

Permit #: 28.2201-19

Effective Date: June 28, 2013

Expiration Date: December 28, 2014

The seal of the State of South Dakota is a circular emblem with a serrated outer edge. It features a central landscape scene with a river, a windmill, and a plow. The text "STATE OF SOUTH DAKOTA" is arched across the top, and "GREAT SEAL" is arched across the bottom. The year "1889" is at the bottom center. A banner across the middle of the seal reads "UNDER GOD THE PEOPLE RULE".

**SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
TITLE V AIR QUALITY OPERATING PERMIT**

Steven M Pirner, 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) listed in Table #1 under the listed conditions.

A. Owner

1. Company Name and Mailing Address

The University of South Dakota
414 East Clark Street
Vermillion, South Dakota 57069

2. Actual Source Location if Different from Above

Section 13, Township 92 North, Range 52 West of 5th P.M.
414 East Clark Street
Vermillion, South Dakota 57069

3. Permit Contact

Kevin O'Kelley, Director Environmental Health and Safety
(605) 677-6265

4. Facility Contact

Roberta Ambur
Vice President, Facilities Management
(605) 677-5661

5. Responsible Official

Roberta Ambur
Vice President, Facilities Management
(605) 677-5661

B. Permit Revisions or Modifications

June 27, 2012 – Permit modification to include three generators and permit requirements from the air quality construction permit (Units #23, #24, #25) as well as eight existing generators subject to National Emission Standards for Hazardous Air Pollutants for Source Categories requirements (Units #10, and #12-#18).

June 28, 2013 – Minor permit amendment to include Unit #27 in the permit.

C. Type of Operation

A state university operating t boilers for heating, an incinerator for disposal of animal and human tissues and emergency generators.

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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 May 1, 2009, December 6, 2011, and October 11, 2012, and 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**

Identification	Description	Maximum Operating Rate	Control Device
Unit #1	A 1957 Murray steam boiler with a Peabody burner, model no. MD 445, fired with natural gas and distillate oil.	45,000 pounds of steam per hour heat output	Not Applicable
Unit #2	A 1970 Babcock & Wilcox steam boiler with a Coen burner, model no. FM10, fired with natural gas and distillate oil.	60,000 pounds of steam per hour heat output	Not Applicable
Unit #4	2005 Matthews Cremation Division multiple chamber medical waste incinerator, model Power-Pak II, fired with natural gas. The incinerator will be used to dispose of animal and human tissue.	150 pounds per hour	Not Applicable
Unit #5	2005 Hurst Boiler and Welding Company 100 HP Hurst steam boiler, model 4VT-G-100-150, fired with natural gas.	4.2 million Btus per hour heat input	Not Applicable
Unit #6	2005 Hurst Boiler and Welding Company 100 HP Hurst steam boiler, model 4VT-G-100-150, fired with natural gas.	4.2 million Btus per hour heat input	Not Applicable
Unit #7	2005 Hurst Boiler and Welding Company 100 HP Hurst steam boiler, model 4VT-G-100-150, fired with	4.2 million Btus per hour heat input	Not Applicable

Identification	Description	Maximum Operating Rate	Control Device
	natural gas.		
Unit #8	2008 York Shipley, Model #5112L-S3W-1000X-S200 steam boiler, fired with natural gas and/or distillate oil.	33.5 million Btus per hour heat input	Not Applicable
Unit #9	2008 York Shipley, Model #5112L-S3W-1000X-S200 steam boiler, fired with natural gas and/or distillate oil.	33.5 million Btus per hour heat input	Not Applicable
Unit #10	Caterpillar 3406 generator fired with distillate oil	400 horsepower	Not Applicable
Unit #11	2004 Caterpillar 3412 750 Kw generator fired with distillate oil	7.4 million Btus per hour heat input	Not Applicable
Unit #12	Caterpillar 3408 generator fired with distillate oil	450 horsepower	Not Applicable
Unit #13	Onan 45 EM generator fired with natural gas	60 horsepower	Not Applicable
Unit #14	Onan 8.1 L generator fired with natural gas	225 horsepower	Not Applicable
Unit #15	Onan45EM-4R8 generator fired with natural gas	60 horsepower	Not Applicable
Unit #16	Onan 7.5 generator fired with natural gas	10 horsepower	Not Applicable
Unit #17	Onan 30 generator fired with distillate oil	40 horsepower	Not Applicable
Unit #18	Onan 350 generator fired with distillate oil	470 horsepower	Not Applicable
Unit #23	2009 Caterpillar D60-6 generator fired with distillate fuel	80.5 horsepower	Not Applicable
Unit #24	2007 Cummins 50DGHE generator fired with distillate fuel	82 horsepower	Not Applicable
Unit #25	2010 Kohler 100 REZG generator fired with natural gas	155 horsepower	Not Applicable
Unit #27	2009 Generac 100 KW generator fired with distillate fuel	100 KW	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).

1.9 Definitions.

The terms used in this permit have the following meaning:

1. “***Chemotherapeutic waste,***” means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells;
2. “***Hospital waste,***” means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation;
3. “***Low-level radioactive waste,***” means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954; and
4. “***Medical/infectious waste,***” means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that are listed below. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulation in 40 CFR Part 261, household waste, as defined in 40 CFR § 261.4(b)(1), ash from incineration of medical/infectious waste once the incineration process has been completed, human corpses, remains, and anatomical parts that are intended for interment, and domestic sewage materials identified in 40 CFR § 261.4(a)(1). The following is a list of biologicals:
 - a. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

- b. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
 - c. Human blood and blood products including:
 - (i) Liquid waste human blood;
 - (ii) Products of blood;
 - (iii) Items saturated and/or dripping with human blood; or
 - (iv) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.
 - d. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
 - e. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
 - f. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
 - g. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.
5. ***“Pathological waste ,”*** means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags and containers used to collect and transport the waste material, and animal bedding (if applicable).

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 RECORD KEEPING REQUIREMENTS

5.1 Record keeping 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. 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; and
4. 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 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 natural gas consumed in Units #1, #2 and #4 through #9, in million cubic feet;
2. The amount of distillate oil consumed in Units #1, #2, #8 and #9 in gallons;
3. The amount of material burned in Unit #4; and
4. The number of hours Units #1 through #9 were operated.

The amount of natural gas and distillate oil consumed and the amount of material processed shall be based on production records, consumption records, purchase records, daily records, etc.

5.6 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, record keeping, 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.

5.7 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. 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 matter limits.

In accordance with ARSD 74:36:06:02(1) and/or ARSD 74:36:06:03(1), the owner or operator shall not allow the emission of total suspended particulate matter in excess of the emission limit specified in Table 6-1 for the appropriate permitted unit, operation, and process.

6.4 Visibility limit for Unit #4.

In accordance with ARSD 74:35:01:12, the owner or operator may not discharge into the ambient air from Unit #4 an air contaminant of a density equal to or greater than that designated as 10 percent opacity. This provision applies at all times during the operation of the incinerator. This includes prior to loading the primary chamber, loading the primary chamber, and until all waste is completely combusted.

6.5 Secondary chamber temperature limit for Unit #4.

In accordance with ARSD 74:35:01:20, the owner or operator shall maintain a temperature at or above 1,800 degrees Fahrenheit in the secondary chamber for Unit #4 prior to combusting any waste in the primary chamber. The secondary chamber temperature must remain at or above 1,800 degrees Fahrenheit until all waste is completely combusted.

6.6 Particulate limits.

In accordance with ARSD 74:36:06:02(1), the owner or operator shall not allow the emission of total suspended particulate in excess of the emission limit specified in Table #2 for the appropriate permitted unit, operations, and process:

**Table #2
Total Suspended Particulate Emission Limit**

Identification	Description	Emission Limit
Unit #1	1957 Boiler	0.5 pounds per million Btu heat input
Unit #2	1970 Boiler	0.5 pounds per million Btu heat input
Unit #5	2005 Hurst Boiler	0.6 pounds per million Btu heat input
Unit #6	2005 Hurst Boiler	0.6 pounds per million Btu heat input
Unit #7	2005 Hurst Boiler	0.6 pounds per million Btu heat input
Unit #8	2008 York Shipley Boiler	0.51 pounds per million Btu heat input
Unit #9	2008 York Shipley Boiler,	0.51 pounds per million Btu heat input
Unit #11	2004 Caterpillar 3412 750 Kw generator	0.6 pounds per million Btu heat input

6.7 Sulfur dioxide limits.

In accordance with ARSD 74:36:06:02(2), the owner or operator shall not allow the emission of sulfur dioxide in excess of the emission limit specified in Table #3 for the appropriate permitted unit, operations, and process:

**Table #3
Sulfur Dioxide Emission Limit**

Identification	Description	Emission Limit
Unit #1	1957 Boiler	3.0 pounds per million Btu heat input
Unit #2	1970 Boiler	3.0 pounds per million Btu heat input
Unit #5	2005 Hurst Boiler	3.0 pounds per million Btu heat input
Unit #6	2005 Hurst Boiler	3.0 pounds per million Btu heat input
Unit #7	2005 Hurst Boiler	3.0 pounds per million Btu heat input
Unit #8	2008 York Shipley Boiler	3.0 pounds per million Btu heat input
Unit #9	2008 York Shipley Boiler,	3.0 pounds per million Btu heat input
Unit #11	2004 Caterpillar 3412 750 Kw generator	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.

6.8 Limit on hospital and medical/infectious waste burned in Unit #4.

In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall not burn hospital and/or medical/infectious waste in Unit #4 at a rate greater than 10% by weight on a calendar quarter basis. This limit exempts the owner or operator from complying with 40 CFR Part 60, Subpart Ce. Any relaxation in this permit condition will require a permit modification to include the requirements in 40 CFR Part 60, Subpart Ce or Ec.

6.9 Hazardous air pollutant limit.

The owner or operator shall limit the amount of hazardous air pollutants emitted from the facility to less than 9.5 tons per 12-month period of a single hazardous air pollutant and 25 tons per 12-month period of a combination of hazardous air pollutants.

Compliance with the hazardous air pollutant emission limit shall be determined on a rolling monthly total. For each month, a new 12-month total shall be calculated using the emissions from that month and the previous 11 months.

6.10 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

6.11 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.

6.12 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 on a periodic basis. Periodic monitoring for Units #1, #2, #8 and #9 are not required if the unit is fueled with natural gas for the whole month. Periodic monitoring is not required for Units #5, #6, and #7 because they are permitted to operate on natural gas only. Periodic monitoring for Units #1 and #2, #8 and #9 if fueled with distillate oil during a month, 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 Certified personnel – visible emission tests.

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 Monitoring sulfur content of distillate oil.

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 semiannual report required in permit condition 11.8.

9.0 MEDICAL/INFECTIOUS WASTE HANDLING REQUIREMENTS

9.1 Containers used for transporting medical/infectious waste offsite.

In accordance with ARSD 74:35:01:24, the owner or operator of a facility that transports medical/infectious waste offsite shall meet the following requirements:

1. Containers for medical/infectious waste must be rigid, leak-resistant, impervious to moisture, resistant to tearing or bursting under normal conditions of use and handling, and sealed to prevent leakage during transport;
2. Treated and untreated sharps and sharps with residual fluids shall be placed in packaging that is rigid leak-resistant, and puncture resistant; and
3. Quantities of fluids greater than 20 cubic centimeters shall be placed in packaging that is break resistant and tightly lidded or stoppered.

Oversized medical/infectious waste need not be placed into containers, but any special handling instructions must be attached to the waste. Generators may use one or more containers to meet these requirements.

9.2 Reusable containers.

In accordance with ARSD 74:35:01:25, the owner or operator of a facility which generates or receives medical/infectious waste must comply with the following requirements for reusing containers:

1. All non-rigid packaging and inner liners must be managed as medical/infectious waste and may not be reused;
2. Any container used for the storage or transport, or both, of medical/infectious waste and designated for reuse once emptied must be decontaminated if the container shows signs of visible contamination; and
3. If any container used for the storage or transport, or both, of medical/infectious waste is for any reason not capable of being rendered free of any visible signs of contamination, the container must be managed as medical/infectious waste and labeled, marked, and treated or disposed of as medical/infectious waste.

9.3 Storage.

In accordance with ARSD 74:35:01:26, the storage of medical/infectious waste before treatment or disposal on-site or transport offsite must comply with the following storage requirements:

1. The medical/infectious waste must be stored in a manner and location that maintains the integrity of the packaging and provides protection from the elements;
2. The medical/infectious waste must be maintained in a nonputrescent state, using refrigeration when necessary;

3. Outdoor storage areas containing medical/infectious waste must be locked to prevent unauthorized access;
4. The medical/infectious waste must be stored in a manner that affords protection from animals and does not provide a breeding place or a food source for insects and rodents;
5. All on-site storage of medical/infectious waste must be in a designated area away from traffic flow patterns and must be accessible only to authorized personnel; and
6. Containment of medical/infectious waste must be effected in such a manner that no discharge or release of any waste occurs.

9.4 Labeling medical/infectious waste for transport offsite.

In accordance with ARSD 74:35:01:27, the owner or operator that transports medical/infectious waste offsite must label each package of untreated medical/infectious waste with a water-resistant label affixed to or printed on the outside of the container. The label must include the words “Medical Waste” or “Infectious Waste” or display the universal biohazard symbol. Plastic bags used as inner packing need not display a label.

9.5 Identification of medical/infectious waste for transport offsite.

In accordance with ARSD 74:35:01:28, the owner or operator that transports medical/infectious waste offsite must mark each package with the following markings before the medical/infectious waste is transported offsite:

1. The outermost surface of each package prepared for shipment must be marked with a water-resistant identification tag or sufficient dimension to contain the following information:
 - a. Generator’s name and address;
 - b. Transporter’s name and address;
 - c. Date of shipment; and
 - d. Identification of contents as medical/infectious waste.
2. If the owner or operator has used inner containers, including sharps and fluid containers, each inner container must be marked with indelible ink or imprinted with water resistant tags. The markings must contain the generator’s name and address.

10.0 MEDICAL/INFECTIOUS WASTE INCINERATOR

10.1 Radioactive and hazardous waste.

In accordance with ARSD 74:35:01:22, neither radioactive waste nor hazardous waste shall be burned in Unit #4 unless the appropriate requirements and standards for those materials are met.

10.2 Ash handling.

In accordance with ARSD 74:28:23:01, if it is determined that the ash from Unit #4 is a hazardous waste, the ash shall be disposed of in a permitted hazardous waste facility.

10.3 Unit #4 design requirements.

In accordance with ARSD 74:35:01:20, the secondary chamber in Unit #4 shall be designed to provide turbulent mixing of the exhaust gases and maintain the exhaust gases at a temperature of at least 1,800 degrees Fahrenheit for a minimum of a one-second retention time. The one-second retention time shall be measured from the location of the secondary chamber burner to the location of the thermocouple that measures the temperature in the secondary chamber.

10.4 Waste loading.

In accordance with ARSD 74:35:01:21, the waste charging system for Unit #4 must prevent the disruption of the combustion process as waste is charged and prevent overcharging to assure complete combustion of the waste.

10.5 Monitoring Unit #4 temperatures.

In accordance with ARSD 74:35:01:19, the owner or operator shall install, calibrate, operate, and maintain a device that continuously monitors and records the primary and secondary chamber temperatures. The device must have an accuracy of the greater of plus or minus 0.75 percent of the measured temperature or 2.5 degrees Celsius. The device shall be operational at all times when Unit #4 is operational. If the continuous monitoring or recording equipment is not functional for more than one hour, the owner or operator shall discontinue charging the incinerator and will shut down the incinerator once all combustibles are combusted. The incinerator will not be used again until the continuous monitor and recorder are operational.

11.0 NEW SOURCE PERFORMANCE STANDARD SUBPART Dc

11.1 Changing boiler fuels.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR § 60.40c, Units #8 and #9 shall be fueled only with natural gas and distillate oil. If the boiler is fueled with other fuels such as propane, coal, other oil, or wood, additional standards and requirements in 40 CFR Part 60, Subpart Dc may apply. The owner or operator shall apply for and obtain approval from the Secretary before other fuels can be used as a fuel in Units #8 and #9.

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".

11.2 Initial performance test.

For Units #8 and #9, the initial performance test shall consist of sampling and analyzing the oil in the initial tank of oil to be fired in Units #8 and #9 to demonstrate that the oil contains 0.5 weight percent sulfur or less. Thereafter, the owner or operator shall sample the oil in the fuel

tank after each new shipment of oil is received, as described under ARSD 74:36:07:05, as referenced to 40 CFR §60.46c(e) and permit condition 8.3.

11.3 Sulfur dioxide limits.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR § 60.42c(d) (h) and (i), the owner or operator shall not burn distillate oil containing greater than 0.5 weight percent sulfur in Units #8 and #9. Compliance with the fuel oil sulfur limit shall be determined based on a certification from the fuel supplier. The certification shall include the information as stated in permit condition 8.3. The sulfur dioxide emission limits and fuel oil sulfur limits shall apply at all times, including periods of start-up, shutdown, and malfunction.

11.4 Opacity limits.

In accordance with ARSD 74:36:07:04, as referenced to 40 CFR §60.43c(c), the owner or operator shall not discharge into the atmosphere from Units #8 and #9 any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. The opacity standards under this section apply at all times, except during periods of start-up, shutdown, and malfunction.

11.5 Monitoring sulfur content.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR § 60.46c(e) 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:

2. The name of the oil supplier;
3. A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil as stated in permit condition 8.3; and
4. A statement that the sulfur content of the oil does not exceed 0.5 weight percent sulfur.

11.6 Monitoring records.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR §§ 60.48c(e), the owner or operator shall maintain records of the following information, as applicable, for each day Units #8 and #9 are operated. The records must be maintained for a minimum of two years from the date of such record.

1. Calendar date;
2. The 30-day average sulfur dioxide emission rates or 30-day average sulfur content (weight percent), calculated at the end of each day each boiler is operated and using the hourly sulfur dioxide emission rates for the preceding 30 days the boiler was operated;
3. Identification of each day when the calculated 30-day average sulfur dioxide emission rate is in excess of the sulfur dioxide emissions limit, the reasons for such excess emissions, and a description of corrective actions taken;
4. Identification of each day for which pollutant data was not obtained, reasons for not obtaining sufficient data, and a description of corrective actions taken;

5. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data;
6. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted;
7. Identification of times when hourly averages have been obtained based on continuous emission monitoring system rather than manual sampling methods.
8. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system;
9. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with 40 CFR Part 60, Appendix B, Performance Specification 2 or 3; and
10. Results of daily continuous emission monitoring system drift tests and quarterly accuracy assessments as required under 40 CFR Part 60, Appendix F, Procedure 1.

11.7 Monthly records.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR § 60.48c(g)(1)(2), the owner or operator shall record and maintain records of the amount of each fuel combusted each month for Units #8 and #9.

11.8 Semi-annual report.

In accordance with ARSD 74:36:07:05, as referenced to 40 CFR § 60.48c(e) and (j), the owner or operator shall submit a semi-annual report to the Secretary for Units #8 and #9. The semi-annual reports shall contain the following information:

1. Name of facility, permit number, reference to this permit condition, identifying the submittal as a semi-annual report, and the calendar dates covered in the reporting period; and
2. The fuel supplier certification for each load of distillate oil purchased or received. If no distillate oil is purchased or received during the reporting period, a statement that no distillate oil was purchased or received shall be included. The fuel supplier certification shall contain the information as stated in permit condition 8.3.
3. Each 30-day average SO₂ emission rate (ng/J or lb/MMBtu), or 30-day average sulfur content (weight percent), calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of corrective actions taken.
4. Each 30-day average percent of potential SO₂ emission rate calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of the corrective actions taken.
5. Identification of any steam generating unit operating days for which SO₂ or diluent (O₂ or CO₂) data have not been obtained by an approved method for at least 75 percent of the operating hours; justification for not obtaining sufficient data; and a description of corrective actions taken.
6. Identification of any times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and a description of corrective

actions taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

7. Identification of the F factor used in calculations, method of determination, and type of fuel combusted.
8. Identification of whether averages have been obtained based on CEMS rather than manual sampling methods.
9. If a CEMS is used, identification of any times when the pollutant concentration exceeded the full span of the CEMS.
10. If a CEMS is used, description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specifications 2 or 3 of appendix B of this part.
11. If a CEMS is used, results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1 of this part.
12. If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), (3), or (4) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

The semiannual reports must be postmarked no later than 30 days after the end of the reporting period (i.e., July 30th and January 30th).

11.9 Certified personnel – visible emission tests.

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.

12.0 NEW SOURCE PERFORMANCE STANDARD SUBPART IIII

12.1 Emission standards for Units #23, #24 and #27

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §§ 60.4202(a), 4205(b) and 60.4206, the owner or operator shall not allow the emissions in excess of the emission limits listed in Table 12-1 for the appropriate stationary compression ignition engine.

Table 12-1 – NSPS Emission Limits¹

Unit	Particulate Matter	Nonmethane Hydrocarbons + Nitrogen Oxides	Carbon Monoxide
#23	0.4	4.7	5.0
#24	0.4	7.5	5.0
#27	0.3	4.0	5.0

¹ The emission limits are in grams per kilowatt hour

12.2 Emission standards for Units #23, #24 and #27

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4207(b), the owner or operator shall meet the following fuel requirements to burn diesel fuel:

1. Sulfur content of less than or equal to 15 parts per million (0.0015%); and
2. Centane index of greater than or equal to 40 or a aromatic content of less than or equal to 35 percent by volume.

The owner or operator may petition the Secretary to burn diesel fuel that does not meet the fuel requirements noted in paragraph 1 or 2 if the purpose is to burn existing diesel fuel inventories. If approved, the approval is valid for six months.

12.3 Monitoring requirements for Units #23, #24 and #27

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall install a non-resettable hour meter prior to startup for Units #23,#24 and #27.

12.4 Compliance requirements for Units #23, #24 and #27

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4211 and 60.4214(b), the owner or operator shall comply with the following:

1. Operate and maintain the stationary compression ignition engine according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer;
2. Comply with the emission standards by purchasing an engine certified to meet the emission standards for the same model year and maximum engine power and maintain a copy of the certification. The engine must be installed and configured according to the manufacturer's specifications; and,
3. Emergency engines (Units #23, #24 and #27) may be operated during emergency operations and maintenance checks/readiness testing as recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company. The maintenance checks/readiness testing is limited to 100 hours per year.

12.5 Operating requirements for emergency generators

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §60.4211(a), the owner or operator shall comply with the following, except as specified in permit condition 12.8:

1. Operate and maintain the emergency generators according to the manufacturer's emission-related written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer.
2. Change only those emission-related settings that are permitted by the manufacturer; and
3. Meet the applicable requirements in 40 CFR Part 89, 94, and/or 1068, as they apply.

12.6 Compliance with emission limits for emergency generators

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §60.4211(c), the owner or operator shall demonstrate compliance with the emission limits in permit condition 12.1 by purchasing an engine certified to meet the emission limits in permit condition 12.1. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in permit condition 12.8.

12.7 Annual operation of emergency generators

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §60.4211(f), the owner or operator may operate an emergency generator for the purpose of maintenance checks and readiness testing, provided the tests are recommended by Federal, State or Local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of an emergency generator is limited to 100 hours per year. There is no time limit on the use of an emergency generator in emergency situations. The owner or operator may petition the Secretary for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating Federal, State, or local standards require maintenance and testing of emergency generators beyond 100 hours per year. Emergency generators may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year is prohibited.

12.8 Alternative requirements for emergency generators

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §60.4211(g)(3), if the owner or operator does not install, configure, operate, and maintain the emergency generators according to the manufacturer's emission-related written instructions or changes the emission-related settings in a way that is not permitted by the manufacturer, the owner or operator must demonstrate compliance as follows:

1. Maintain a maintenance plan and records of conducted maintenance;
2. To the extent practicable, maintain and operate the emergency generator in a manner consistent with good air pollution control practice for minimizing emissions;
3. Conduct an initial performance test to demonstrate compliance with the emission limits in permit condition 4I.1 within 1 year of startup, or within 1 year after the emergency generator is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after the owner or operator changes emission-related settings in a way that is not permitted by the manufacturer; and
4. Conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

12.9 Performance test requirements

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §60.4212(a), if the owner or operator conducts a performance test to demonstrate compliance with permit condition 12.1, the performance test must be conducted according to the in-use testing procedures in 40 CFR Part 1039, Subpart F.

13.0 NEW SOURCE PERFORMANCE STANDARD SUBPART JJJJ

13.1 Emission limits.

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR §§ 60.4233(e) and 60.4234, the owner or operator shall not allow emissions from Unit #25 to exceed the emission limits in Table 13-1 for the appropriate fuel. The owner or operator of Unit #25 shall achieve the emission limits in Table 13-1 over the entire life of the engine.

Table 13-1 – Emission limits for Unit #25 ¹

Fuel Type	Grams per Horsepower-Hour			Parts per Million by Volume at 15% Oxygen		
	NOx 2	CO 2	VOC 2, 3	NOx 2	CO 2	VOC 2, 3
Natural Gas	2.0	4.0	1.0	160	540	86

¹ – The owner or operator may choose to comply with the emission standards in units of grams per horsepower-hour or parts per million by volume at 15 percent oxygen;

² – “NOx” means nitrogen oxide, “CO” means carbon monoxide; and “VOC” means volatile organic compounds; and

³ – When calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

13.2 Compliance requirements.

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR § 60.4243(b) and (d), the owner or operator shall comply with the following:

1. Operate and maintain Unit #25 according to the manufacturer's emission-related written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer;
2. Maintain a maintenance plan and records of conducted maintenance;
3. Comply with the emission standards by purchasing an engine certified to meet the emission standards for the same model year and maximum engine power and maintain a copy of the certification. The engine must be installed and configured according to the manufacturer’s specifications; and
4. Emergency engines (Unit #25) may be operated during emergency operations and maintenance checks/readiness testing as recommended by Federal, State, or local

government, the manufacturer, the vendor, or the insurance company. The maintenance checks/readiness testing is limited to 100 hours per year;

13.3 Recordkeeping requirements.

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR § 60.4245(a), the owner or operator shall maintain the following records:

1. All notifications submitted to comply with this chapter and all documentation supporting any notification;
2. Maintenance conducted on Unit #25; and
3. The owner operator shall maintain documentation that Unit #25 is meeting the emission standards in Table 13-1.

13.4 Installation of a non re-settable clock on Unit #25.

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall install a non re-settable clock on Unit #25 and continuously record the hours of operation.

14.0 EMERGENCY GENERATOR MACT REQUIREMENTS

14.1 Date to comply with emergency generator requirements.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6595(a)(1), the owner or operator shall comply with the applicable requirements specified in this chapter on and after May 3, 2013 for Units #10 through #18 .

14.2 Maintenance requirements for emergency generator.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6603(a), the owner or operator shall:

1. Change oil and oil filter every 500 hours of operation or annually, whichever comes first;
2. Inspect air cleaner every 1,000 hours of operation, or annually, whichever comes first; and
3. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

If an emergency generator is operating during an emergency and it is not possible to shut down the engine in order to perform the maintenance requirements on the schedule or if performing the maintenance requirements on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the maintenance requirements can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The maintenance requirements should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. The owner or operator must report any failure to perform the maintenance requirements on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

14.3 Minimizing emissions from emergency generator.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6605, the owner or operator shall be in compliance with the requirements in this chapter at all times. The owner or operator shall at all times operate and maintain the emergency generator, including associated monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if the requirements in this chapter have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on available information which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the emergency generator.

14.4 Operate emergency generator according to manufacturer's instructions.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR §§ 63.6625(e) and 63.6640(a), the owner or operator shall operate and maintain the emergency generator according to the manufacturer's emission-related written instructions or develop a maintenance plan which provides to the extent practicable for the maintenance and operation of the emergency generator in a manner consistent with good air pollution control practice for minimizing emissions.

14.5 Installation and operation of a non-resettable hour meter.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR §§ 63.6625(f) and 63.6635(a) and (b), the owner or operator shall install, operate, and maintain a non-resettable hour meter on the emergency generator. Except for a non-resettable hour meter malfunction and associated repairs, the non-resettable hour meter must monitor the operation of the emergency generator continuously at all times the emergency generator is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the non-resettable hour meter. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

14.6 Minimizing startup time.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6625(h), the owner or operator shall minimize the emergency generator's time spent at idle during startup and minimize the emergency generator's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

14.7 Alternative maintenance schedule.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6625(i), the owner or operator may utilize an oil analysis program in order to extend the specified oil change requirement in permit condition 14.2. The oil analysis must be performed at the same frequency specified for changing the oil in permit condition 14.2. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows:

1. Total Base Number is less than 30 percent of the Total Base Number of the oil when new;

2. Viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or
3. Percent water content (by volume) is greater than 0.5.

If all of these condemning limits are not exceeded, the owner or operator is not required to change the emergency generator's oil. If any of the limits are exceeded, the owner or operator must change the emergency generator's oil within 2 days of receiving the results of the analysis. If the engine is not in operation when the results of the analysis are received, the owner or operator must change the emergency generator's oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

14.8 Operation of emergency generator.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR § 63.6640(f), the owner or operator shall operate the emergency generator according to the following requirements:

1. There is no time limit on the use of emergency generator in emergency situations;
2. The owner or operator may operate the emergency generator for the purpose of maintenance checks and readiness testing, provided the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the emergency generator. Maintenance checks and readiness testing of the emergency generator is limited to 100 hours per year. The owner or operator may petition the Secretary for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating Federal, State, or local standards require maintenance and testing of the emergency generator beyond 100 hours per year; and
3. The owner or operator may operate the emergency generator up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except the owner and operator may operate the emergency generator for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The emergency generator may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the emergency generator operation must be terminated immediately after the owner or operator is notified the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph, as long as the power provided by the financial arrangement is limited to emergency power.

Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (1) through (3) of this permit condition, is prohibited. If the owner or operator does not operate the engine according to the requirements in this permit condition, the emergency generator will no longer be considered an emergency generator and will need to meet all applicable requirements for non-emergency generator in 40 CFR §§ 63.6580 through 63.6675, inclusive.

14.9 Recordkeeping for emergency generator.

In accordance with ARSD 74:36:08:40, as referenced to 40 CFR §§ 63.6655 and 63.6660, the owner or operator shall maintain the following records:

1. Records of all required maintenance performed on the emergency generator to demonstrate compliance with permit condition 14.2 or 14.7;
2. Records of all required maintenance performed on the non-resettable hour meter;
3. Records of hours of operation identifying the reason for operation of the emergency generator to demonstrate compliance with permit condition 14.6 and 14.8; and
4. Records of how the owner or operator complied with operating the emergency generator according to the manufacturer's emission-related instruction or the owner or operator's maintenance plan required in permit condition 14.4.

All records shall be maintained in a form suitable and readily available for expeditious review for 5 years following the date of each occurrence, measurement, maintenance, report or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site.

14.10 Circumvention not allowed.

In accordance with ARSD 74:36:08:03, as referenced to 40 CFR § 63.4(b), no owner or operator shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to the use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere.