Permit #: 28.1150-02

Effective Date: March 31, 2014

Expiration Date: January 18, 2016

SOUTH DAKOTA DEPARTMENT OF

ENVIRONMENT AND NATURAL RESOURCES

TITLE V AIR QUALITY OPERATING PERMIT

Steven M. Pirner, P.E., Secretary
Department of Environment and Natural Resources

Under the South Dakota Air Pollution
Control Regulations

Pursuant to Chapter 34A-1-21 of the South Dakota Codified Laws and the Air Pollution Control Regulations of the State of South Dakota and in reliance on statements made by the owner designated below, a permit to operate is hereby issued by the Secretary of the Department of Environment and Natural Resources. This permit authorizes such owner to operate the unit(s) at the location designated below and under the listed conditions:

A. Owner

1. Company Name and Mailing Address

   Hills Materials Company
   PO Box 2320
   Rapid City, SD 57709-2320

2. Actual Source Location if Different from Above

   3730 Sturgis Road
   Rapid City

3. Permit Contact

   Mike Lee, Aggregate Superintendent
   605-394-3300

4. Facility Contact

   Clint Allen, Environmental/Quality Control
   605-394-3320

5. Responsible Official

   Eric Leverson, General Manager
   605-394-3300

B. Permit Revisions or Modifications

- July 26, 2013 – Minor permit amendment to replace the crusher associated with Unit #2 with a 2012 Metso secondary crusher

- March 25, 2014 – Minor permit amendment to change the fuel source for Unit #5-R

- March 31, 2014 – Minor permit amendment to replace Unit #3 and take Unit #4 of the tertiary crushing system permanently off-line.

C. Type of Operation

Limestone quarrying and processing along with asphalt concrete production

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1.0 STANDARD CONDITIONS

1.1 **Operation of source.** In accordance with Administrative Rules of South Dakota (ARSD) 74:36:05:16.01(8), the owner or operator shall operate the units, controls, and processes as described in Table 1-1 in accordance with the statements, representations, and supporting data contained in the complete permit application submitted and dated July 8, 2010, April 19, 2013, November 14, 2013, and February 6, 2014, unless modified by the conditions of this permit. Except as otherwise provided herein, the control equipment shall be operated in a manner that achieves compliance with the conditions of this permit at all times. The application consists of the application forms, supporting data, and supplementary correspondence. If the owner or operator becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in an application, such information shall be promptly submitted.

Table 1-1 – Description of Permitted Units, Operations, and Processes

Unit	Description	Maximum Operating Rate	Control Device
#1	Primary crushing system, which includes a 1981 Universal Pri-Impactor, apron feeder, Mesabi screen, and Eljay screen.	400 tons per hour	Baghouse 001 – 1993 C & W Dust Systems baghouse
#2	Secondary crushing system, which includes a 2012 Metso secondary crusher and Pioneer screen.	260 tons per hour	Baghouse 003 – 1995 C & W Dust Systems baghouse
#3	Tertiary crushing system, which includes a 2014 vertical shaft impactor, KPI, model 2500 EV.	180 tons per hour	Baghouse 004 – 1995 C & W Dust Systems baghouse
			Baghouse 002 – 1993 C & W Dust Systems baghouse
#5-R	Drum type asphalt plant fired with natural gas, soybean fuel derivative, distillate oil, or used oil.	Not to exceed 400 tons per hour	Baghouse 006
#6	1992 Gencor Industries, MKG-600, boiler fired with natural gas.	6.0 million Btus per hour heat input	Not applicable

1.2 **Duty to comply.** In accordance with ARSD 74:36:05:16.01(12), the owner or operator shall comply with the conditions of this permit. An owner or operator who knowingly makes a false statement in any record or report or who falsifies, tampers with, or renders inaccurate, any monitoring device or method is in violation of this permit. A violation of any condition in this permit is grounds for enforcement, reopening this permit, permit termination, or denial of a permit renewal application. The owner or operator, in an enforcement action, cannot use the defense that it would have been necessary to cease or reduce the permitted activity to maintain

compliance. The owner or operator shall provide any information requested by the Secretary to determine compliance or whether cause exists for reopening or terminating this permit.

1.3 Property rights or exclusive privileges. In accordance with ARSD 74:36:05:16.01(12), the State's issuance of this permit, adoption of design criteria, and approval of plans and specifications does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties. The State does not warrant that the owner's or operator's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The owner or operator is solely and severally liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, which may result from actions taken under the permit.

1.4 Penalty for violating a permit condition. In accordance with South Dakota Codified Laws (SDCL) 34A-1-39 and 34A-1-47, a violation of a permit condition may subject the owner or operator to civil or criminal prosecution, a state penalty of not more than $10,000 per day per violation, injunctive action, administrative permit action, and other remedies as provided by law.

1.5 Inspection and entry. In accordance with SDCL 34A-1-41, the owner or operator shall allow the Secretary to:

1. Enter the premises where a regulated activity is located or where pertinent records are stored;
2. Have access to and copy any records that are required under this permit;
3. Inspect operations regulated under this permit; and/or
4. Sample or monitor any substances or parameters for the purpose of assuring compliance.

1.6 Severability. In accordance with ARSD 74:36:05:16.01(11), any portion of this permit that is void or challenged shall not affect the validity of the remaining permit requirements.

1.7 Permit termination, modification, or revocation. In accordance with ARSD 74:36:05:46, the Secretary may recommend that the Board of Minerals and Environment terminate, modify, or revoke this permit for violations of SDCL 34A-1 or the federal Clean Air Act or for nonpayment of any outstanding fee or enforcement penalty.

1.8 Credible evidence. In accordance with ARSD 74:36:13:07, credible evidence may be used for the purpose of establishing whether the owner or operator has violated or is violation of this permit. 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 CFR § 70.6(a)(3) and incorporated in this permit; or
b. Compliance methods specified in an applicable plan;

2. The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
   a. Any monitoring or testing methods approved in this permit, including those in 40 CFR Parts 51, 60, 61, and 75; or
   b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in section (1) or (2)(a).

2.0 PERMIT FEES

2.1 **Annual air fee required.** In accordance with ARSD 74:36:05:06.01, the owner or operator shall submit an annual administrative fee and an annual fee. The fee is based on actual emissions in accordance with ARSD 74:37.

2.2 **Annual operational report.** In accordance with ARSD 74:37:01:06, the Secretary will supply the owner or operator with an annual operational report in January of each year. The owner or operator shall complete and submit the operational report to the Secretary by March 1 of each year. The responsible official shall sign the operational report in the presence of a notary public.

2.3 **Annual air fee.** In accordance with ARSD 74:37:01:08, the Secretary will notify the owner or operator of the required annual air emission fee and administrative fee by June 1 of each year. The fees shall accrue on July 1 and are payable to the Department of Revenue by July 31 of each year.

3.0 PERMIT AMENDMENT AND MODIFICATION CONDITIONS

3.1 **Permit flexibility.** In accordance with ARSD 74:36:05:30, the owner or operator shall have the flexibility to make changes to the source during the term of this permit. The owner or operator shall provide the Secretary written notice at least seven days in advance of the proposed change (NOTE: The Secretary will forward a copy of the written notice to EPA). The written notice shall include a brief description of the change, the date on which the change is to occur, any change in emissions, the proposed changes to the permit, and whether the requested revisions are for an administrative permit amendment, minor permit amendment, or permit modification.

The Secretary will notify the owner or operator whether the change is an administrative permit amendment, a minor permit amendment, or a permit modification. A proposed change that is considered an administrative permit amendment or a minor permit amendment can be completed immediately after the Secretary receives the written notification. The owner or operator must

comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Secretary takes final action on the proposed change.

A proposed change that is considered a modification can not be constructed until the Secretary takes final action on the proposed change. Permit modifications are subject to the same procedural requirements, including public comment, as the original permit issuance except that the required review shall cover only the proposed changes.

3.2 **Administrative permit amendment.** In accordance with ARSD 74:36:05:33, the Secretary has 60 days from receipt of a written notice to verify that the proposed change is an administrative permit amendment. As provided in ARSD 74:36:01:03, the Secretary considers a proposed change an administrative permit amendment if the proposed change accomplishes one of the following:

1. Corrects typographical errors;
2. Changes the name, address, or phone number of any person identified in this permit or provides a similar minor administrative change at the source;
3. Requires more frequent monitoring or reporting by the source;
4. The ownership or operational control of a source change and the Secretary determines that no other change in this permit is necessary. However, the new owner must submit a certification of applicant form and a written statement specifying the date for transfer of operating permit responsibility, coverage, and liability; or
5. Any other changes that the Secretary and the administrator of EPA determines to be similar to those requirements in this condition.

3.3 **Minor permit amendment.** In accordance with ARSD 74:36:05:38, the Secretary has 90 days from receipt of a written notice or 15 days after the end of EPA's 45-day review period, whichever is later, to take final action on a minor permit amendment. Final action consists of issuing or denying a minor permit amendment or determining that the proposed change is a permit modification. As provided in ARSD 74:36:05:35, the Secretary considers a proposed change to be a minor permit amendment if the proposed change:

1. Does not violate any applicable requirements;
2. Does not involve significant changes to existing monitoring, reporting, or record keeping requirements;
3. Does not require or change a case-by-case determination of an emission limit or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis; or
4. Does not seek to establish or change a permit term or condition for which the source has assumed to avoid an applicable requirement, a federally enforceable emission cap, or an alternative emission limit. An alternative emission limit is approved pursuant to regulations promulgated under section 112(i)(5) of the federal Clean Air Act.

3.4 **Permit modification.** In accordance with ARSD 74:36:05:39, an owner or operator may apply for a permit modification. A permit modification is defined in ARSD 74:36:01:10 as a

physical change in or change in the operation of a source that results in at least one of the following:

1. An increase in the amount of an air pollutant emitted by the source or results in the emission of an air pollutant not previously emitted;
2. A significant change to existing monitoring, reporting, or record keeping requirements in the permit;
3. The change requires or changes a case-by-case determination of an emission limit or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis; or
4. The change seeks to establish or change a permit term or condition for which there is a corresponding underlying applicable requirement that the source has assumed to avoid an applicable requirement, a federally enforceable emissions cap assumed to avoid classification as a modification under a provision of the Title I of the Clean Air Act, or an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.

Permit modifications are subject to the same procedural requirements, including public comment, as the original permit issuance except that the required review shall cover only the proposed changes.

3.5 **Permit revision.** In accordance with ARSD 74:36:05:40, the Secretary may reopen and revise this permit to meet requirements of SDCL 34A-1 or the federal Clean Air Act.

3.6 **Testing new fuels or raw materials.** In accordance with ARSD 74:36:11:04, an owner or operator may request permission to test a new fuel or raw material to determine if it is compatible with existing equipment before requesting a permit amendment or modification. A complete test proposal shall consist of the following:

1. A written proposal that describes the new fuel or raw material, operating parameters, and parameters that will be monitored and any testing associated with air pollutant emissions during the test;
2. An estimate of the type and amount of regulated air pollutant emissions that will result from the proposed change; and
3. The proposed schedule for conducting the test. In most cases the owner or operator will be allowed to test for a maximum of one week. A request for a test period longer than one week will need additional justification. A test period shall not exceed 180 days.

The Secretary shall approve, conditionally approve, or deny in writing the test proposal within 45 days after receiving a complete proposal. Approval conditions may include changing the test schedule or pollutant sampling and analysis methods. Pollutant sampling and analysis methods may include, but are not limited to performance testing, visible emission evaluation, fuel analysis, dispersion modeling, and monitoring of raw material or fuel rates.

If the Secretary determines that the proposed change will result in an increase in the emission of a regulated air pollutant or result in the emission of an additional regulated air pollutant, the Secretary shall give public notice of the proposed test for 30 days. The Secretary shall consider all comments received during the 30-day public comment period before making a final decision on the test.

The Secretary will not approve a test if the test would cause or contribute to a violation of a national ambient air quality standard.

4.0 PERMIT RENEWAL REQUIREMENTS

4.1 **Permit effective.** In accordance with ARSD 74:36:05:07, this permit shall expire five years from date of issuance unless reopened or terminated for cause.

4.2 **Permit renewal.** In accordance with ARSD 74:36:05:08, the owner or operator shall submit an application for a permit renewal at least 180 days before the date of permit expiration if the owner or operator wishes to continue an activity regulated by this permit. The current permit shall not expire and shall remain in effect until the Secretary takes final action on the timely permit renewal application.

4.3 **Permit expiration.** In accordance with ARSD 74:36:05:28, permit expiration terminates the owner's or operator's right to operate any unit covered by this permit.

5.0 RECORDKEEPING AND REPORTING REQUIREMENTS

5.1 **Recordkeeping and reporting.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall maintain all monitoring data, records, reports, and pertinent information specified by this permit for five years from the date of sample, measurement, report, or application unless otherwise specified in this permit. The records shall be maintained on site for the first two years and may be maintained off site for the last three years. All records must be made available to the Secretary for inspection. All notifications and reports shall be submitted to the following address:

South Dakota Department of Environment and Natural Resources
PMB 2020, Air Quality Program
523 E. Capitol, Joe Foss Building
Pierre, SD 57501-3182

5.2 **Signatory Requirements.** In accordance with ARSD 74:36:05:12 and ARSD 74:36:05:16.01, all applications submitted to the Secretary shall be signed and certified by a responsible official. A responsible official for a corporation is a responsible corporate officer and for a partnership or sole proprietorship is a general partner or the proprietor, respectively. All reports or other information submitted to the Secretary shall be signed and certified by a

responsible official or a duly authorized representative. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Secretary; and
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

The responsible official shall notify the Secretary if an authorization is no longer accurate. The new duly authorized representative must be designated prior to or together with any reports or information to be signed by a duly authorized representative.

5.3 **Certification statement.** In accordance with ARSD 74:36:05:16.01(14)(a), all documents required by this permit, including application forms, reports, and compliance certification, must be certified by a responsible official or a duly authorized representative. The certification shall include the following statement:

> "I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this document and all attachments are true, accurate, and complete."

5.4 **Monitoring log.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall maintain a monitoring log. The monitoring log shall contain the following information.

1. Maintenance schedule for each piece of control equipment listed in Table 1-1. At a minimum, the maintenance schedule shall meet the manufacturer's recommended schedule for maintenance. The following information shall be recorded for maintenance:
   a. Identify the unit;
   b. The date and time maintenance was performed;
   c. Description of the type of maintenance;
   d. Reason for performing maintenance;
   e. Signature of person performing maintenance;
2. The following information shall be recorded for each visible emission reading required in permit condition 8.1:
   a. Identify the unit;
   b. The date and time the visible emission reading was performed;
   c. If visible emissions were observed;
   d. Description of maintenance performed to eliminate visible emissions;
   e. Visible emission evaluation if visible emissions are not eliminated; and
   f. Signature of person performing visible emission reading and/or visible emission evaluation;

3. The owner or operator shall maintain relevant records of the occurrence and duration of each startup, shutdown, or malfunction of process equipment and/or air pollution control equipment;
4. The certification requirements in permit condition 8.4 for each shipment of used oil;
5. If the owner or operator records the pressure drop across the baghouse(s) manually, the owner or operator shall record the pressure drop reading once daily every calendar day of operation; and
6. The following information shall be recorded within two days of each emergency exceedance:
   a. The date of the emergency exceedance and the date the emergency exceedance was reported to the Secretary;
   b. The cause(s) of the emergency;
   c. The reasonable steps taken to minimize the emissions during the emergency; and
   d. A statement that the permitted equipment was at the time being properly operated.

5.5 **Monthly records.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall calculate and record the quantity of asphalt cement produced from Unit #5-R, in tons, during the month. A 12-month rolling total shall be calculated every month using that month's value and the previous 11 months' values.

5.6 **Annual records.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall calculate and record the following amounts from January 1 to December 31 of each year:

1. The amount of material fed or processed through each unit listed in Table 1-1;
2. The amount of asphalt produced from Unit #5-R;
3. The number of hours operated by each unit listed in Table 1-1;
4. The amount of natural gas, soybean fuel derivative distillate oil, and used oil burned in Unit #5-R;
5. The amount of natural gas burned in Unit #6;
6. A copy of the results of any distillate oil analysis conducted during the reporting period; and
7. The owner or operator shall record the required information necessary for calculating fugitive emissions from the facility.

The amount natural gas, distillate oil, and used oil consumed and the process throughputs shall be based on production records, consumption records, purchase records, etc.

5.7 **Annual compliance certification.** In accordance with ARSD 74:36:05:16.01(14), the owner or operator shall submit an annual compliance certification letter to the Secretary by March 1 of each year this permit is in effect (NOTE: The Secretary will forward a copy of the certification letter to EPA). The certification shall contain the following information:

1. Methods used to determine compliance, including: monitoring, recordkeeping, performance testing and reporting requirements;
2. The source is in compliance and will continue to demonstrate compliance with all applicable requirements;

3. In the event the source is in noncompliance, a compliance plan that indicates how the source has or will be brought into compliance; and
4. Certification statement required in permit condition 5.3.

5.8 **Annual construction season startup notification.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall submit a construction season startup notification each year. The notification shall be postmarked within 15 days after the date of the construction season startup. For the purpose of this permit condition, the date of the construction season startup means the first day in the calendar year in which asphalt cement is produced by Unit #5-R.

5.9 **Reporting permit violations.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall report all permit violations. A permit violation should be reported as soon as possible, but no later than the first business day following the day the violation was discovered. The permit violation may be reported by telephone to the South Dakota Department of Environment and Natural Resources at (605) 773-3151 or by FAX at (605) 773-5286.

A written report shall be submitted within five days of discovering the permit violation. Upon prior approval from the Secretary, the submittal deadline for the written report may be extended up to 30 days. The written report shall contain:

1. Description of the permit violation and its cause(s);
2. Duration of the permit violation, including exact dates and times; and
3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the permit violation.

6.0 CONTROL OF REGULATED AIR POLLUTANTS

6.1 **Visibility limit.** In accordance with ARSD 74:36:12:01, the owner or operator may not discharge into the ambient air an air contaminant of a density equal to or greater than that designated as 20 percent opacity from any permitted unit, operation, or process listed in Table 1-1. This provision does not apply when the presence of uncombined water is the only reason for failure to meet the requirement.

6.2 **Visibility exceedances.** In accordance with ARSD 74:36:12:02, an exceedance of the operating limit in permit condition 6.1 is not considered a violation during brief periods of soot blowing, start-up, shutdown, or malfunctions. Malfunction means any sudden and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. 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 is not a malfunction and is considered a violation.

6.3 **Total suspended particulate emission limits.** In accordance with ARSD 74:36:06:03(1), the owner or operator shall not allow the emission of total suspended particulate in excess of the emission limit specified in Table 6-1 for the appropriate permitted unit, operation, and process.

Table 6-1 – Total Suspended Particulate Emission Limit

Unit	Description	Emission Limit
#1	Primary crushing system	227 pounds per hour
#2	Secondary crushing system	170 pounds per hour
#3	Tertiary crushing system 1	133 pounds per hour
#6	Boiler	0.6 pounds per MMBtus

6.4 **Total suspended particulate emission limit for Unit #5-R.** In accordance with ARSD 74:36:07:10, as referenced to 40 CFR § 60.92(a)(1), the owner or operator shall not allow a discharge or cause the discharge into the atmosphere from Unit #5-R any gases which contain total suspended particulate matter in excess of 90 milligrams per dry standard cubic meter (0.04 grains per dry standard cubic foot).

6.5 **Sulfur dioxide limits.** In accordance with ARSD 74:36:06:03(2), the owner or operator shall not allow the emission of sulfur dioxide in excess of the emission limit specified in Table 6-2 for the appropriate permitted unit, operations, and process.

Table 6-2 – Sulfur Dioxide Emission Limit

Unit	Description	Emission Limit
#5-R	1993 CMI Triple drum mix asphalt plant	3.0 pounds per million Btu heat input
#6	Boiler	3.0 pounds per million Btu heat input

Compliance with the sulfur dioxide emission limit is based on a three-hour rolling average, which is the arithmetic average of three contiguous one-hour periods.

6.6 **Production limit for Unit #5-R.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall not allow asphalt concrete production from Unit #5-R to exceed 250,000 tons per 12-month rolling period.

6.7 **Operating without the control equipment not allowed.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall operate the control equipment as described in Table 1-1 at all times while the applicable unit is in operation unless otherwise noted in this permit. The control equipment shall be operated in accordance with the manufacturer's specifications.

6.8 **Air emission exceedances – emergency conditions.** In accordance with ARSD 74:36:05:16.01(18), the Secretary will allow for an unavoidable emission exceedance of a technology-based emission limit if the exceedance is caused by an emergency condition and immediate action is taken by the owner or operator to restore the operations back to normal. An emergency condition is a situation arising from a sudden and reasonably unforeseeable event beyond the control of the source, including acts of God. An emergency shall not include an emission exceedance to the extent caused by improperly designed equipment, lack of preventive

maintenance, careless or improper operation, or operator error. The owner or operator shall notify the Secretary within two working days of the incident and take all steps possible to eliminate the excess emissions. The notification must provide a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. If the notification is submitted orally, a written report summarizing the information required by the notification shall be submitted and postmarked within 30 days of the oral notification

6.9 **Circumvention not allowed.** In accordance with ARSD 74:36:05:47.01, the owner or operator may not install, use a device, or use a means that conceals or dilutes an air emission that would otherwise violate this permit. This includes operating a unit or control device that emits air pollutants from an opening other than the designed stack, vent, or equivalent opening.

6.10 **Minimizing emissions.** In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.11(d), the owner or operator shall at all times, when practicable, maintain and operate all permitted units in a manner that minimizes air pollution emissions.

7.0 PERFORMANCE TESTS

7.1 **Performance test may be required.** In accordance with ARSD 74:36:11:02, the Secretary may request a performance test during the term of this permit. A performance test shall be conducted while operating the unit at or greater than 90 percent of its maximum design capacity, unless otherwise specified by the Secretary. A performance test conducted while operating less than 90 percent of its maximum design capacity will result in the operation being limited to the percent achieved during the performance test. The Secretary has the discretion to extend the deadline for completion of performance test required by the Secretary if circumstances reasonably warrant but will not extend the deadline past a federally required performance test deadline.

7.2 **Test methods and procedures.** In accordance with ARSD 74:36:11:01, the owner or operator shall conduct the performance test in accordance with 40 CFR Part 60, Appendix A, 40 CFR Part 63, Appendix A, and 40 CFR Part 51, Appendix M. The Secretary may approve an alternative method if a performance test specified in 40 CFR Part 60, Appendix A, 40 CFR Part 63, Appendix A, and 40 CFR Part 51, Appendix M is not federally applicable or federally required.

7.3 **Representative performance test.** In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.8(c), performance tests shall be conducted under such conditions as the Secretary shall specify to the owner or operator based on the representative performance of the unit being tested. The owner or operator shall make available to the Secretary such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in this permit.

7.4 **Submittal of test plan.** In accordance with ARSD 74:36:11:01, the owner or operator shall submit the proposed testing procedures to the Secretary at least 30 days prior to any performance test. The Secretary will notify the owner or operator if the proposed test procedures are approved or denied. If the proposed test procedures are denied, the Secretary will provide written notification that outlines what needs to be completed for approval.

7.5 **Notification of test.** In accordance with ARSD 74:36:11:03, the owner or operator shall notify the Secretary at least 10 days prior to the start of a performance test to arrange for an agreeable test date when the Secretary may observe the test. The Secretary may extend the deadline for the performance test in order to accommodate schedules in arranging an agreeable test date.

7.6 **Performance test report.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall submit a performance test report to the Secretary within 60 days after completing the performance test or by a date designated by the Secretary. The performance test report shall contain the following information:

1. A brief description of the process and the air pollution control system being tested;
2. Sampling location description(s);
3. A description of sampling and analytical procedures and any modifications to standard procedures;
4. Test results;
5. Quality assurance procedures and results;
6. Records of operating conditions during the test, preparation of standards, and calibration procedures;
7. Raw data sheets for field sampling and field and laboratory analyses;
8. Documentation of calculations;
9. All data recorded and used to establish parameters for compliance monitoring; and
10. Any other information required by the test method.

8.0 MONITORING

8.1 **Periodic monitoring for opacity limits.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall demonstrate compliance with the opacity limits in Chapter 6.0, except Unit #6, on a periodic basis. Periodic monitoring shall be based on the amount of visible emissions from each unit and evaluated according to the following steps:

Step 1: If there are no visible emissions from a unit subject to an opacity limit, periodic monitoring shall consist of a visible emission reading. A visible emission reading shall consist of a visual survey of each unit over a two-minute period to identify if there are visible emissions. The visible emission reading must be conducted while the unit is in operation; but not during periods of startup, shutdown, or malfunctions. Visible emission readings on each unit subject to an opacity limit in Chapter 6.0 shall be based on the following frequency:

a. The owner or operator shall conduct a visible emission reading once per calendar month;
b. If no visible emissions are observed from a unit in six consecutive monthly visible emission readings, the owner or operator may decrease the frequency of readings from monthly to semiannually for that unit; or
c. If no visible emissions are observed from a unit in two consecutive semiannual visible emission readings, the owner or operator may decrease the frequency of testing of readings from semiannually to annually for that unit.

Step 2: If visible emissions are observed from a unit at any time other than periods of startup, shutdown, or malfunction, the owner or operator shall conduct a visible emission test on that unit to determine if the unit is in compliance with the opacity limit specified in Chapter 6.0. The emission test shall be for six minutes and conducted in accordance with 40 CFR Part 60, Appendix A, Method 9. The visible emission test must be conducted while the unit is in operation; but not during periods of startup, shutdown, or malfunctions. Visible emission tests shall be based on the following frequency:

a. The visible emission test must be conducted within one hour of witnessing a visible emission from a unit during a visible emission reading;
b. If the visible emission test required in Step 2(a) results in an opacity value less than or equal to 50 percent of the opacity limit for the unit, the owner or operator shall perform a visible emission test once per month;
c. If the opacity value of a visible emission test is less than five percent for six straight monthly tests, the owner or operator may revert back to monthly visible emission readings as required in Step 1;
d. If the visible emission test required in Steps 2(a) or 2(b) results in an opacity value greater than 50 percent of the opacity limit but less than the opacity limit, the owner or operator shall perform a visible emission test once per week; or
e. If the visible emission test in Step 2(d) results in an opacity value less than or equal to 50 percent of the opacity limit for six straight weekly readings, the owner or operator may revert back to a monthly visible emission test as required in Step 2(b).

The person conducting the visible emission test must be certified in accordance with 40 CFR Part 60, Appendix A, Method 9. If a visible emission test is required before a person is certified in accordance with permit condition 8.2, the owner or operator shall notify the Secretary within 24 hours of observing the visible emissions to schedule a visible emission test performed by a state inspector.

8.2 <u>Certified personnel – visible emission tests.</u> In accordance with ARSD 74:36:13:07, within 180 days after permit issuance the owner or operator shall retain a person that is certified to perform a visible emission test in accordance with 40 CFR Part 60, Appendix A, Method 9. The owner or operator shall retain a certified person throughout the remaining term of this permit.

8.3 <u>Monitoring sulfur content of distillate oil.</u> In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall obtain a fuel supplier certification for each load of

distillate oil purchased or received. The fuel supplier certification shall include the following information:

1. The name of the oil supplier;
2. A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil. Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2. Residual oil means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5, and 6. Specifications for fuel oils are defined in the American Society for Testing and Materials in ASTM D396-78, "Standards Specifications for Fuel Oils"; and
3. A statement that the sulfur content of the oil does not exceed 0.5 weight percent sulfur.

In the case where a fuel supplier certification is not obtained, the owner or operator shall collect a grab sample from the distillate oil storage tank within 30 days of receiving the shipment of distillate oil but before another load of distillate oil is transferred into the storage tank. The grab sample shall be analyzed to determine the sulfur content of the distillate oil in the storage tank. A copy of the results of the distillate oil analysis shall be submitted with the annual report required in permit condition 5.6.

8.4 **Monitoring contents of used oil.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall obtain a certification for each shipment of used oil which states the sulfur content of the used oil and that the used oil meets the following specifications as in 40 CFR § 279.11:

1.	Arsenic	5 parts per million maximum;
2.	Cadmium	2 parts per million maximum;
3.	Chromium	10 parts per million maximum;
4.	Lead	100 parts per million maximum;
5.	Flash point	100 degrees Fahrenheit minimum; and
6.	Total halogens	4,000 parts per million maximum.

8.5 **Annual burner evaluation and adjustment required.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall have an annual evaluation and adjustment of the burner conducted on Unit #5-R by a qualified burner technician within 30 days after start-up of each construction season.

8.6 **Monitoring pressure drop across baghouses.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall install, calibrate, maintain and operate a device to measure the pressure drop across each baghouse listed in Table 1-1. The device must be calibrated on an annual basis in accordance with manufacturer’s instructions. The owner or operator may operate the measurement device on a continuous basis using a strip recorder or similar device. In lieu of a continuous monitor, the owner or operator shall record the pressure drop across the baghouse in the monitoring log required in permit condition 5.4 at a minimum of once daily every calendar day of operation.

9.0 State Only – Best Available Control Measures for Fugitive Dust

9.1 **Unpaved road controls.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall apply a chemical stabilizer on all main haul roads and a chemical stabilizer or water on all secondary roads that have daily vehicular traffic or an alternative method approved by the Secretary. The frequency of applying chemical stabilizer or water will be on an as needed basis to comply with the opacity limit in permit condition 9.9. The owner or operator may pave the main haul roads or secondary roads with tack seal, asphalt, recycled asphalt, or concrete. If the main haul road or secondary haul road is paved, the owner or operator shall meet the requirements of permit condition 9.2. A main haul road is defined as a passageway between the mining area and the processing facility or between the processing facility and the storage area in which material is transferred on a road. A secondary haul road is defined as a passageway in which there is daily vehicular traffic on normal working days other than the main haul roads.

9.2 **Paved road and parking area controls.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall use a mechanical sweeper that collects particulate matter and is equipped with wet suppressions, a vacuum sweeper, or water flush all paved roads and parking areas to remove particulate matter that has the potential to be re-suspended during the spring, summer, and fall. During the winter months or during freezing weather, the paved roads and parking lots shall be cleaned with the mechanical sweeper that collects particulate matter and is equipped with wet suppressions or a vacuum sweeper. The frequency of cleaning will be on an as needed basis to comply with the opacity limit in permit condition 9.9.

9.3 **Track out area controls.** A track out area is defined as the driving surface from the owner's or operator's facility to a paved public roadway upon which particulate matter may be deposited by transport vehicles. In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall pave (asphalt or concrete) a track out area to maintain a stabilized surface starting from the point of intersection with the public paved surface into the facility boundary for a total distance of at least 100 feet and a width of at least 20 feet or install a wash station and require all haul truck vehicles leaving the facility to remove track out materials through the use of water. For temporary track out areas (in use for less than 60 days in a calendar year), techniques and/or controls shall be implemented so as to prevent particulate matter from becoming entrained in violation of the opacity limit in permit condition 9.9.

9.4 **Reclamation plan.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall implement the reclamation plan approved by the Secretary. The owner or operator may propose modifications to the approved reclamation plan by written notice to the Secretary. The Secretary shall notify the owner or operator within 90 days after receipt of a modification to a reclamation plan on if the proposed modification is approved or disapproved. If the proposed modification is disapproved, the Secretary will provide the reason why the proposed modification was not approved and what is required for the proposed modification to be approved. The owner or operator shall resubmit the revised modification within 90 days of receiving the Secretary's notification. Lands which have been reclaimed and approved by the Secretary shall no longer be subject to the reclamation plan requirements as long as they remain reclaimed.

9.5 **Open storage pile control.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall sample and analyze the silt content of open storage piles that have a height greater than or equal to three feet and have a total surface area greater than or equal to 150 square feet. The analysis shall be conducted once per calendar year and in accordance with ASTM C-136 or another equivalent method approved by the Secretary. Open storage pile controls shall be applied to each open storage pile that has a silt content of four percent by weight or greater. Silt is defined as any material with a particulate size less than 74 micrometers in diameter and passes through a number 200 sieve. Open storage pile controls shall be applied or constructed in a manner that maintains compliance with the opacity limit in permit condition 9.9. Open storage pile controls shall consist of at least one of the following:

1. Apply chemical stabilizer to the surface area of all open storage piles;
2. Apply water to the surface area of all open storage piles;
3. Install at least a two-sided enclosure with walls extending, at a minimum, to the top of the open storage pile; or
4. An alternative method approved by the Secretary

9.6 **Waste pit controls.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall apply a soil cement, water spray, or similar application to create a crusted surface over the entire waste pit or implement a combination of wind protection (i.e., wind-fence, wind-screen, three wall enclosure, etc.) and water spray application. Waste pit controls shall be applied or constructed in a manner that maintains compliance with the opacity limit in permit condition 9.9.

9.7 **Blasting controls.** In accordance with ARSD 74:36:05:16.01(8), no owner or operator shall blast during a high wind dust alert that is in effect except if the detonation charges have been set in the blasting holes prior to being notified of the high wind dust alert.

9.8 **Crusher control options.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall enclose any primary, secondary or tertiary rock crusher that is stationary. A stationary crusher is defined as a crusher that is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock. The enclosure shall include the associated screens, conveyor belts, and transfer points, except for transfer points that drop material onto an open stock pile or onto a conveyor system that transports limestone ore from the quarry to the processing facility. Any captured particulate shall be disposed of in a manner that will not allow the captured particulate to become re-entrained into the ambient air.

The term "enclosure" shall be defined to be either a complete enclosure around one or more pieces of equipment or an enclosure of those points on the equipment from which particulate is emitted. To qualify as an enclosure, the enclosure shall:

1. Be constructed of materials impermeable to air. The actual shell of a piece of equipment may be considered as the enclosure or part of the enclosure;
2. Be designed and constructed to minimize the number and size of openings through which air

may enter or exit the building or enclosure. Openings shall be covered by a curtain or other method to minimize the opening to the size reasonably needed for the movement of materials, equipment, personnel, and air necessary for operation and ventilation of occupied areas;

3. Be designed and constructed so that the discharge of air from the building or enclosed structure on the unit associated with movement of materials shall be minimized as much as is reasonably possible;
4. Include a method of controlling particulate emissions based on the type of enclosure. If the process is enclosed by a building, the owner or operator shall treat, capture, or remove particulate emissions generated from the material being processed with wet suppression, a baghouse or a wet scrubber. If the enclosure just covers the emission point, the owner or operator shall capture or remove particulate emissions generated from the material being processed with a baghouse or wet scrubber. The particulate emission control device shall be used at all times during the operation of the process equipment;
5. Whenever reasonably possible, the enclosure shall be designed so the enclosure and control have a negative pressure; and
6. Be designed and constructed together with the controls to allow for the removal of particulate emissions which have settled out of the air inside the enclosure or have been removed from the air by controls.

The owner or operator has the option of enclosing and controlling particulate emissions or applying wet suppression to control particulate emissions from a crusher that is mobile or a portable crusher that is moved in an area on a temporary basis. The enclosure and control device or wet suppression shall include the associated screens, conveyor belts, and transfer points, except for transfer points that drop material onto an open stock pile. An enclosure for a mobile or portable crusher shall meet the requirements specified above for a stationary crusher.

A portable crusher is defined as a crusher that is located and operated in the west Rapid City area for no more than 90 days per calendar year. An owner or operator that moves a portable crusher into the west Rapid City area is required to document the date the unit was moved in, the days the unit was operated, and the date the unit was moved out of the west Rapid City area. Once a portable crusher is operated in the west Rapid City area for 90 days in a calendar year, the portable crusher must be shutdown for the calendar year or moved to another location outside the west Rapid City area.

Air emissions from the enclosure shall be subject to the opacity limit in permit condition 9.9 or the applicable New Source Performance Standard for the crusher. Limitations in sealing off enclosures from airflow that will impact worker safety and health standards for indoor particulate emission limits will be considered when reviewing the plans. In the event of freezing conditions and where the wet suppression equipment is inoperable, the owner and operator may operate the crusher and associated equipment without wet suppression provided the crusher and associated equipment can comply with the applicable opacity standard.

9.9 **Opacity limit for fugitive sources.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall not discharge a visible emission to the ambient air of a density equal to

or greater than 20 percent opacity from an unpaved road, paved road or parking lot, crushing operation, open storage pile, track out area, or waste pit. The 20 percent opacity reading is based on a series of two minutes averages with a minimum observation period of six minutes. The opacity reading shall be determined by 40 CFR Part 60, Appendix A, Method 9.

If an operation exceeds the opacity limit, the Secretary will allow the owner or operator two opportunities to correct the exceedance with existing controls and/or control measures. In the event of a third exceedance from the same operation, the Secretary will notify the owner or operator that the Best Available Control Measure (BACM) for that operation must be reevaluated. The owner or operator shall reevaluate BACM for that operation and submit a written proposal to the Secretary on the proposed new BACM for the operation within 60 days of receiving the Secretary's notification. The Secretary shall approve or disapprove the proposed new BACM within 60 days of receiving the proposal from the owner or operator. Once the proposed new BACM is approved by the Secretary, the permit will be revised to include the new BACM using the appropriate permit revision method identified in Chapter 3.0.

9.10 <u>Opacity readings during a high wind dust alert.</u> In accordance with ARSD 74:36:09:02, as referenced to ARSD 74:36:05:16.01(8), opacity readings documenting an exceedance during a high wind air pollution alert shall not be considered an exceedance of the opacity limit in permit condition 9.9. A high wind air pollution alert is based upon the following weather conditions:

1. Winds equal to or greater than 20 miles per hour on an hourly average occurring for two or more consecutive hours;
2. Peak winds of 40 miles per hour (one minute average) or greater; and
3. The above wind conditions with three or more days of low precipitation (less than 0.02 inches).

10.0 USED OIL REQUIREMENTS

10.1 <u>Notification of regulated waste activity.</u> In accordance with ARSD 74:28:27:01 adopting by reference 40 CFR Part 279, Subpart G, before a shipment of used oil is accepted, the owner or operator must notify the Secretary of its used oil activity. To do so, the owner or operator may complete and submit a RCRA Subtitle C Site Identification Form 8700-12 (see Appendix A) to document the owner or operator burns used oil in an aggregate kiln (considered a type of Industrial Furnace). The completed Site Identification Form should be submitted to:

South Dakota Department of Environment and Natural Resources
Waste Management Program
523 East Capitol
Pierre, SD 57501

10.2 <u>One-time notice to suppliers of used oil.</u> In accordance with ARSD 74:28:27:01, adopting by reference 40 CFR § 279.66, before the owner or operator accepts its first shipment of off-specification used oil fuel, the owner or operator must provide a one-time written and

signed notice documenting the owner or operator has a site identification number (see permit condition 10.1), and that the owner or operator burns used oil in an appropriate device. An appropriate device includes an asphalt batch plant. These notices must be provided once to each supplier of off-specification used oil fuel.

10.3 <u>Storage of used oil.</u> In accordance with ARSD 74:28:27:01 adopting by reference 40 CFR Part 279, used oil must be stored in the following units: underground storage tanks that comply with 40 CFR Part 280, or tanks and containers, or units that are subject to regulation under 40 CFR Parts 264 and 265.Storage units must:

1. Be free of leaks and in good condition (no severe rust, structural defects, or deterioration);
2. Be placed in secondary containment systems that include impervious floors and sidewalls represented by dikes, berms or retaining walls. Aboveground storage tanks on-site and in use prior to issuance of this permit must be equipped with a secondary containment system that includes, at a minimum, dikes, berms or retaining walls and a floor that covers the entire area within the dike, berm or retaining wall, except areas where existing portions of the tank meet the ground;
3. New aboveground storage tanks must be placed in secondary containment systems that include a floor and sidewalls (dikes, berms or retaining walls). The floor must cover the entire area within the dike, berm or retaining wall. The entire secondary containment system (floor and walls) must be impervious to used oil in order to prevent a release to the environment should a spill occur.
4. The tank, container, or storage unit and the associated fill pipes must be labeled with the words “used oil.”

10.4 <u>Releases.</u> The owner or operator shall, upon the detection of a release:

1. Stop the release;
2. Contain the released used oil;
3. Comply with the spill notification requirements of SDCL 34A-12 and the rules adopted thereunder (ARSD 74:34:01) by reporting a known discharge of a regulated substance to the environment to the secretary immediately if one of the following conditions exists:
   a. The discharge threatens or is in a position to threaten the waters of the state;
   b. The discharge causes an immediate danger to human health or safety;
   c. The discharge exceeds 25 gallons or causes a sheen on surface water or it exceeds any groundwater quality standards of chapter 74:54:01 or surface water quality standards of chapter 74:51:01;
   d. The discharge harms or threatens to harm wildlife or aquatic life; or
   e. The discharge is required to be reported according to SARA, Title III, § 304 (1986).
4. The immediate report must be telephoned to the secretary, (605) 773-5559, as soon as the responsible person becomes aware of the discharge. Subsequent to the initial report, the responsible person shall immediately notify the secretary of information that changes the accuracy of the initial report. As directed by the secretary, the responsible person shall make additional reports verbally or in writing according to ARSD 74:36:01:06;
5. Cleanup and properly manage the used oil and used cleanup materials; and

6. Repair any leaking container or product line.

11.0 PREVENTION OF SIGNIFICANT DETERIORIATION EXEMPTION

11.1 <u>Prevention of significant deterioration review exemption.</u> The owner or operator is exempt from a prevention of significant deterioration review. The exemption is based on operational and air emission limits established in this permit. Any relaxation in this permit that increases the quantity of asphalt per 12-month period may require a prevention of significant deterioration review and permit as though construction had not commenced on the source.

APPENDIX A

NOTIFICATION OF REGULATED WASTE ACTIVITY

Department of Environment and Natural Resources
Waste Management Program

[1]**Installation ID Number:**

[2] Date Received:
(for office use only)

☐ First notification for this location?

☐ **Subsequent notification for this location?**

[4]Name of Installation:

[5] Location of Installation

Street:
City:
State:
Zip: -
County:
Main Telephone Number: ( ) -

[6] Installation Mailing Address (if different from above)

Street or Box:
City:
State:
Zip: -

[7] Contact Person

Name:
Title:
Telephone Number: ( ) -

[8]Owner of Installation

Name of company/Owner:
Mailing Address - Street or Box:
City:
State:
Zip: -
Telephone Number: ( ) -

[9] Land Type (Circle) County, District, Municipal, Private, State, Federal, Indian Land, Other

[10] Owner Type (Circle) County, District, Municipal, Private, State, Federal, Indian Land, Other

[11] Change of Owner (Circle) yes or no?	[12] Date of Ownership Change:						

[13] Name of Installation:

[14] Type of Regulated Waste Activity:

Hazardous Waste

- ☐ Conditionally Exempt Small Quantity Generator (<220 lbs.)
- ☐ Small Quantity Generator (220 – 2,200 lbs.)
- ☐ Large Quantity Generator (>2,200 lbs.)
- ☐ Transporter of Own Waste
- ☐ Commercial Transporter
- ☐ Treatment, Storage, or Disposal Facility (permit required)
- ☐ Generator Marketing Hazardous Waste Fuel to Burner
- ☐ Marketer of Hazardous Waste Fuel
- ☐ Hazardous Waste Fuel Boiler or Industrial Furnace

Used Oil Recycling

- ☐ Marketer of off-specification used oil
- ☐ Marketer of on-specification used oil
- ☐ Used Oil Burner - Utility Boiler
- ☐ Used Oil Burner - Industrial Boiler
- ☐ Used Oil Burner - Industrial Furnace
- ☐ Used Oil Transporter
- ☐ Used Oil Transfer Facility
- ☐ Used Oil Processor
- ☐ Used Oil Re-refiner

Description of Regulated Wastes:

Refer to 40 CFR Part 261 for lists and descriptions of these hazardous waste numbers.

[15.1] Characteristic Wastes

- ☐ Ignitable – D001
- ☐ Corrosive – D002
- ☐ Reactive – D003
- ☐ Toxicity Characteristic– List the waste numbers:

[15.2] **Listed Wastes**

Attach an additional sheet of paper if you generate/handle additional waste codes.

[16] Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

Print Name _____ **Title** _____ **Date** _____

Signature

[7] Comments: