effective February 9, 1994; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

## CHAPTER 74:36:07

## NEW SOURCE PERFORMANCE STANDARDS

Section

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**74:36:07:01. New source performance standards.** The general provisions for new source performance standards are those in 40 C.F.R. §§ 60.1 to 60.19, inclusive, (~~July 1, 2009~~ **July 1, 2012**). For the purposes of this chapter, "administrator" means the secretary, except for those authorities that cannot be delegated to the state, in which case "administrator" means both the administrator of the Environmental Protection Agency and the secretary.

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

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

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

**74:36:07:02. Standards of performance for fossil fuel-fired steam generators.** The standards of performance for fossil fuel-fired steam generators are those in 40 C.F.R. §§ 60.40 to 60.46, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:03. Standards of performance for electric utility steam generators.** The

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standards of performance for electric utility steam generators are those in 40 C.F.R. ~~§§ 60.40Da to 60.49Da, inclusive,~~ **§ 60, Subpart Da** (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:04. Standards of performance for industrial, commercial, and institutional steam generating units.** The standards of performance for industrial, commercial, and institutional steam generating units are those in 40 C.F.R. §§ 60.40b to 60.49b, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:05. Standards of performance for small industrial, commercial, and institutional steam generating units.** The standards of performance for small industrial, commercial, and institutional steam generating units are those in 40 C.F.R. §§ 60.40c to 60.48c, inclusive, (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to 40 C.F.R. §§ 60.40c to 60.48c, inclusive, (~~July 1, 2009~~ **July 1, 2012**) is exempt from the obligation to obtain a Part 70 operating permit, if the source burns solely natural gas or propane and is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.40c to 60.48c, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. §§ 60.40c to 60.48c, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:06. Standards of performance for incinerators.** The standards of performance for incinerators are those in 40 C.F.R. §§ 60.50 to 60.54, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:06.01. Standards of performance for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.** 40 C.F.R. Part 60, Subpart Ce (~~July 1, 2009~~ **July 1, 2012**), is incorporated into this rule by reference. Designated facilities under Subpart Ce shall comply with the requirements for state plan approval in 40 C.F.R. §§ 60.32e to 60.38e, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

The owner or operator of a hospital/medical/infectious waste incinerator constructed on or before June 20, 1996, that decides to cease operation shall notify the department within six months of EPA's approval of the state plan for hospital/medical/infectious waste incinerators. The written notification shall inform the department of when the unit will be shutdown. The

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shutdown date may not exceed one year after EPA's approval of the state plan for hospital/medical/infectious waste incinerators.

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

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

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

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

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

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

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The owner or operator shall comply with 40 C.F.R. §§ 60.34e and 60.36e (July 1, 2009) within one year after state plan approval. The owner or operator shall comply with the remaining requirements in this section within three years after state plan approval or by September 15, 2002, whichever is earlier.

**Source:** 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:06.02. Standards of performance for hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996.** The standards of performance for hospital/medical/infectious waste incinerators constructed after June 20, 1996, are those in 40 C.F.R. §§ 60.50c to 60.58c (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:07. Standards of performance for municipal waste combustors.** The standards of performance for municipal waste combustors are those in 40 C.F.R. §§ 60.50a to 60.59a, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 17 SDR 69, effective November 22, 1990; 17 SDR 170, effective May 13, 1991; 18 SDR 90, effective November 24, 1991; transferred from § 74:26:26:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:07.01. Standards of performance for municipal combustors constructed after September 20, 1994.** The standards of performance for municipal waste combustors constructed after September 20, 1994, or modified or reconstructed after June 19, 1996, are those in 40 C.F.R. §§ 60.50b to 60.59b, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29. 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:09. Standards of performance for portland cement plants.** The standards of performance for portland cement plants are those in 40 C.F.R. §§ 60.60 to 60.66, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:10. Standards of performance for asphalt concrete plants.** The standards of performance for asphalt concrete plants are those in 40 C.F.R. §§ 60.90 to 60.93, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:13:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1,

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2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:12. Standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978.** The standards of performance for storage vessels of petroleum liquids constructed after June 11, 1973, and before May 19, 1978, are those in 40 C.F.R. §§ 60.110 to 60.113, inclusive, (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to 40 C.F.R. §§ 60.110 to 60.113, inclusive, (July 1, 2009) is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.110 to 60.113, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. §§ 60.110 to 60.113, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

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**74:36:07:13. Standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984.** The standards of performance for storage vessels of petroleum liquids constructed after May 18, 1978, and before July 24, 1984, are those in 40 C.F.R. §§ 60.110a to 60.115a, inclusive, (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to 40 C.F.R. §§ 60.110a to 60.115a, inclusive, (~~July 1, 2009~~ **July 1, 2012**) is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.110a to 60.115a, inclusive, (July 1, 2009). Exempted sources must still meet the applicable requirements in 40 C.F.R. §§ 60.110a to 60.115a, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:14. Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or**

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**modification commenced after July 23, 1984.** The standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984, are those in 40 C.F.R. §§ 60.110b to 60.117b, inclusive, (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to 40 C.F.R. §§ 60.110b to 60.117b, inclusive, (~~July 1, 2009~~ **July 1, 2012**) is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.110b to 60.117b, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. §§ 60.110b to 60.117b, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:15. Standards of performance for sewage treatment plants.** The standards of performance for sewage treatment plants are those in 40 C.F.R. §§ 60.150 to 60.156, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:15:06, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:16. Standards of performance for coal preparation plants.** The standards of performance for coal preparation plants are those in 40 C.F.R. ~~§§ 60.250 to 60.254, inclusive~~, **§ 60, Subpart Y** (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:17. Standards of performance for grain elevators.** The standards of performance for grain elevators are those in 40 C.F.R. §§ 60.300 to 60.304, inclusive, (~~July 1,~~

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~~2009~~ **July 1, 2012**). A source subject to 40 C.F.R. §§ 60.300 to 60.304, inclusive, (~~July 1, 2009~~ **July 1, 2012**) is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.300 to 60.304, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. § 60.300 to 60.304, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:18. Standards of performance for stationary gas turbines.** The standards of performance for stationary gas turbines are those in 40 C.F.R. §§ 60.330 to 60.335, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:19:07, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective

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December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:19. Standards of performance for lime manufacturing plants.** The standards of performance for lime manufacturing plants are those in 40 C.F.R. §§ 60.340 to 60.344, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:20. Standards of performance for metallic mineral processing plants.** The standards of performance for metallic mineral processing plants are those in 40 C.F.R. §§ 60.380 to 60.386, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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

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

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

**74:36:07:21. Standards of performance for pressure-sensitive tape and label surface coating operations.** The standards of performance for pressure-sensitive tape and label surface coating operations are those in 40 C.F.R. §§ 60.440 to 60.447, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:22. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry.** The standards of performance for equipment leaks

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of VOC in the synthetic organic chemicals manufacturing industry are those in 40 C.F.R. §§ 60.480 to 60.489, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:22.01. Standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006.** The standards of performance for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry, for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart VVa (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:23. Standards of performance for bulk gasoline terminals.** The standards of performance for bulk gasoline terminals are those in 40 C.F.R. §§ 60.500 to 60.506, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:24. Standards of performance for new residential wood heaters.** The standards of performance for new residential wood heaters are those in 40 C.F.R. §§ 60.530 to 60.539b, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:25. Standards of performance for petroleum dry cleaners.** The standards of performance for petroleum dry cleaners are those in 40 C.F.R. §§ 60.620 to 60.625, inclusive, (~~July 1, 2009~~ **July 1, 2012**). A source subject to 40 C.F.R. §§ 60.620 to 60.625, inclusive, (~~July 1, 2009~~ **July 1, 2012**) is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to 40 C.F.R. §§ 60.620 to 60.625, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Exempted sources must still meet the applicable requirements in 40 C.F.R. §§ 60.620 to 60.625, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:26. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations.** The standards of performance for VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations are those in 40 C.F.R. §§ 60.660 to 60.668, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:27. Standards of performance for nonmetallic mineral processing plants.** The standards of performance for nonmetallic mineral processing plants are those in 40 C.F.R. §§ 60.670 to 60.676, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:23:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:28. Standards of performance for magnetic tape coating facilities.** The standards of performance for magnetic tape coating facilities are those in 40 C.F.R. §§ 60.710 to 60.718, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:31. Standards of performance for graphic arts industry -- Publication rotogravure printing.** The standards of performance for publication rotogravure printing in the graphic arts industry are those in 40 C.F.R. §§ 60.430 to 60.435, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:32. Standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes.** The standards of performance for volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes are those in 40 C.F.R. ~~§§ 60.700 to 60.707, inclusive,~~ **§ 60, Subpart RRR** (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:33. Standards of performance for calciners and dryers in mineral industries.** The standards of performance for calciners and dryers in mineral industries are those in 40 C.F.R. ~~§§ 60.730 to 60.736, inclusive,~~ **§ 60, Subpart UUU** (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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

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

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

(3) The landfill has a nonmethane organic compound emission rate of 50 megagrams a year or more. The calculation of the landfill nonmethane organic compound emission rate must meet the requirements of 40 C.F.R. § 60.754 (~~July 1, 2009~~ **July 1, 2012**), to determine the landfill nonmethane organic compound emission rate.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 209, effective June 28, 2010.

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

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

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**74:36:07:36. Collection system.** The department shall approve the collection and control system plan if it is equivalent to or meets the conditions provided in 40 C.F.R. § 60.752(b)(2)(ii) (~~July 1, 2009~~ **July 1, 2012**), and the control requirements in § 74:36:07:37.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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

(1) An open flare designed and operated in accordance with the parameters established in 40 C.F.R. § 60.18 (~~July 1, 2009~~ **July 1, 2012**);

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

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

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**Source:** 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:39. Existing municipal solid waste landfill operational standards for collection and control systems.** The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the operational standards for collection and control systems in 40 C.F.R. § 60.753 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:40. Existing municipal solid waste landfill compliance provisions.** The owner or operator of an existing municipal solid waste landfill that meets the requirements of

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§ 74:36:07:34 shall meet the compliance provisions in 40 C.F.R. § 60.755 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:41. Existing municipal solid waste landfill monitoring provisions.** The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the monitoring provisions in 40 C.F.R. § 60.756 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:42. Existing municipal solid waste landfill reporting and recordkeeping.** The owner or operator of an existing municipal solid waste landfill that meets the requirements of § 74:36:07:34 shall meet the reporting and recordkeeping requirements specified in 40 C.F.R. §§ 60.757 and 60.758 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:42.01. Additional reporting for existing municipal solid waste landfills.** The owner or operator of an existing municipal solid waste landfill that meets the requirements of subdivisions 74:36:07:34(1) and (2) shall submit an initial nonmethane organic compound emission rate report within 90 days of the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act and annually or every five years thereafter in accordance with 40 C.F.R. § 60.757(b) (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-18

**74:36:07:43. Standards of performance for new municipal solid waste landfills.** The standards of performance for municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 29, 1991, are those in 40 C.F.R. §§ 60.751 to 60.759, inclusive, (~~July 1, 2009~~ **July 1, 2012**). Physical or operational changes made to existing municipal solid waste landfills solely to comply with §§ 74:36:07:34 to 74:36:07:42, inclusive, or activities required by or conducted pursuant to a CERCLA, RCRA, or state remedial action are not considered construction, reconstruction, or modification for purposes of this section.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:44. Standards of performance for nitric acid plants.** The standards of performance for nitric acid plants are those in 40 C.F.R. §§ 60.70 to 60.74, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:45. Standards of performance for sulfuric acid plants.** The standards of performance for sulfuric acid plants are those in 40 C.F.R. §§ 60.80 to 60.85, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:46. Standards of performance for petroleum refineries.** The standards of performance for petroleum refineries are those in 40 C.F.R. ~~§§ 60.100 to 60.108, inclusive,~~ **§ 60, Subpart J** (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:46.01. Standards of performance for petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007.** The standards of performance for petroleum refineries for which construction, reconstruction, or modification

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commenced after May 14, 2007, are those in 40 C.F.R. § 60, Subpart Ja, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:47. Standards of performance for secondary lead smelters.** The standards of performance for secondary lead smelters are those in 40 C.F.R. §§ 60.120 to 60.123, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:48. Standards of performance for secondary brass and bronze production plants.** The standards of performance for secondary brass and bronze production plants are those in 40 C.F.R. §§ 60.130 to 60.133, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:49. Standards of performance for primary emissions from basic oxygen process furnaces for which construction commenced after June 11, 1973.** The standards of performance for basic oxygen process furnaces are those in 40 C.F.R. §§ 60.140 to 60.144, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:50. Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction commenced after January 20, 1983.** The standards of performance for basic oxygen process steelmaking facilities are those in 40 C.F.R. §§ 60.140a to 60.145a, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:51. Standards of performance for primary copper smelter.** The standards of performance for primary copper smelters are those in 40 C.F.R. §§ 60.160 to 60.166, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:52. Standards of performance for primary zinc smelter.** The standards of performance for primary zinc smelters are those in 40 C.F.R. §§ 60.170 to 60.176, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:53. Standards of performance for primary lead smelter.** The standards of performance for primary lead smelters are those in 40 C.F.R. §§ 60.180 to 60.186, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:54. Standards of performance for primary aluminum reduction plant.** The standards of performance for primary aluminum reduction plants are those in 40 C.F.R. §§ 60.190 to 60.195, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:55. Standards of performance for wet-process phosphoric acid plant.** The standards of performance for wet-process phosphoric acid plants are those in 40 C.F.R. §§ 60.200 to 60.204, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:56. Standards of performance for superphosphoric acid plant.** The standards of performance for superphosphoric acid plants are those in 40 C.F.R. §§ 60.210 to 60.214, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:57. Standards of performance for diammonium phosphate plant.** The standards of performance for diammonium phosphate plants are those in 40 C.F.R. §§ 60.220 to 60.224, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:58. Standards of performance for triple superphosphate plant.** The standards of performance for triple superphosphate plants are those in 40 C.F.R. §§ 60.230 to 60.234, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:59. Standards of performance for granular triple superphosphate storage facility.** The standards of performance for granular triple superphosphate storage facilities are those in 40 C.F.R. §§ 60.240 to 60.244, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:60. Standards of performance for ferroalloy production plant.** The standards of performance for ferroalloy production plants are those in 40 C.F.R. §§ 60.260 to 60.266, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:61. Standards of performance for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983.** The standards of performance for electric arc furnaces and argon-oxygen decarburization vessels are those in 40 C.F.R. §§ 60.270a to 60.276a, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:62. Standards of performance for kraft pulp mills.** The standards of performance for kraft pulp mills are those in 40 C.F.R. §§ 60.280 to 60.285, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:63. Standards of performance for glass manufacturing plant.** The standards of performance for glass manufacturing plants are those in 40 C.F.R. §§ 60.290 to 60.296, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:64. Standards of performance for surface coating of metal furniture.** The standards of performance for surface coating of metal furniture are those in 40 C.F.R. §§ 60.310 to 60.316, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:65. Standards of performance for lead-acid battery manufacturing plant.** The standards of performance for lead-acid battery manufacturing plants are those in 40 C.F.R. §§ 60.370 to 60.374, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:66. Standards of performance for automobile and light duty truck surface coating operations.** The standards of performance for automobile and light duty truck surface coating operations are those in 40 C.F.R. §§ 60.390 to 60.398, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 208, effective June 28, 2010.

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

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

**74:36:07:67. Standards of performance for phosphate rock plants.** The standards of performance for phosphate rock plants are those in 40 C.F.R. §§ 60.400 to 60.404, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:68. Standards of performance for ammonium sulfate manufacture.** The standards of performance for ammonium sulfate manufacture are those in 40 C.F.R. §§ 60.420 to 60.424, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:69. Standards of performance for industrial surface coating -- Large appliances.** The standards of performance for industrial surface coating of large appliances are those in 40 C.F.R. §§ 60.450 to 60.456, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:70. Standards of performance for metal coil surface coating.** The standards of performance for metal coil surface coating are those in 40 C.F.R. §§ 60.460 to 60.466, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:71. Standards of performance for asphalt processing and asphalt roofing manufacture.** The standards of performance for asphalt processing and asphalt roofing manufacture are those in 40 C.F.R. §§ 60.470 to 60.474, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:72. Standards of performance for beverage can surface coating industry.** The standards of performance for beverage can surface coating industry are those in 40 C.F.R. §§ 60.490 to 60.496, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:73. Standards of performance for rubber tire manufacturing industry.** The standards of performance for rubber tire manufacturing industry are those in 40 C.F.R. §§ 60.540 to 60.548, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 1010.

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

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

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**74:36:07:74. Standards of performance for volatile organic compound emissions from polymer manufacturing industry.** The standards of performance for polymer manufacturing industry are those in 40 C.F.R. §§ 60.560 to 60.566, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:75. Standards of performance for flexible vinyl and urethane coating and printing.** The standards of performance for flexible vinyl and urethane coating and printing are those in 40 C.F.R. §§ 60.580 to 60.585, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:76. Standards of performance for equipment leaks of VOC in petroleum refineries.** The standards of performance for equipment leaks in petroleum refineries are those in 40 C.F.R. §§ 60.590 to 60.593, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:76.01. Standards of performance for equipment leaks of VOC in petroleum refineries.** The standards of performance for equipment leaks in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006, are those in 40 C.F.R. § 60, Subpart GGGa, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:77. Standards of performance for synthetic fiber production facility.** The standards of performance for synthetic fiber production facilities are those in 40 C.F.R. §§ 60.600 to 60.604, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:78. Standards of performance for VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit process.** The standards of performance

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for synthetic organic chemical manufacturing industry air oxidation unit processes are those in 40 C.F.R. §§ 60.610 to 60.618, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:79. Standards of performance for equipment leaks of VOC from onshore natural gas processing plant.** The standards of performance for equipment leaks from onshore natural gas processing plants are those in 40 C.F.R. §§ 60.630 to 60.636, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:80. Standards of performance for onshore natural gas processing.** The standards of performance for onshore natural gas processing are those in 40 C.F.R. §§ 60.640 to 60.648, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:07:81. Standards of performance for wool fiberglass insulation manufacturing plant.** The standards of performance for wool fiberglass insulation manufacturing plants are those in 40 C.F.R. §§ 60.680 to 60.685, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:82. Standards of performance for VOC emissions from petroleum refinery wastewater system.** The standards of performance for petroleum refinery wastewater systems are those in 40 C.F.R. §§ 60.690 to 60.699, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:83. Standards of performance for industrial surface coating -- Surface coating of plastic parts for business machines.** The standards of performance for the surface coating of plastic parts for business machines are those in 40 C.F.R. §§ 60.720 to 60.726, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:84. Standards of performance for polymeric coating of supporting substrates facility.** The standards of performance for polymeric coating of supporting substrates facilities are those in 40 C.F.R. §§ 60.740 to 60.748, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010

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

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

**74:36:07:85. Standards of performance for small municipal waste combustion units for which construction commenced after August 30, 1999, or modification or reconstruction commenced after June 6, 2001.** The standards of performance for small municipal waste combustion units are those in 40 C.F.R. § 60, Subpart AAAA (~~July 1, 2009~~ **July 1, 2012**),

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:86. Standards of performance for commercial or industrial solid waste incineration units for which construction commenced after November 30, 1999, or**

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**modification or reconstruction commenced on or after June 1, 2001.** The standards of performance for commercial solid waste incineration units are those in 40 C.F.R. § 60, Subpart CCCC (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:87. Standards of performance for other solid waste incineration units for which construction commenced after December 9, 2004, or modification or reconstruction commenced on or after June 16, 2006.** The standards of performance for other solid waste incineration units are those in 40 C.F.R. § 60, Subpart EEEE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:88. Standards of performance for stationary compression ignition internal combustion engines.** The standards of performance for stationary compression ignition internal combustion engines are those in 40 C.F.R. § 60, Subpart IIII (~~July 1, 2009~~ **July 1, 2012**). A source subject to Subpart IIII is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the

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source is subject to Subpart IIII. Exempted sources must still meet the applicable requirements in Subpart IIII.

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:89. Standards of performance for stationary combustion turbines.** The standards of performance for stationary combustion turbines are those in 40 C.F.R. §§ 60.4300 to 60.4420, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:90. Standards of performance for stationary spark ignition internal combustion engines.** The standards of performance for stationary spark combustion engines are those in 40 C.F.R. § 60, Subpart JJJJ (~~July 1, 2009~~ **July 1, 2012**). A source subject to Subpart JJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJ.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:07:91. Standards of performance for nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011. The standards of performance for nitric acid plants are those in 40 C.F.R. § 60, Subpart Ga (July 1, 2012).**

**Source:**

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

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

**74:36:07:92. Standards of performance for new sewage sludge incineration units. The standards of performance for new sewage sludge incineration units are those in 40 C.F.R. § 60, Subpart LLLL (July 1, 2012).**

**Source:**

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

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

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## CHAPTER 74:36:08

## NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Section

74:36:08:00 Administrator defined.

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74:36:08:02 Emission standards for asbestos air pollutants.

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74:36:08:07 National emission standards for organic hazardous air pollutants for equipment leaks.

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74:36:08:08 National emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulations for equipment leaks.

74:36:08:09 National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.

74:36:08:10 National emission standards for ethylene oxide emissions from sterilization facilities.

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74:36:08:12 National emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations).

74:36:08:13 National emission standards for halogenated solvent cleaning.

74:36:08:14 National emission standards for wood furniture manufacturing operations.

74:36:08:15 National emission standards for aerospace manufacturing.

74:36:08:16 National emission standards for tanks.

74:36:08:17 National emission standards for containers.

74:36:08:18 National emission standards for surface impoundments.

74:36:08:19 National emission standards for individual drain systems.

74:36:08:20 National emission standards for oil-water separators and organic-water separators.

74:36:08:20.01 National emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.

74:36:08:20.02 National emission standards for equipment leaks.

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

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74:36:08:22 National emission standards for hazardous air pollutants for pesticide active ingredient production.

74:36:08:23 National emission standards for the printing and publishing industry.

74:36:08:24 National emission standards for oil and natural gas production facilities.

74:36:08:25 National emission standards for natural gas transmission and storage facilities.

74:36:08:26 National emission standards for secondary aluminum production.

74:36:08:27 National emission standards for publicly owned treatment works.

74:36:08:28 National emission standards for solvent extraction for vegetable oil production.

74:36:08:29 National emission standards for paper and other web coating.

74:36:08:30 National emission standards for municipal solid waste landfills.

74:36:08:31 National emission standards for surface coating of metal furniture.

74:36:08:32 National emission standards for integrated iron and steel manufacturing facilities.

74:36:08:33 National emission standards for brick and structural clay products manufacturing.

74:36:08:34 National emission standards for asphalt processing and asphalt roofing manufacturing.

74:36:08:35 National emission standards for flexible polyurethane foam fabrication operations.

74:36:08:36 National emission standards for engine test cells/stands.

74:36:08:37 National emission standards for surface coating of miscellaneous metal parts and products.

74:36:08:38 National emission standards for reinforced plastic composites production.

74:36:08:39 National emission standards for stationary combustion turbines.

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74:36:08:40 National emission standards for stationary reciprocating internal combustion engines.

74:36:08:41 National emission standards for industrial, commercial, and institutional boilers and process heaters.

74:36:08:42 National emission standards for polyvinyl chloride and copolymers production.

74:36:08:43 National emission standards for coke oven batteries.

74:36:08:44 National emission standards for pulp and paper industry.

74:36:08:45 National emission standards for group I polymers and resins.

74:36:08:46 National emission standards for epoxy resins production and non-nylon polyamides production.

74:36:08:47 National emission standards for secondary lead smelting.

74:36:08:48 National emission standards for phosphoric acid manufacturing plants.

74:36:08:49 National emission standards for phosphate fertilizers production plants.

74:36:08:50 National emission standards for petroleum refineries.

74:36:08:51 National emission standards for off-site waste and recovery operations.

74:36:08:52 National emission standards for magnetic tape manufacturing operations.

74:36:08:53 National emission standards for primary aluminum reduction plants.

74:36:08:54 National emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills.

74:36:08:55 National emission standards for ethylene manufacturing process units -- Heat exchange systems and waste operations.

74:36:08:56 Generic maximum achievable control technology standards.

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74:36:08:57 National emission standards for steel pickling -- HC1 process facilities and hydrochloric acid regeneration plants.

74:36:08:58 National emission standards for mineral wool production.

74:36:08:59 National emission standards for hazardous waste combustors.

74:36:08:60 National emission standards for pharmaceutical production.

74:36:08:61 National emission standards for group IV polymers and resins.

74:36:08:62 National emission standards for wool fiberglass production.

74:36:08:63 National emission standards for manufacture of amino/phenolic resins.

74:36:08:64 National emission standards for polyether polyols production.

74:36:08:65 National emission standards for primary copper smelting.

74:36:08:66 National emission standards for primary lead smelting.

74:36:08:67 National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units.

74:36:08:68 National emission standards for ferroalloy production -- Ferromanganese and silicomanganese.

74:36:08:69 National emission standards for the manufacture of nutritional yeast.

74:36:08:70 National emission standards for plywood and composite wood products.

74:36:08:71 National emission standards for non-gasoline organic liquids distribution.

74:36:08:72 National emission standards for miscellaneous organic chemical manufacturing.

74:36:08:73 National emission standards for wet-formed fiberglass mat production.

74:36:08:74 National emission standards for surface coating of automobiles and light duty trucks.

74:36:08:75 National emission standards for surface coating of metal cans.

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74:36:08:76 National emission standards for surface coating of large appliances.

74:36:08:77 National emission standards for printing, coating, and dyeing of fabrics and other textiles.

74:36:08:78 National emission standards for surface coating of plastic parts and products.

74:36:08:79 National emission standards for surface coating of wood building products.

74:36:08:80 National emission standards for surface coating of metal coil.

74:36:08:81 National emission standards for leather finishing operations.

74:36:08:82 National emission standards for cellulose products manufacturing.

74:36:08:83 National emission standards for boat manufacturing.

74:36:08:84 National emission standards for rubber tire manufacturing.

74:36:08:85 National emission standards for lime manufacturing plants.

74:36:08:86 National emission standards for semiconductor manufacturing.

74:36:08:87 National emission standards for coke ovens -- Pushing, quenching, and battery stacks.

74:36:08:88 National emission standards for iron and steel foundries.

74:36:08:89 National emission standards for site remediation.

74:36:08:90 National emission standards for miscellaneous coating manufacturing.

74:36:08:91 National emission standards for mercury cell chlor-alkali plants.

74:36:08:92 National emission standards for clay ceramics manufacturing.

74:36:08:93 National emission standards for flexible polyurethane foam production.

74:36:08:94 National emission standards for hydrochloric acid production.

74:36:08:95 National emission standards for friction materials manufacturing facilities.

74:36:08:96 National emission standards for taconite iron ore processing.

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74:36:08:97 National emission standards for refractory products manufacturing.

74:36:08:98 National emission standards for primary magnesium refining.

74:36:08:99 National emission standards for polyvinyl chloride and copolymers production area sources.

74:36:08:100 National emission standards for primary copper smelting area sources.

74:36:08:101 National emission standards for secondary copper smelting area sources.

74:36:08:102 National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium.

74:36:08:103 National emission standards for hospital ethylene oxide sterilizers.

74:36:08:104 National emission standards for electric arc furnace steelmaking facility area sources.

74:36:08:105 National emission standards for iron and steel foundry area sources.

74:36:08:106 National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities.

74:36:08:107 National emission standards for gasoline dispensing facilities.

74:36:08:108 National emission standards for paint stripping and miscellaneous surface coating area sources.

74:36:08:109 National emission standards for acrylic and modacrylic fiber production area sources.

74:36:08:110 National emission standards for carbon black production area sources.

74:36:08:111 National emission standards for chemical manufacturing area sources -- Chromium compounds.

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74:36:08:112 National emission standards for flexible polyurethane foam production and fabrication area sources.

74:36:08:113 National emission standards for lead acid battery manufacturing area sources.

74:36:08:114 National emission standards for wood preserving area sources.

74:36:08:115 National emission standards for clay ceramic manufacturing area sources.

74:36:08:116 National emission standards for glass manufacturing area sources.

74:36:08:117 National emission standards for secondary nonferrous metal processing area sources.

74:36:08:118 National emission standards for plating and polishing area sources.

74:36:08:119 National emission standards for nine metal fabrication and finishing area sources.

74:36:08:120 National emission standards for ferroalloys production area sources.

74:36:08:121 National emission standards for aluminum, copper, and other nonferrous foundry area sources.

**74:36:08:122 National emission standards for coal- and oil-fired electric utility steam generating units.**

**74:36:08:123 National emission standards for industrial, commercial, and institutional boilers area sources.**

**74:36:08:124 National emission standards for chemical manufacturing area sources.**

**74:36:08:125 National emission standards for asphalt processing and asphalt roofing manufacturing area sources.**

**74:36:08:126 National emission standards for chemical preparations industry area sources.**

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**74:36:08:127 National emission standards paints and allied products manufacturing area sources.**

**74:36:08:128 National emission standards for prepared feeds manufacturing area sources.**

**74:36:08:129 National emission standards for gold mine ore processing and production area sources.**

**74:36:08:130 National emission standards for polyvinyl chloride and copolymers production.**

**74:36:08:01. General provisions -- National emission standards for hazardous air pollutants.** The general provisions for the national emission standards for hazardous air pollutants are those in 40 C.F.R. § 61, Subpart A (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:02. Emission standards for asbestos air pollutants.** The emission standards for asbestos air pollutants are those in 40 C.F.R. § 61, Subpart M (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 17 SDR 170, effective May 13, 1991; 18 SDR 95, effective December 2, 1991; transferred from § 74:26:22:02, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective July 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:02.01. Emission standards for equipment leaks (fugitive emission sources) of benzene.** The emission standards for equipment leaks of benzene are those in 40 C.F.R. § 61 Subpart J (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:02.02. Emission standards for benzene emissions from benzene storage vessels.** The emission standards for benzene emissions from benzene storage vessels are those in 40 C.F.R. § 61, Subpart Y (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:02.03. Emission standards for benzene emissions from benzene transfer operations.** The emission standards for benzene emissions from benzene transfer operations are those in 40 C.F.R. § 61, Subpart BB (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:02.04. Emission standards for benzene waste operations.** The emission standards for benzene waste operations equipment leaks of benzene are those in 40 C.F.R. § 61, Subpart FF (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:03. General provisions -- National emission standards for hazardous air pollutants for source categories.** The general provisions for the national emission standards for hazardous air pollutants for source categories are those in 40 C.F.R. § 63 Subpart A (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:03.01. Requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j).** The provisions for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j) are those in 40 C.F.R. § 63, Subpart B (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:04. National perchloroethylene air emission standards for dry cleaning facilities.** The national perchloroethylene air emission standards for dry cleaning facilities are those in 40 C.F.R. § 63, Subpart M (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart M is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart M. Exempted sources must still meet the applicable requirements in Subpart M.

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**Cross-Reference:** Complete application, § 74:36:05:09.

**74:36:08:05. National emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry.** The national emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry are those in 40 C.F.R. § 63, Subpart F (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:06. National emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer operations, and wastewater.** The national emission standards for organic hazardous air pollutants from synthetic organic chemical manufacturing industry process vents, storage vessels, transfer operations, and wastewater are those in 40 C.F.R. § 63, Subpart G (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:07. National emission standards for organic hazardous air pollutants for equipment leaks.** The national emission standards for organic hazardous air pollutants for equipment leaks are those in 40 C.F.R. § 63, Subpart H (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:08. National emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulations for equipment leaks.** The national emission standards for organic hazardous air pollutants for certain processes subject to the negotiated regulations for equipment leaks are those in 40 C.F.R. § 63, Subpart I (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:09. National emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.** The national emission standards for hard and decorative chromium electroplating and chromium anodizing tanks are those in 40 C.F.R. § 63, Subpart N (~~July 1, 2009~~ **July 1, 2012**). An area source that operates a unit subject to Subpart N is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart N. Exempted sources must still meet the applicable requirements in Subpart N.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**Cross-Reference:** Operating permits for part 70 sources, § 74:36:05.

**74:36:08:10. National emission standards for ethylene oxide emissions from sterilization facilities.** The national emission standards for ethylene oxide from sterilization facilities are those in 40 C.F.R. § 63, Subpart O (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart O is exempt from the obligation to obtain a Part 70 operating

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permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart O. Exempted sources must still meet the applicable requirements in Subpart O.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:11. National emission standards for industrial process cooling towers.** The national emission standards for industrial process cooling towers are those in 40 C.F.R. § 63, Subpart Q (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart Q is exempt from the obligations to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart Q. Exempted sources must still meet the applicable requirements in Subpart Q.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:12. National emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations).** The national emission standards for gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) are those in 40 C.F.R. § 63, Subpart R (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:13. National emission standards for halogenated solvent cleaning.** The national emission standards for halogenated solvent cleaning are those in 40 C.F.R. § 63, Subpart T (~~July 1, 2009~~ **July 1, 2012**). An area source that operates a unit subject to Subpart T is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart T. Exempted sources must still meet the applicable requirements in Subpart T.

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101,

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effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:14. National emission standards for wood furniture manufacturing operations.** The national emission standards for wood furniture manufacturing operations are those in 40 C.F.R. § 63, Subpart JJ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:15. National emission standards for aerospace manufacturing.** The national emission standards for aerospace manufacturing are those in 40 C.F.R. § 63, Subpart GG (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101,

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effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:16. National emission standards for tanks.** The national emission standards for tanks -- level 1 are those in 40 C.F.R. § 63, Subpart OO (~~July 1, 2009~~ **July 1, 2012**). The national emission standards for tanks -- level 2 are those in 40 C.F.R. § 63, Subpart ~~OO~~ **WW** (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:17. National emission standards for containers.** The national emission standards for containers are those in 40 C.F.R. § 63, Subpart PP (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:18. National emission standards for surface impoundments.** The national emission standards for surface impoundments are those in 40 C.F.R. § 63, Subpart QQ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:19. National emission standards for individual drain systems.** The national emission standards for individual drain systems are those in 40 C.F.R. § 63, Subpart RR (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:20. National emission standards for oil-water separators and organic-water separators.** The national emission standards for oil-water separators and organic-water separators are those in 40 C.F.R. § 63, Subpart VV (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:20.01. National emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process.** The national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process are those in 40 C.F.R. § 63, Subpart SS (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:20.02. National emission standards for equipment leaks.** The national emission standards for equipment leaks -- control level 1 are those in 40 C.F.R. § 63, Subpart TT

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(~~July 1, 2009~~ **July 1, 2012**). The national emission standards for equipment leaks -- control level 2 are those in 40 C.F.R. § 63, Subpart UU (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:21. National emission standards for hazardous air pollutants from the portland cement manufacturing industry.** The national emission standards for the portland cement manufacturing industry are those in 40 C.F.R. § 63, Subpart LLL (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:22. National emission standards for hazardous air pollutants for pesticide active ingredient production.** The national emission standards for pesticide active ingredient production are those in 40 C.F.R. § 63, Subpart MMM (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:23. National emission standards for the printing and publishing industry.** The national emission standards for the printing and publishing industry are those in 40 C.F.R. § 63, Subpart KK (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:24. National emission standards for oil and natural gas production facilities.** The national emission standards for oil and natural gas production facilities are those in 40 C.F.R. § 63, Subpart HH (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart HH is exempt from the obligation to obtain a Part 70 operating permit if the unit is not required to install controls and if the source is not required to obtain a Part 70 operating permit

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for a reason other than the source is subject to Subpart HH. Exempted sources must still meet the applicable requirements in Subpart HH.

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:25. National emission standards for natural gas transmission and storage facilities.** The national emission standards for natural gas transmission and storage facilities are those in 40 C.F.R. § 63, Subpart HHH (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:26. National emission standards for secondary aluminum production.** The national emission standards for secondary aluminum production are those in 40 C.F.R. § 63, Subpart RRR (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:27. National emission standards for publicly owned treatment works.** The national emission standards for publicly owned treatment works are those in 40 C.F.R. § 63, Subpart VVV (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:28. National emission standards for solvent extraction for vegetable oil production.** The national emission standards for solvent extraction of vegetable oil production are those in 40 C.F.R. § 63, Subpart GGGG (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:29. National emission standards for paper and other web coating.** The national emission standards for paper and other web coating are those in 40 C.F.R. § 63, Subpart JJJJ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:30. National emission standards for municipal solid waste landfills.** The national emission standards for municipal solid waste landfills are those in 40 C.F.R. § 63, Subpart AAAA (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:31. National emission standards for surface coating of metal furniture.** The national emission standards for surface coating of metal furniture are those in 40 C.F.R. § 63, Subpart RRRR (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:32. National emission standards for integrated iron and steel manufacturing facilities.** The national emission standards for integrated iron and steel manufacturing are those in 40 C.F.R. § 63, Subpart FFFFF (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:33. National emission standards for brick and structural clay products manufacturing.** The national emission standards for brick and structural clay products manufacturing are those in 40 C.F.R. § 63, Subpart JJJJJ (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:34. National emission standards for asphalt processing and asphalt roofing manufacturing.** The national emission standards for asphalt processing and asphalt roofing manufacturing are those in 40 C.F.R. § 63, Subpart LLLLL (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:35. National emission standards for flexible polyurethane foam fabrication operations.** The national emission standards for flexible polyurethane foam fabrication operations are those in 40 C.F.R. § 63, Subpart MMMMM (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:36. National emission standards for engine test cells/stands.** The national emission standards for engine test cells/stands are those in 40 C.F.R. § 63, Subpart PPPPP (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:37. National emission standards for surface coating of miscellaneous metal parts and products.** The national emission standards for surface coating of miscellaneous metal parts and products as published in 40 C.F.R. § 63, Subpart MMMM (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:38. National emission standards for reinforced plastic composites production.** The national emission standards for reinforced plastic composites production are those in 40 C.F.R. § 63, Subpart WWWW (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:39. National emission standards for stationary combustion turbines.** The national emission standards for stationary combustion turbines are those in 40 C.F.R. § 63, Subpart YYYY (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:40. National emission standards for stationary reciprocating internal combustion engines.** The national emission standards for stationary reciprocating internal combustion engines are those in 40 C.F.R. § 63, Subpart ZZZZ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

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**74:36:08:41. National emission standards for industrial, commercial, and institutional boilers and process heaters.** The national emission standards for industrial, commercial, and institutional boilers and process heaters are those in 40 C.F.R. § 63, Subpart DDDDD (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 32 SDR 209, effective June 13, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-19.

**74:36:08:42. National emission standards for polyvinyl chloride and copolymers production.** The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart J (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:43. National emission standards for coke oven batteries.** The national emission standards for coke oven batteries are those in 40 C.F.R. § 63, Subpart L, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:44. National emission standards for pulp and paper industry.** The national emission standards for pulp and paper industry are those in 40 C.F.R. § 63, Subpart S, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:45. National emission standards for group I polymers and resins.** The national emission standards for group I polymers and resins are those in 40 C.F.R. § 63, Subpart U, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:46. National emission standards for epoxy resins production and non-nylon polyamides production.** The national emission standards for epoxy resins production and non-nylon polyamides production are those in 40 C.F.R. § 63, Subpart W, (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:47. National emission standards for secondary lead smelting.** The national emission standards for secondary lead smelting are those in 40 C.F.R. § 63, Subpart X (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:48. National emission standards for phosphoric acid manufacturing plants.** The national emission standards for phosphoric acid manufacturing plants are those in 40 C.F.R. § 63, Subpart AA (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:49. National emission standards for phosphate fertilizers production plants.** The national emission standards for phosphate fertilizers production plants are those in 40 C.F.R. § 63, Subpart BB (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:50. National emission standards for petroleum refineries.** The national emission standards for petroleum refineries are those in 40 C.F.R. § 63, Subpart CC (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:51. National emission standards for off-site waste and recovery operations.** The national emission standards for off-site waste and recovery operations are those in 40 C.F.R. § 63, Subpart DD (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:52. National emission standards for magnetic tape manufacturing operations.** The national emission standards for magnetic tape manufacturing operations are those in 40 C.F.R. § 63, Subpart EE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:53. National emission standards for primary aluminum reduction plants.** The national emission standards for primary aluminum reduction plants are those in 40 C.F.R. § 63, Subpart LL (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:54. National emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills.** The national emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills are those in 40 C.F.R. § 63, Subpart MM (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:55. National emission standards for ethylene manufacturing process units -- Heat exchange systems and waste operations.** The national emission standards for heat exchange systems and waste operations are those in 40 C.F.R. § 63, Subpart XX (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:56. Generic maximum achievable control technology standards.** The generic maximum achievable control technology standards are those in 40 C.F.R. § 63, Subpart YY (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:57. National emission standards for steel pickling -- HC1 process facilities and hydrochloric acid regeneration plants.** The national emission standards for HC1 process

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facilities and hydrochloric acid regeneration plants are those in 40 C.F.R. § 63, Subpart CCC (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:58. National emission standards for mineral wool production.** The national emission standards for mineral wool production are those in 40 C.F.R. § 63, Subpart DDD (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:59. National emission standards for hazardous waste combusters.** The national emission standards for hazardous waste combusters are those in 40 C.F.R. § 63, Subpart EEE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:60. National emission standards for pharmaceutical production.** The national emission standards for pharmaceutical production are those in 40 C.F.R. § 63, Subpart GGG (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:61. National emission standards for group IV polymers and resins.** The national emission standards for group IV polymers and resins are those in 40 C.F.R. § 63, Subpart JJJ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:62. National emission standards for wool fiberglass production.** The national emission standards for wool fiberglass production are those in 40 C.F.R. § 63, Subpart NNN (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:63. National emission standards for manufacture of amino/phenolic resins.** The national emission standards for the manufacture of amino/phenolic resins are those in 40 C.F.R. § 63, Subpart OOO (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:64. National emission standards for polyether polyols production.** The national emission standards for polyether polyols production are those in 40 C.F.R. § 63, Subpart PPP (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:65. National emission standards for primary copper smelting.** The national emission standards for primary copper smelting are those in 40 C.F.R. § 63, Subpart QQQ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:66. National emission standards for primary lead smelting.** The national emission standards for primary lead smelting are those in 40 C.F.R. § 63, Subpart TTT (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:67. National emission standards for petroleum refineries -- Catalytic cracking, catalytic reforming, and sulfur recovery units.** The national emission standards for catalytic cracking, catalytic reforming, and sulfur recovery units at petroleum refineries are those in 40 C.F.R. § 63, Subpart UUU (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:68. National emission standards for ferroalloy production -- Ferromanganese and silicomanganese.** The national emission standards for ferromanganese and silicomanganese production are those in 40 C.F.R. § 63, Subpart XXX (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:69. National emission standards for the manufacture of nutritional yeast.** The national emission standards for the manufacture of nutritional yeast are those in 40 C.F.R. § 63, Subpart CCCC (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:70. National emission standards for plywood and composite wood products.** The national emission standards for plywood and composite wood products are those in 40 C.F.R. § 63, Subpart DDDD (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:71. National emission standards for non-gasoline organic liquids distribution.** The national emission standards for non-gasoline organic liquids distribution are those in 40 C.F.R. § 63, Subpart EEEE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:72. National emission standards for miscellaneous organic chemical manufacturing.** The national emission standards for miscellaneous organic chemical manufacturing are those in 40 C.F.R. § 63, Subpart FFFF (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:73. National emission standards for wet-formed fiberglass mat production.** The national emission standards for wet-formed fiberglass mat production are those in 40 C.F.R. § 63, Subpart HHHH (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:74. National emission standards for surface coating of automobiles and light duty trucks.** The national emission standards for surface coating of automobiles and light duty trucks are those in 40 C.F.R. § 63, Subpart IIII (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:75. National emission standards for surface coating of metal cans.** The national emission standards for surface coating of metal cans are those in 40 C.F.R. § 63, Subpart KKKK (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:76. National emission standards for surface coating of large appliances.** The national emission standards for surface coating of large appliances are those in 40 C.F.R. § 63, Subpart NNNN (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:77. National emission standards for printing, coating, and dyeing of fabrics and other textiles.** The national emission standards for printing, coating, and dyeing of fabrics and other textiles are those in 40 C.F.R. § 63, Subpart OOOO (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:78. National emission standards for surface coating of plastic parts and products.** The national emission standards for surface coating of plastic parts and products are those in 40 C.F.R. § 63, Subpart PPPP (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:79. National emission standards for surface coating of wood building products.** The national emission standards for surface coating of wood building products are those in 40 C.F.R. § 63, Subpart QQQQ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:80. National emission standards for surface coating of metal coil.** The national emission standards for surface coating of metal coil are those in 40 C.F.R. § 63, Subpart SSSS (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:81. National emission standards for leather finishing operations.** The national emission standards for leather finishing operations are those in 40 C.F.R. § 63, Subpart TTTT (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:82. National emission standards for cellulose products manufacturing.** The national emission standards for cellulose products manufacturing are those in 40 C.F.R. § 63, Subpart UUUU (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:83. National emission standards for boat manufacturing.** The national emission standards for boat manufacturing are those in 40 C.F.R. § 63, Subpart VVVV (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:84. National emission standards for rubber tire manufacturing.** The national emission standards for rubber tire manufacturing are those in 40 C.F.R. § 63, Subpart XXXX (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:85. National emission standards for lime manufacturing plants.** The national emission standards for lime manufacturing plants are those in 40 C.F.R. § 63, Subpart AAAAA (~~July 1, 2009~~ **July 1, 2012**).

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**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:86. National emission standards for semiconductor manufacturing.** The national emission standards for semiconductor manufacturing are those in 40 C.F.R. § 63, Subpart BBBBB (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:87. National emission standards for coke ovens -- Pushing, quenching, and battery stacks.** The national emission standards for coke ovens are those in 40 C.F.R. § 63, Subpart CCCCC (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:88. National emission standards for iron and steel foundries.** The national emission standards for iron and steel foundries are those in 40 C.F.R. § 63, Subpart EEEEE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:89. National emission standards for site remediation.** The national emission standards for site remediation are those in 40 C.F.R. § 63, Subpart GGGGG (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:90. National emission standards for miscellaneous coating manufacturing.** The national emission standards for miscellaneous coating manufacturing are those in 40 C.F.R. § 63, Subpart HHHHH (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:91. National emission standards for mercury cell chlor-alkali plants.** The national emission standards for mercury cell chlor-alkali plants are those in 40 C.F.R. § 63, Subpart IIIII (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:92. National emission standards for clay ceramics manufacturing.** The national emission standards for clay ceramics manufacturing are those in 40 C.F.R. § 63, Subpart KKKKK (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:93. National emission standards for flexible polyurethane foam production.** The national emission standards for flexible polyurethane foam production are those in 40 C.F.R. § 63, Subpart III (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:94. National emission standards for hydrochloric acid production.** The national emission standards for hydrochloric acid production are those in 40 C.F.R. § 63, Subpart NNNNN (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:95. National emission standards for friction materials manufacturing facilities.** The national emission standards for friction materials manufacturing facilities are those in 40 C.F.R. § 63, Subpart QQQQQ (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:96. National emission standards taconite iron ore processing.** The national emission standards for taconite iron ore processing are those in 40 C.F.R. § 63, Subpart RRRRR (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:97. National emission standards for refractory products manufacturing.** The national emission standards for refractory products manufacturing are those in 40 C.F.R. § 63, Subpart SSSSS (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:98. National emission standards for primary magnesium refining.** The national emission standards for primary magnesium refining are those in 40 C.F.R. § 63, Subpart TTTTT (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:99. National emission standards for polyvinyl chloride and copolymers production area sources.** The national emission standards for polyvinyl chloride and copolymers production area sources are those in 40 C.F.R. § 63, Subpart DDDDDD (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart DDDDDD is exempt from

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the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart DDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDD.

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:100. National emission standards for primary copper smelting area sources.** The national emission standards for primary copper smelting area sources are those in 40 C.F.R. § 63, Subpart EEEEEE (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:101. National emission standards for secondary copper smelting area sources.** The national emission standards for secondary copper smelting area sources are those in 40 C.F.R. § 63, Subpart FFFFFF (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:102. National emission standards for primary nonferrous metals area sources -- Zinc, cadmium, and beryllium.** The national emission standards for primary nonferrous metals area sources are those in 40 C.F.R. § 63, Subpart GGGGGG (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:103. National emission standards for hospital ethylene oxide sterilizers.** The national emission standards for hospital ethylene oxide sterilizers are those in 40 C.F.R. § 63, Subpart WWWWW (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart WWWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWWW. Exempted sources must still meet the applicable requirements in Subpart WWWWW.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:104. National emission standards for electric arc furnace steelmaking facility area sources.** The national emission standards for area sources -- electric arc furnace steelmaking facilities are those in 40 C.F.R. § 63, Subpart YYYYY ~~July 1, 2009~~ **July 1, 2012**)

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:105. National emission standards for iron and steel foundry area sources.** The national emission standards for iron and steel foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZ (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart ZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZ.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:106. National emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities.** The national emission standards for gasoline distribution bulk terminals, bulk plants, and pipeline facilities are those in 40 C.F.R. § 63, Subpart BBBBBB

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(~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart BBBBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBB

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:107. National emission standards for gasoline dispensing facilities.** The national emission standards for gasoline dispensing facilities are those in 40 C.F.R. § 63, Subpart CCCCCC (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart CCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCC.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:108. National emission standards for paint stripping and miscellaneous surface coating area sources.** The national emission standards for paint stripping and miscellaneous coating area sources are those in 40 C.F.R. § 63, Subpart HHHHHH (~~July 1, 2009~~

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July 1, 2012). A source that operates a unit subject to Subpart HHHHHH is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart HHHHHH. Exempted sources must still meet the applicable requirements in Subpart HHHHHH.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:109. National emission standards for acrylic and modacrylic fiber production area sources.** The national emission standards for acrylic and modacrylic fiber production area sources are those in 40 C.F.R. § 63, Subpart LLLLLL (~~July 1, 2009~~ July 1, 2012). A source that operates a unit subject to Subpart LLLLLL is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart LLLLLL. Exempted sources must still meet the applicable requirements in Subpart LLLLLL.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:110. National emission standards for carbon black production area sources.** The national emission standards for carbon black production area sources are those in 40 C.F.R. § 63, Subpart MMMMMM (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:111. National emission standards for chemical manufacturing area sources -- Chromium compounds.** The national emission standards for chemical manufacturing area sources -- chromium compounds are those in 40 C.F.R. § 63, Subpart NNNNNN (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart NNNNNN is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart NNNNNN. Exempted sources must still meet the applicable requirements in Subpart NNNNNN.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:112. National emission standards for flexible polyurethane foam production and fabrication area sources.** The national emission standards for flexible polyurethane foam production and fabrication area sources are those in 40 C.F.R. § 63, Subpart OOOOOO (~~July 1,~~

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~~2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart OOOOOO is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart OOOOOO. Exempted sources must still meet the applicable requirements in Subpart OOOOOO.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:113. National emission standards for lead acid battery manufacturing area sources.** The national emission standards for lead acid battery manufacturing area sources are those in 40 C.F.R. § 63, Subpart PPPPPP (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart PPPPPP is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart PPPPPP. Exempted sources must still meet the applicable requirements in Subpart PPPPPP.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:114. National emission standards for wood preserving area sources.** The national emission standards for wood preserving area sources are those in 40 C.F.R. § 63,

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Subpart QQQQQQ (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart QQQQQQ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart QQQQQQ. Exempted sources must still meet the applicable requirements in Subpart QQQQQQ.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:115. National emission standards for clay ceramic manufacturing area sources.** The national emission standards for clay ceramic manufacturing area sources are those in 40 C.F.R. § 63, Subpart RRRRRR (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart RRRRRR is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart RRRRRR. Exempted sources must still meet the applicable requirements in Subpart RRRRRR.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:116. National emission standards for glass manufacturing area sources.** The national emission standards for glass manufacturing area sources are those in 40 C.F.R. § 63, Subpart SSSSSS (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:117. National emission standards for secondary nonferrous metal processing area sources.** The national emission standards for secondary nonferrous metal processing area sources are those in 40 C.F.R. § 63, Subpart TTTTTT (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart TTTTTT is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart TTTTTT. Exempted sources must still meet the applicable requirements in Subpart TTTTTT.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:118. National emission standards for plating and polishing area sources.** The national emission standards for plating and polishing area sources are those in 40 C.F.R. § 63, Subpart WWWWWW (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to

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Subpart WWWWWW is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart WWWWWW. Exempted sources must still meet the applicable requirements in Subpart WWWWWW.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:119. National emission standards for nine metal fabrication and finishing area sources.** The national emission standards for nine fabrication and finishing area sources are those in 40 C.F.R. § 63, Subpart XXXXXX (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart XXXXXX is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart XXXXXX. Exempted sources must still meet the applicable requirements in Subpart XXXXXX.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:120. National emission standards for ferroalloys production area sources.** The national emission standards for ferroalloys production area sources are those in 40 C.F.R.

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§ 63, Subpart YYYYYY (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart YYYYYY is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart YYYYYY. Exempted sources must still meet the applicable requirements in Subpart YYYYYY.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

**74:36:08:121. National emission standards for aluminum, copper, and other nonferrous foundry area sources.** The national emission standards for aluminum, copper, and other nonferrous foundry area sources are those in 40 C.F.R. § 63, Subpart ZZZZZZ (~~July 1, 2009~~ **July 1, 2012**). A source that operates a unit subject to Subpart ZZZZZZ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart ZZZZZZ. Exempted sources must still meet the applicable requirements in Subpart ZZZZZZ.

**Source:** 36 SDR 207, effective June 28, 2010.

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

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

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**74:36:08:122. National emission standards for coal- and oil-fired electric utility steam generating units. The national emission standards for coal- and oil-fired electric utility steam generating units are those in 40 C.F.R. § 63, Subpart UUUUU (July 1, 2012).**

**Source:**

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

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

**74:36:08:123. National emission standards for industrial, commercial, and institutional boilers area sources. The national emission standards for industrial, commercial, and institutional boilers area sources are those in 40 C.F.R. § 63, Subpart JJJJJJ (July 1, 2012). A source that operates a unit subject to Subpart JJJJJJ is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart JJJJJJ. Exempted sources must still meet the applicable requirements in Subpart JJJJJJ.**

**Source:**

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

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

**74:36:08:124. National emission standards for chemical manufacturing area sources. The national emission standards for industrial, commercial, and institutional boilers area sources are those in 40 C.F.R. § 63, Subpart VVVVVV (July 1, 2012). A source that**

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**operates a unit subject to Subpart VVVVVV is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart VVVVVV. Exempted sources must still meet the applicable requirements in Subpart VVVVVV.**

**Source:**

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

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

**74:36:08:125. National emission standards for asphalt processing and asphalt roofing manufacturing area sources. The national emission standards for asphalt processing and asphalt roofing manufacturing area sources are those in 40 C.F.R. § 63, Subpart AAAAAAA (July 1, 2012). A source that operates a unit subject to Subpart AAAAAAA is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart AAAAAAA. Exempted sources must still meet the applicable requirements in Subpart AAAAAAA.**

**Source:**

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

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

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**74:36:08:126. National emission standards for chemical preparations industry area sources. The national emission standards for chemical preparations industry area sources are those in 40 C.F.R. § 63, Subpart BBBBBBB (July 1, 2012). A source that operates a unit subject to Subpart BBBBBBB is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart BBBBBBB. Exempted sources must still meet the applicable requirements in Subpart BBBBBBB.**

**Source:**

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

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

**74:36:08:127. National emission standards for paints and allied products manufacturing area sources. The national emission standards for paints and allied products manufacturing area sources are those in 40 C.F.R. § 63, Subpart CCCCCCC (July 1, 2012). A source that operates a unit subject to Subpart CCCCCCC is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart CCCCCCC. Exempted sources must still meet the applicable requirements in Subpart CCCCCCC.**

**Source:**

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

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

**74:36:08:128. National emission standards for prepared feeds manufacturing area sources. The national emission standards for prepared feeds manufacturing area sources are those in 40 C.F.R. § 63, Subpart DDDDDDD (July 1, 2012). A source that operates a unit subject to Subpart DDDDDDD is exempt from the obligation to obtain a Part 70 operating permit if the source is not required to obtain a Part 70 operating permit for a reason other than the source is subject to Subpart DDDDDDD. Exempted sources must still meet the applicable requirements in Subpart DDDDDDD.**

**Source:**

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

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

**74:36:08:129. National emission standards for gold mine ore processing and production area sources. The national emission standards for gold mine ore processing and production area sources are those in 40 C.F.R. § 63, Subpart EEEEEEE (July 1, 2012).**

**Source:**

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

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

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**74:36:08:130. National emission standards for polyvinyl chloride and copolymers production. The national emission standards for polyvinyl chloride and copolymers production are those in 40 C.F.R. § 63, Subpart HHHHHHH (July 1, 2012).**

**Source:**

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

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

## CHAPTER 74:36:09

## PREVENTION OF SIGNIFICANT DETERIORATION

Section


74:36:09:01 Applicability.

74:36:09:01.01 Prevention of significant deterioration permit required.

74:36:09:02 Prevention of significant deterioration.

74:36:09:03 Public participation.


**74:36:09:02. Prevention of significant deterioration.** For the purposes of this chapter, the state's definitions and requirements for the prevention of significant deterioration are those in 40 C.F.R. § 52.21 (~~July 1, 2009~~ **July 1, 2012**), ~~as revised by EPA in publication 75 Fed. Reg.~~

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~~31606 and 31607 (June 3, 2010),~~ except for 40 C.F.R. § 52.21(a)(1), (a)(2)(iv)(e), ~~(a)(2)(vi)~~, (b)(2)(iii)(h), (b)(3)(iii)(b), ~~(b)(3)(vi)(d)~~, (b)(32), (b)(42), (b)(55), (b)(56), (b)(57), (b)(58), (f), **(k)(2),** (q), (s), (t), (u), (x), (y), (z), and (cc) (~~July 1, 2009~~ **July 1, 2012**) with the following differences:

(1) For the purposes of this section, all terms defined in this section have the meaning defined in 40 C.F.R. § 52.21, except for the term "administrator" which means the secretary with the following exceptions:

(a) In 40 C.F.R. §§ 52.21(b)(3)(iii) and 52.21(b)(37)(iii), the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(b) In 40 C.F.R. §§ 52.21(w)(2) to 52.21(w)(4), inclusive, the term "administrator" means either the secretary or the administrator of EPA, as applicable;

(c) In 40 C.F.R. §§ 52.21(b)(17); 52.21(b)(37)(i); 52.21(b)(43); 52.21(b)(48)(ii)(c); 52.21(b)(50)(i); 52.21(g)(1) to 52.21(g)(6), inclusive; 52.21(l)(2); and 52.21(p)(2) the term "administrator" means the administrator of EPA;

(2) For the purposes of this section, the term "Act" means the Clean Air Act;

(3) For the purposes of this section, in 40 C.F.R. § 52.21(c), the Class I areas in South Dakota are Wind Cave National Park and the Badlands National Park;

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~~(4) For the purposes of this section, 40 C.F.R. § 52.21(a)(2)(iv)(f) is incorporated by reference excluding the last sentence which states, "For example, if a project involves both an existing emissions unit and a Clean Unit, the projected increase is determined by summing the values determined using the method specified in paragraph (a)(2)(iv)(*c*) of this section for the existing unit and using the method specified in paragraph (a)(2)(iv)(*e*) of this section for the Clean Unit";~~

~~(5)~~ **(4)** For the purposes of this section, 40 C.F.R. § 52.21(b)(2)(iii)(a) is incorporated by reference excluding the second sentence which states, "Routine maintenance, repair and replacement shall include, but not be limited to, any activity(s) that meets the requirements of the equipment replacement provisions contained in paragraph (cc) of this section";

~~(6) For the purposes of this section, 40 C.F.R. § 52.21(r)(6) is incorporated by reference excluding the phrase, "(other than projects at a Clean Unit or at a source with a PAL)";~~

~~(7)~~ **(5)** For the purposes of this section, 40 C.F.R. § 52.21(v)(1) is incorporated by reference excluding the phrase, "under 40 CFR 124.10"; and

~~(8)~~ **(6)** For the purposes of this section, 40 C.F.R. § 52.21(w)(1) is incorporated by reference excluding the phrase, "expires under paragraph (s) of this section or".

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The secretary shall transmit to the administrator of the EPA a copy of each permit application subject to this section and shall notify the administrator of the EPA of each significant action the secretary takes on the application.

If EPA stays or withdraws the regulation of greenhouse gases as identified in ~~publication 75 Fed. Reg. 31606 and 31607 (June 3, 2010)~~ **40 C.F.R. § 52.21(w)(1) (July 1, 2012)**, or a court issues an order vacating or otherwise invalidating EPA's regulation of greenhouse gases for any reason, the regulation of greenhouse gases by Article 74:36 are void as of the date of such administrative or judicial action and shall have no further force and effect.

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 33 SDR 43, effective September 18, 2006; 33 SDR 217, effective June 13, 2007; 36 SDR 207, effective June 28, 2010; 37 SDR 182, effective April 20, 2011.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

**74:36:09:03. Public participation.** For the purposes of this chapter, the state's public participation procedures are those in 40 C.F.R. § 51.166(q) (~~July 1, 2009~~ **July 1, 2012**), excluding the phrase "The plan shall provide that..." with the following differences:

(1) For the purposes of this section, in 40 C.F.R. § 52.166(q) the phrase "reviewing authority" means the secretary;

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(2) For the purposes of this section, in 40 C.F.R. § 51.166(q)(1) the phrase "specified time period" means 60 days;

(3) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iv), the term "administrator" means the administrator of EPA;

(4) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(iii), the phrase "Notify the public" shall consist of a public notice once in a legal newspaper in the county where the proposed source would be constructed. The public notice shall include a statement that a person may submit comments or contest the draft permit within 30 days after the publication of the notice. The statement shall also describe the procedures a person must follow to contest the draft permit and request a hearing in accordance with article 74:09;

(5) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(v), a public hearing is required if a person contests the draft permit or contests the secretary's final determination and requests a hearing in accordance with article 74:09; and

(6) For the purposes of this section, in 40 C.F.R. § 51.166(q)(2)(viii), if a request for a contested case hearing is not submitted during the public notice period, the secretary shall make a final determination within 30 days of the end of the public comment period on the draft permit. The secretary shall notify, in writing, the applicant and each person that submitted written comments or requested notice of the final determination. The notice shall include reference to the

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procedures for contesting the final determination and requesting a hearing in accordance with article 74:09 within 30 days of receiving the secretary's final determination. If no person comments on a draft permit, requests changes, or contests the draft permit during the public notice period, the draft permit automatically becomes the secretary's final determination and is issued at the end of the public notice period.

**Source:** 33 SDR 43, effective September 18, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

## CHAPTER 74:36:10

## NEW SOURCE REVIEW

Section


74:36:10:01 Applicability.

74:36:10:02 Definitions.

74:36:10:03 Repealed.

74:36:10:03.01 New source review preconstruction permit required.

74:36:10:04 Repealed.

74:36:10:05 New source review preconstruction permit.


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74:36:10:06 Causing or contributing to a violation of any national ambient air quality standard.

74:36:10:07 Determining credit for emission offsets.

74:36:10:08 Projected actual emissions.

74:36:10:09 ~~Clean unit test for emission units subject to lowest achievable emission rate.~~ **Repealed.**

74:36:10:10 ~~Clean unit test for emission units comparable to lowest achievable emission rate.~~ **Repealed.**

**74:36:10:02. Definitions.** For the purposes of this chapter, the definitions for new source review are those in 40 C.F.R. § 51.165(a)(1) (~~July 1, 2009~~ **July 1, 2012**).

For the purposes of this chapter, the term, Act, means the Clean Air Act.

For the purposes of this section, the term, reviewing authority, means the secretary.

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

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**74:36:10:03.01. New source review preconstruction permit required.** New major stationary sources or major modifications to existing major sources must obtain a preconstruction permit before beginning actual construction if they are located in the following areas:

(1) An attainment or unclassified area if the source would cause or contribute to a violation of any national ambient air quality standard; or

(2) An area designated nonattainment for any national ambient air quality standard if the source is major for the pollutant for which the area is designated nonattainment.

Except as provided by a plant-wide applicability limit ~~and a pollution control project exclusion~~, a proposed project is considered a major modification to an existing major source if the proposed project meets the criteria in 40 C.F.R. § 51.165(a)(2)(ii)(A) to (F), inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-21.

**Note:** The procedural requirements for obtaining a preconstruction permit under the new source review program are similar to the procedural requirements for a Part 70 source, such as a

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timely and complete application, completeness review, statement of basis, public participation, and departmental recommendation, as outlined in §§ 74:36:05:08 to 74:36:05:20.01, inclusive.

**74:36:10:05. New source review preconstruction permit.** A new source review preconstruction permit must satisfy the following criteria before beginning actual construction:

(1) All requirements for new source performance standards in chapter 74:36:07 that apply to the facility;

(2) Compliance with the lowest achievable emission rate (LAER);

(3) Certification of compliance that all other major sources, major modifications, or reconstructed facilities that are owned, operated, or controlled by the applicant either in whole or in part elsewhere in the state are in compliance with all applicable emission limitations and standards; and

(4) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit. Emissions offsets are determined in accordance with § 74:36:10:07.

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~~The owner or operator may use a clean unit test as described in § 74:36:10:09 or 74:36:10:10 to determine whether emission increases at a clean unit are part of a project that is a major modification.~~

~~The owner or operator may apply for a pollution control project exclusion. The procedures for a pollution control project exclusion are those in 40 C.F.R. § 51.165(e)(1) to (e)(6), inclusive, (July 1, 2009 ).~~

The owner or operator may apply for a plant-wide applicability limit. The procedures for a plant-wide allowable limit are those in 40 C.F.R. § 51.165(f)(1) to (f)(15), inclusive, (~~July 1, 2009~~ **July 1, 2012**).

Approval to construct does not relieve an owner or operator of the responsibility to comply fully with applicable provisions of this article or the Clean Air Act and any other requirements under local, state, or federal law.

Submission of preconstruction monitored or projected ambient air quality data, or both, from the proposed source must accompany the permit application. In addition, air quality dispersion modeling and meteorological data for the prescribed area may be required by the department. Costs of these requirements must be absorbed by the proposed source.

**Source:** 7 SDR 4, effective July 27, 1980; transferred from § 44:10:01:16, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR

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129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:16, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6, 34A-1-22.

**74:36:10:06. Causing or contributing to a violation of any national ambient air quality standard.** This section applies to any major stationary source or major modification to an existing major source that is located in an attainment or unclassifiable area that may cause or contribute to violation of a national ambient air quality standard. A major stationary source or major modification to an existing major source is considered to cause or contribute to a violation of a national ambient air quality standard if the source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the applicable national standard:

**POLLUTANT AND SIGNIFICANT LEVELS**

| | | | **Averaging time (hours)** | | |
|---|---|---|---|---|---|
| | **Annual** | **24** | **8** | **3** | **1** |
| | | | | | |
| (1) SO2: | 1.0 ug/m3 | 5 ug/m3 | - | 25 ug/m3 | - |
| (2) PM10: | 1.0 ug/m3 | 5 ug/m3 | - | - | - |

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| | | | | | |
|---|---|---|---|---|---|
| **(3) PM2.5** | **0.3 ug/m3** | **1.2 ug/m3** | **-** | **-** | **-** |
| ~~(3)~~ **(4)** NO2: | 1.0 ug/m3 | - | - | - | - |
| ~~(4)~~ **(5)** CO | - | - | 0.5 mg/m3 | - | 2 mg/m3 |

The owner or operator of a new major stationary source or major modification to an existing major source may reduce the impact of its emissions on air quality by obtaining emission offsets to compensate for its adverse ambient impact where the new major source or major modification to an existing major source would otherwise cause or contribute to a violation of the national ambient air quality standard. The procedures for determining credit for emission offsets are those in § 74:36:10:07.

**Source:** 17 SDR 170, effective May 13, 1991; transferred from § 74:26:01:16:02, 19 SDR 157, effective April 22, 1993; 30 SDR 26, effective September 1, 2003.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:10:07. Determining credit for emission offsets.** The baseline for determining credit for emission offsets is the emission limit in effect at the time the application to construct is filed, except that the offset baseline is the actual emission of the unit from which offset credit is obtained if the demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emission of sources located within a designated nonattainment area; or if there is no applicable emission limit.

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In determining credit for emission offsets the following criteria shall be met:

(1) All offsets must be for the same **regulated NSR** pollutant, result in a net positive air quality benefit in the affected area, and be approved by the department before issuance of the permit, even though they need not be in effect until the source commences operation**. The offset ratio of total actual emissions reductions to the emissions increase shall at least 1 to 1 unless an alternative ratio is provided in accordance with offsets shall be 40 C.F.R. § 51.165(a)(9)(ii) through 51.165(a)(9)(iv) (July 1, 2012)**;

(2) External offsets or those emission limitations from sources not owned, operated, or controlled by an applicant for a permit shall be made through a revision of the permit conditions of the participating source or sources. At no time may the baseline be exceeded;

(3) The permissible location of offsetting emissions shall be conducted in accordance with 40 C.F.R., Part 51, Appendix S, section IV.D (~~July 1, 2009~~ **July 1, 2012**);

(4) For an existing fuel combustion unit, credit shall be based on the emission limit for the type of fuel being burned at the time the application to construct is filed. If the existing source agrees to switch to a cleaner fuel at some future date, emission offset credits based on the allowable or actual emissions for the fuels involved may be allowed only if permit conditions specify an alternative control measure that would achieve the same degree of emission reduction if the source switched back to the dirtier fuel at some later date;

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(5) Emission reductions achieved by shutting down an existing unit or curtailing production or operating hours below baseline levels may be credited if the reductions are permanent, quantifiable, federally enforceable, and the area has a federally-approved attainment plan. In addition, the shutdown or curtailed production must occur after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier. Emission reductions may be credited in the absence of a federally-approved attainment plan if the shutdown or curtailment occurred on or after the date the application is filed for a new unit or if the applicant can establish that the proposed new unit is a replacement for the shutdown or curtailed unit, and the shutdown or curtailment occurred after August 7, 1977, or less than one year before the date of submitting the permit application, whichever is earlier;

(6) Except as set forth in 40 C.F.R. § 51.165(a)(3)(ii)(D) (~~July 1, 2009~~ **July 1, 2012**), emission offset credit may not be allowed for replacing one hydrocarbon compound with another of lesser reactivity;

(7) Credit for emissions reduction may be claimed to the extent that the department has not relied on it in issuing a permit or in its demonstration of attainment or reasonable further progress;

(8) If the emissions limit allows greater emissions than the potential to emit of the unit, the emission offset credit is allowed only for the control below the potential to emit of the unit;

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~~(9) Decreases in actual emissions resulting from the installation of add-on control technology or application of pollution prevention measures that were relied upon in designating an emissions unit as a clean unit or a project as a pollution control project may not be used as offset;~~

~~(10) Decreases in actual emissions occurring at a clean unit may not be used as offsets, except as provided in 40 C.F.R. § 51.165(c)(8) and (d)(10) (July 1, 2009). Similarly, decreases in actual emissions occurring at a pollution control project may not be used as offsets, except as provided in 40 C.F.R. § 51.165(e)(6)(iv) (July 1, 2009);~~ and

~~(11)~~ **(9)** All emission reductions claimed as offset credit must be federally enforceable.

**Source:** 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:01:15 and 44:10:01:17, effective July 1, 1981; 8 SDR 71, effective December 21, 1981; 12 SDR 183, effective May 21, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:01:15, 74:26:01:16.01, and 74:26:01:17, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-21, 34A-1-22.

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**74:36:10:08. Projected actual emissions.** Any owner or operator who proposes a project for existing emissions units at a major stationary source that is not considered a major modification based on projected actual emissions but may result in a significant emission increase shall comply with the requirements in 40 C.F.R. § 51.165(a)(6)(i) to ~~(v)~~ **(vi)**, inclusive, (~~July 1, 2009~~ **July 1, 2012**). This section does not apply to ~~projects at a clean unit or at~~ a source with a plant-wide applicability limit.

The owner or operator shall make the information required to be documented in 40 C.F.R. § 51.165(a)(6)(i) to ~~(v)~~ **(vi)**, inclusive, (~~July 1, 2009~~ **July 1, 2012**) available for review upon a request for inspection by the secretary or the general public pursuant to the requirements contained in 40 C.F.R. § 70.4(b)(3)(viii) (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:10:09. Clean unit test for emission units subject to lowest achievable emission rate.** ~~A clean unit test may be used to determine whether an emission increase at a clean unit is part of a project that is a major modification according to the provisions in 40 C.F.R. § 51.165(c)(1) to (c)(9), inclusive, (July 1, 2009).~~ **Repealed.**

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**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

~~**Law Implemented:** SDCL 34A-1-6.~~

**74:36:10:10. Clean unit test for emission units comparable to lowest achievable emission rate.** ~~A clean unit test may be used to determine whether an emission increase at a clean unit is part of a project that is a major modification for a clean unit that does not qualify as a clean unit under § 74:36:10:09, but is achieving a level of emission control comparable to lowest achievable emission rate as determined by the secretary in accordance with the provisions in 40 C.F.R. § 51.165(d)(2) to (d)(11), inclusive, (July 1, 2009).~~ **Repealed.**

**Source:** 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 36 SDR 207, effective June 28, 2010.

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

~~**Law Implemented:** SDCL 34A-1-6.~~

## CHAPTER 74:36:11

## PERFORMANCE TESTING

Section

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74:36:11:01 Stack performance testing or other testing methods.

74:36:11:02 Secretary may require performance tests.

74:36:11:03 Notice to department of performance test.

74:36:11:04 Testing new fuels or raw materials.

**74:36:11:01. Stack performance testing or other testing methods.** All stack performance tests or other test methods must be made in accordance with the applicable method specified in 40 C.F.R. § 60.17; Part 60, Appendix A; § 63.14; Part 63, Appendix A; and Part 51, Appendix M (all ~~July 1, 2009~~ **July 1, 2012**).

**Source:** SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:05:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:05:01, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:05:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

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# CHAPTER 74:36:12

## CONTROL OF VISIBLE EMISSIONS

Section

74:36:12:01 Restrictions on visible emissions.

74:36:12:02 Exceptions to restrictions.

74:36:12:03 Exceptions granted to alfalfa palletizes or dehydrators.

**74:36:12:01. Restrictions on visible emissions.** The owner or operator of a source may not discharge into the ambient air from a single unit of emissions an air pollutant of a density equal to or greater than that designated as 20 percent opacity, as established by the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2009~~ **July 1, 2012**).

**Source:** SL 1975, ch 16, § 1; transferred from § 34:10:03:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:03:01, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:12:02. Exceptions to restrictions.** The provisions of § 74:36:12:01 do not apply in the following circumstances:

(1) If the presence of uncombined water is the only reason for failure to meet the requirements of § 74:36:12:01;

(2) If smoke is emitted for the purpose of training or research and is approved by the department; and

(3) For brief periods during ~~such operations as~~ soot blowing, start-up, shut-down, and malfunctions.

**Source:** SL 1975, ch 16, § 1; transferred from § 34:10:03:03, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:03:03, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:03:03, 19 SDR 157, effective April 22, 1993.

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

**Law Implemented:** SDCL **34A-1-6.**

**74:36:12:03. Exceptions granted to alfalfa palletizes or dehydrators.** The owner or operator of a facility that pelletizes or dehydrates alfalfa, or that does both, may discharge into the ambient air an air pollutant of a density no greater than 30 percent opacity, as established by

the Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 8 SDR 133, effective April 18, 1982; 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:03:05, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

## CHAPTER 74:36:13

## CONTINUOUS EMISSION MONITORING SYSTEMS

Section


74:36:13:01 Secretary may require continuous emission monitoring systems (CEMS).

74:36:13:02 Minimum performance specifications for all continuous emission monitoring systems.

74:36:13:03 Reporting requirements.

74:36:13:04 Notice to department of exceedance.

74:36:13:05 Compliance determined by data from continuous emission monitor.


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74:36:13:06 Compliance certification.

74:36:13:07 Credible evidence.

74:36:13:08 Compliance assurance monitoring.

**74:36:13:02. Minimum performance specifications for all continuous emission monitoring systems.** Minimum performance specifications for all continuous emission monitoring systems are those contained in 40 C.F.R. Part 60, Appendix B and 40 C.F.R. § 60.13 (~~July 1, 2009~~ **July 1, 2012** ).

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

**74:36:13:03. Reporting requirements.** Owners or operators of those sources required to install continuous emission monitoring systems shall observe the reporting requirements contained in 40 C.F.R. § 60.7 (~~July 1, 2009~~ **July 1, 2012**). All records must be made available to the department on request.

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**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

**74:36:13:04. Notice to department of exceedance.** Any emissions that exceed the standards listed in 40 C.F.R. Part 60 (~~July 1, 2009~~ **July 1, 2012**) or this article that are detected through continuous emission monitoring systems (CEMS) must be reported to the department within the time constraints as determined by the secretary in the permit to operate.

**Source:** 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

**74:36:13:06. Compliance certification.** Notwithstanding any other provision in any plan approved by the administrator, for the purpose of submission of compliance certifications an owner or operator may use monitoring as required under 40 C.F.R. § 70.6(a)(3) (~~July 1, 2009~~ **July 1, 2012**) and incorporated into a federally enforceable operating permit in addition to any specified compliance methods.

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**Source:** 21 SDR 119, effective January 5, 1995; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

**74:36:13:07. Credible evidence.** Notwithstanding any other provision, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of a plan. Credible evidence is as follows:

(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(a) A monitoring method approved for the source pursuant to 40 C.F.R. § 70.6(a)(3) (~~July 1, 2009~~ **July 1, 2012**) and incorporated in a federally enforceable operating permit;

(b) Compliance methods specified in the applicable plan; and

(2) The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods;

(a) Any federally enforceable monitoring or testing methods, including those in 40 C.F.R. Parts 51, 60, 61, and 75 (~~July 1, 2009~~ **July 1, 2012**);

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(b) Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subdivision (1) or (2)(a) of this section.

**Source:** 21 SDR 119, effective January 5, 1995; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

**74:36:13:08. Compliance assurance monitoring.** The owner or operator of a unit that is subject to 40 C.F.R. § 64.2 (~~July 1, 2009~~ **July 1, 2012**), must comply with 40 C.F.R. §§ 64.1 and 64.3 to 64.10, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-12.

**Law Implemented:** SDCL 34A-1-12.

## CHAPTER 74:36:16

## ACID RAIN PROGRAM

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Section

74:36:16:01 General provisions.

74:36:16:02 Allowance system.

74:36:16:03 Reserved.

74:36:16:04 Continuous emission monitoring.

74:36:16:05 Nitrogen oxides emission reduction.

**74:36:16:01. General provisions.** The following provisions are incorporated by reference: 40 C.F.R. §§ 72.2 to 72.85, inclusive, (~~July 1, 2009~~ **July 1, 2012**) except for the following definitions in § 72.2: Environmental Appeals Board, EPA trial staff, ex parte communication, hearing clerk, presiding officer, and state operating permit program and except for §§ 72.4, 72.5, 72.6(c), 72.10, 72.12, 72.13, 72.20, 72.23 to 72.25, inclusive, 72.60 to 72.71, inclusive, 72.73, and 72.74. For the purposes of this chapter, "administrator" means the secretary, except for those authorities which cannot be delegated to the state, in which case "administrator" means the administrator of the Environmental Protection Agency.

**Source:** 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

**74:36:16:02. Allowance system.** The allowance system for the acid rain program is that in 40 C.F.R. §§ 73.1 to 73.53, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

**74:36:16:04. Continuous emission monitoring.** The continuous emission monitoring requirements for the acid rain program are those in 40 C.F.R. §§ 75.1 to 75.67, inclusive, (~~July 1, 2009~~ **July 1, 2012**) and Appendixes A to H, inclusive, to 40 C.F.R. Part 75 (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 24, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

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**74:36:16:05. Nitrogen oxides emission reduction.** The nitrogen oxides emission reduction requirements for the acid rain program are those in 40 C.F.R. §§ 76.1 to 76.16, inclusive, (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999; 26 SDR 168, effective June 27, 2000; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-18.

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

## CHAPTER 74:36:18

## REGULATIONS FOR STATE FACILITIES IN THE RAPID CITY AREA

Section


74:36:18:01 Definitions.

74:36:18:02 Applicability.

74:36:18:03 Permit required.

74:36:18:04 Time period for permits and renewals.

74:36:18:05 Required contents of a complete application for a permit.

74:36:18:06 Contents of permit.

74:36:18:07 Permit expiration.


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74:36:18:08 Renewal of permit.

74:36:18:09 Reasonably available control technology required.

74:36:18:10 Visible emissions limit for construction and continuous operation activities.

74:36:18:11 Exception to visible emission limit.

74:36:18:12 Notice of operating noncompliance -- Contents.

**74:36:18:04. Time period for permits and renewals.** A construction activity or continuous operation activity permit is issued for a period up to five years and all subsequent permits are for periods of five years.

**Source:** 28 SDR 178, effective July 1, 2002.

**General Authority:** SDCL 34A-1-6, 34A-1-21~~, 34A-1-24~~.

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-24~~.

**74:36:18:05. Required contents of a complete application for a permit.** An application for a construction activity and continuous operation activity permit shall contain the following information to be considered complete:

(1) General company information, including the company name and address, the owner's name and agent, and the plant site manager or contact;

(2) Legal description and location of the construction or continuous operation activity, including a site map;

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(3) Description of the proposed construction or continuous operation activity, including nature and description of equipment used;

(4) Description of the reasonably available control technology used to control the fugitive emissions; and

(5) For construction activities, the proposed date for commencement and termination of the construction activity.

**Source:** 28 SDR 178, effective July 1, 2002.

**General Authority:** SDCL 34A-1-6, 34A-1-21~~, 34A-1-24~~.

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-24~~.

**74:36:18:06. Contents of permit.** The construction activity and continuous operation activity permit shall include the following:

(1) The signature of either the secretary or the chairman;

(2) The name of the person, company, political subdivision, agency, or institution granted a permit;

(3) The type of operation;

(4) The mailing address;

(5) The date the permit was granted and on which it will expire;

(6) A permit number;

(7) The name of a designated person or officer responsible for the permitted activity;

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(8) A statement granting a permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the Act;

(9) Emission limits and standards necessary to assure compliance with applicable requirements of the Clean Air Act;

(10) Record keeping and reporting requirements;

(11) A severability clause to ensure the continued validity of the various permit requirements if any portion of the permit are challenged; and

(12) Provisions stating the following:

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

(b) The permit may be modified, revoked, or terminated for cause;

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

(d) The permittee shall provide any information requested in writing by the secretary to determine whether cause exists for modifying, revoking, or terminating the permit or to determine compliance.

**Source:** 28 SDR 178, effective July 1, 2002.

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

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-30~~.

**74:36:18:10. Visible emission limit for construction and continuous operation activities.** The owner or operator of a state facility or state contractor may not discharge into the ambient air from a fugitive source an air pollutant of a density equal to or greater than that designated as 20 percent opacity for a series of two minute averages with a minimum of a total of six minutes of readings. The Environmental Protection Agency's Method 9 in 40 C.F.R. Part 60, Appendix A (~~July 1, 2009~~ **July 1, 2012**) shall be used to determine the opacity.

**Source:** 28 SDR 178, effective July 1, 2002; 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-47, 34A-1-49.

**74:36:18:11. Exception to visible emission limit.** The provisions of § 74:36:18:10 do not apply if all three of the following meteorological conditions exist:

(1) Five consecutive days of 0.02 inches or less of precipitation each day excluding dry snow;

(2) Forecasted peak wind gusts greater than 40 miles per hour; and

(3) Forecasted average hourly wind speed greater than 20 miles per hour.

**Source:** 28 SDR 178, effective July 1, 2002.

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**General Authority:** SDCL 34A-1-6, 34A-1-19~~, 34A-1-24~~.

**Law Implemented:** SDCL 34A-1-12, 34A-1-19~~, 34A-1-24~~.

**74:36:18:12. Notice of operating noncompliance -- Contents.** If the secretary determines that the operation of a source is not in compliance with this article, the Clean Air Act, or permit conditions, the secretary may issue a notice of such a finding to the permit holder or operator of the source. The notice must contain citations to the rules, statutes, or permit conditions violated and the alleged facts upon which the determination is based.

**Source:** 28 SDR 178, effective July 1, 2002.

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

**Law Implemented:** SDCL 1-26-27, 34A-1-21~~, 34A-1-30~~.

## CHAPTER 74:36:20

## CONSTRUCTION PERMITS FOR NEW SOURCES OR MODIFICATIONS

Section

74:36:20:01 Applicability.

74:36:20:02 Construction permit required.

74:36:20:02.01 Initiating construction prior to permit issuance.

74:36:20:03 Construction permit exemption.

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74:36:20:04 Emission unit exemptions.

74:36:20:05 Standard for issuance of construction permit.

74:36:20:06 Timely and complete application for a construction permit required.

74:36:20:07 Required contents of complete application for a construction permit.

74:36:20:08 Applicant required to supplement or correct application.

74:36:20:09 Permit application -- Completeness review.

74:36:20:10 Time period for department's recommendation.

74:36:20:11 Public participation in permitting process.

74:36:20:12 Public review of department's draft permit.

74:36:20:13 Final permit decision -- Notice to interested persons.

74:36:20:14 Right to petition for contested case hearing.

74:36:20:15 Contents of construction permit.

74:36:20:16 Administrative permit amendment.

74:36:20:17 Procedures for administrative permit amendments.

74:36:20:18 Reopening construction permit for cause.

74:36:20:19 Procedures to reopen construction permit.

74:36:20:20 Construction permit does not exempt from other requirements.

74:36:20:21 Expiration of a construction permit.

74:36:20:22 Notice of constructing or operating noncompliance -- Contents.

74:36:20:23 Petition for contested case or alleged violation.

74:36:20:24 Circumvention of emissions not allowed.

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**74:36:20:05. Standard for issuance of construction permit.** A construction permit for a new source or modification to an existing source may be issued only if it has been shown that the operation of the new source or modification to an existing source will not prevent or interfere with the attainment or maintenance of an applicable national ambient air quality standard. Compliance with this requirement as determined by air pollution dispersion modeling **shall be based on modeling performed in accordance with 40 C.F.R. Part 51, Appendix W (July 1, 2012) and** is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (~~July 1, 2009~~ **July 1, 2012**). Each new source or modification to an existing source must comply with emission limits and other requirements of the act and the Clean Air Act. The construction permit must include reasonable conditions, including adherence to plans and specifications, to ensure compliance with the act, the Clean Air Act, and any other conditions justified under SDCL 34A-1-19.

**Source:** 36 SDR 207, effective June 28, 2010.

**General Authority:** SDCL 34A-1-6, 34A-1-19, 34A-1-21.

**Law Implemented:** SDCL 34A-1-21.

**74:36:20:11. Public participation in permitting process.** The department shall mail a copy of the draft permit to the applicant. The department shall publish a public notice of the draft permit once in a legal newspaper in the county where the source is located. The notice must include a brief statement describing the source and where it is located; the department's recommendation and the reasons for it; the activity or activities involved in the permit action; a statement that a person may submit comments or contest the draft permit within 30 days after the

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publication of the notice; a description of the procedures a person must follow to contest the draft permit and request a hearing in accordance with article 74:09; and a statement describing where copies of the draft permit or other information may be obtained. The department shall provide to the interested parties a 30-day notice of any hearing to contest a draft permit.

**Source:** 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 34A-1-21~~, 34A-1-30~~.

**74:36:20:13. Final permit decision -- Notice to interested persons.** The department shall make its final permit decision within 30 days of the end of the public comment period on a draft permit. The department shall notify, in writing, the applicant and each person that submitted written comments or requested notice of the final permit decision. The notice shall include reference to the procedures for contesting the final permit decision and requesting a hearing in accordance with article 74:09. For the purpose of this section, the final permit decision means proposing a permit or denying a permit.

The final permit shall be issued within 30 days of notifying the applicant and each person that submitted written comments or requested notification of the final permit decision except under the following conditions:

(1) A later effective date is specified in the final permit decision;

(2) A contested case hearing is requested; or

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(3) No comments or request for changes in the draft permit were received during the public comment period on the draft permit. In this case, the draft permit automatically becomes the final permit decision and the final permit is issued at the end of the public comment period.

**Source:** 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

**74:36:20:14. Right to petition for contested case hearing.** The applicant or interested person may petition the board and obtain a contested case hearing to dispute the department's draft permit. Any other person may petition to intervene and request a hearing if the person has an interest affected by the department's draft permit. Such petitions must comply with the provisions of article 74:09 and be received by the department within 30 days after publication of the notice required by § 74:36:20:11.

The applicant or an interested person that comments on the draft permit may petition the board for and obtain a contested case hearing to dispute the department's final permit decision. Such petitions must comply with the provisions of article 74:09 and be received by the department within 30 days after receiving the department's final permit decision.

If the draft permit or the final permit decision is contested, the department shall present the draft permit or final permit decision to the board for action in accordance with article 74:09.

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**Source:** 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 1-26-27, 1-26-29, 34A-1-21~~, 34A-1-30, 34A-1-34~~.

**74:36:20:15. Contents of construction permit.** A construction permit shall include the following:

(1) The signature of either the secretary or the chairman;

(2) The name of the person, company, political subdivision, agency, or institution granted a permit;

(3) The type of operation;

(4) The facility and mailing address;

(5) The date the construction permit was granted;

(6) A number for administrative reference;

(7) The timeline for submitting a timely and complete application for a minor source operating permit or Part 70 source operating permit;

(8) A statement granting a construction permit by the board or secretary and any conditions that the board or secretary may impose to ensure compliance with the act and the Clean Air Act;

(9) Emission limits and standards, including operational requirements and limits for all regulated emission units, necessary to ensure compliance with applicable requirements of the act and the Clean Air Act;

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(10) Monitoring, recordkeeping, and reporting requirements necessary to determine compliance with the construction permit;

(11) A severability clause to ensure the continued validity of the various permit requirements if any portions of the permit are challenged; and

(12) Provisions stating the following:

(a) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action;

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

(c) The permittee shall provide any information, including records, requested in writing by the department to determine compliance.

**Source:** 36 SDR 207, effective June 28, 2010.

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

**Law Implemented:** SDCL 34A-1-21~~, 34A-1-30~~.

## CHAPTER 74:36:21

## REGIONAL HAZE PROGRAM

Section

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**74:36:21:02. Definitions.** Unless otherwise specified, the terms used in this chapter mean:

(1) "Adverse impact on visibility," visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I federal area. Adverse impact on visibility shall be based on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with times of visitor use of a mandatory Class I federal area and the frequency and timing of natural conditions that reduce visibility;

(2) "BART," best available retrofit technology;

(3) "Best available retrofit technology" an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonable be anticipated to result from the use of such technology;

(4) "BART-eligible source," an existing stationary facility;

(5) "Coal-fired power plant," any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise real property used, or intended for use, for the conversion of coal into electric power;

(6) "Contribute to adverse impact on visibility," a change in visibility impairment in a mandatory Class I federal area of five-tenths deciviews or more, based on a 24-hour average, above the average natural visibility baseline. A source exceeds the threshold if the 98$^{th}$ percentile

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(eighth highest value) of the modeling results, based on one year of the three years of meteorological data modeled, equals or exceeds five-tenths deciviews;

(7) "Major source," as defined in § 74:36:01:08(2) and (3);

(8) "Mandatory Class I federal area," any area identified in 40 C.F.R. § 81, Subpart D (~~July 1, 2009~~ **July 1, 2012**);

(9) "Visibility impairment," any human perceptible change in visibility such as light extinction, visual range, contrast, coloration, from that which would have existed under natural conditions;

(10) "30-day rolling average," expressed as pounds per million Btus and pounds per hour and calculated in accordance with the following procedures:

(a) Sum the total pounds of pollutant in question emitted from a unit during an operating day and the previous 29 operating days;

(b) Sum the total heat input to the unit in million Btus during the operating day and the previous 29 operating days;

(c) Sum the total hours the unit operated in hours during the day and the previous 29 operating days;

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(d) For pounds per million Btus, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total heat input during the 30-day operating days;

(e) For pounds per hour, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total hours operated during the 30-day operating days.

A new 30-day rolling average shall be calculated for each new operating day. Each 30-day rolling average shall represent all emissions, including emissions that occur during periods of startup, shut down, and malfunction; and

(11) "Operating day," a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted the entire 24-hour period.

**Source:** 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:21:04. Visibility impact analysis.** The owner or operator of a new major source or modification to a major source shall demonstrate to the department that the potential to emit

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from the new major source or modification to a major source will not contribute to adverse impact on visibility in any mandatory Class I federal area. The demonstration shall be based on visibility models approved in 40 C.F.R. § 51, Subpart W (~~July 1, 2009~~ **July 1, 2012**).

**Source:** 37 SDR 111, effective December 7, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:21:05. BART determination.** The owner or operator of a BART-eligible source that emits any air pollutant which may reasonably be anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area shall submit a BART determination. The BART determination shall follow the procedures outlined in 40 C.F.R. § 51, Subpart Y ~~July 1, 2009~~ **July 1, 2012**) and must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source. In this analysis, the BART determination must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology. The BART determination shall be submitted within nine months after being notified by the department that the existing stationary source is reasonably anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area.

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**Source:** 37 SDR 111, effective December 7, 2010.

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

**Law Implemented:** SDCL 34A-1-6.

**74:36:21:09. Monitoring, recordkeeping, and reporting.** The owner or operator required to install and operate controls established in a visibility impact analysis or BART determination shall conduct periodic monitoring, recordkeeping, and reporting. All sulfur dioxide and nitrogen oxides emissions from the BART-eligible source shall be routed to the main stack of a BART-eligible source. The owner or operator of a BART-eligible source shall install, certify, maintain, calibrate, and operate a continuous emission monitoring system for sulfur dioxide and nitrogen oxide in accordance with 40 C.F.R. Part 75 (~~July 1, 2009~~ **July 1, 2012**), except the recordkeeping and reporting requirements for the continuous emission monitoring systems shall be in accordance with 40 C.F.R. § 60.7 (~~July 1, 2009~~ **July 1, 2012**). Monitoring and related recordkeeping and reporting requirements for other air pollutants from a BART-eligible source or from a major source or modification of a major source shall consist of at least the following:

(1) All emissions monitoring and analysis procedures, alternative approved methods, or test methods required in determining compliance with §§ 74:36:21:04 and 74:36:21:06;

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

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(3) Documentation of the following:

(a) The date, place, and time of sampling or measurements;

(b) The date or dates analyses were performed;

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

(d) The analytical techniques or methods used;

(e) The results of such analyses; and

(f) The operating conditions as existing at the time of sampling or measurement;

(4) Recordkeeping and reporting requirements that comply with the following:

(a) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all exceedances with §§ 74:36:21:04 and 74:36:21:06. All required reports must be certified by a responsible official; and

(b) Exceedances of §§ 74:36:21:04 and 74:36:21:06, including those attributable to upset conditions. The probable cause of such exceedance and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

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

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**Source:** 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011.

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

**Law Implemented:** SDCL 34A-1-6.

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