

ARTICLE 74:36 – AIR POLLUTION CONTROL PROGRAM

NOTICE OF PUBLIC HEARING TO REVISE RULES

A public hearing will be held in the Coolidge Meeting Room, Creekside Lodge, 13389 U.S. Highway 16A, Custer, South Dakota, on September 15, 2010, at 9:00 a.m. mountain daylight time, to consider the proposed addition of the Administrative Rules of South Dakota, Chapter 74:36:21 – Regional Haze Program and South Dakota's Regional Haze State Implementation Plan.

In the 1990 Clean Air Act Amendments, Congress added section 169B to strengthen and reaffirm the national goal and address visibility impairment from a collection of sources whose emissions are mixed and transported over long distances to Class I areas. South Dakota has two Class I areas and they are the Badlands and Wind Cave National Parks.

EPA promulgated the regional haze rule on July 1, 1999. Under Title 40 of the Code of Federal Regulations (CFR), section 51.308(d)(1), states must “establish goals (expressed in deciviews) that provide for reasonable progress towards achieving natural visibility conditions” for each Class I area within a state by 2064. The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. The proposed rules and South Dakota's State Implementation Plan for adopting a Regional Haze Program establish the measures South Dakota will take to achieve natural visibility conditions at its two Class I areas by 2064. South Dakota's State Implementation Plan addresses the following elements:

1. In accordance with 40 CFR § 51.308(d), the core regional haze program requirements (e.g., identification of Class I areas; determination of baseline conditions, natural conditions, and uniform rate of progress; and baseline, current and future emissions inventories);
2. In accordance with 40 CFR § 51.308(e), who is subject to BART and BART controls, emissions limits, compliance determinations, recordkeeping, and reporting requirements;
3. In accordance with 40 CFR § 51.308(f), a commitment to conduct comprehensive periodic revisions of South Dakota's State Implementation Plan for its Regional Haze Program;
4. In accordance with 40 CFR § 51.308(g), a commitment to periodically report the progress towards achieving reasonable progress goals;
5. In accordance with 40 CFR § 51.308(h), a commitment to determine the adequacy of the existing implementation plan; and
6. In accordance with 40 CFR § 51.308(i), the requirements for continued coordination with states and federal land managers.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments and/or South Dakota's Regional Haze State Implementation Plan may do so by

appearing in person at the hearing or by submitting written comments to the person and address noted as follows:

Rick Boddicker, Environmental Senior Scientist
South Dakota Department of Environment and Natural Resources
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

Written comments must be received by close of business on September 14, 2010, to be considered. After the hearing, the Board of Minerals and Environment will consider all written and oral comments it receives on the proposed amendments. The Board of Minerals and Environment may modify or amend a proposed rule and/or South Dakota's Regional Haze State Implementation Plan at that time to include or exclude matters that are described in this notice.

Please notify the department at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making special arrangements is (605) 773-3151.

Copies of the proposed rules may be obtained without charge by calling Lita Magedanz at (605) 773-3151 or from the following website:

<http://denr.sd.gov/des/airprog/airprogr.aspx>



Steven M. Pirner
Secretary

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