

Permit #: 28.4429-02

Effective Date: March 13, 2015

Expiration Date: March 13, 2020

The seal of the State of South Dakota is a large, circular emblem with a serrated outer edge. It features a central landscape scene with a river, trees, and mountains. The text "STATE OF SOUTH DAKOTA" is written in a large, serif font around the top inner edge. Below this, the motto "UNDER GOD THE PEOPLE RULE" is inscribed in a smaller font. At the bottom of the seal, the year "1889" is prominently displayed. The words "GREAT SEAL" are partially visible on the left and right sides of the seal.

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

A handwritten signature in black ink, appearing to read "S. M. Pirner".

**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 Address

Fuel Reduction Services  
13980 Neck Yoke Road  
Rapid City, SD 57702

2. Actual Source Location and Mailing Address if Different from Above

Portable

3. Permit Contact

Jeff Haskell  
(605) 858-1027

4. Facility Contact

Jeff Haskell  
(605) 858-1027

5. Responsible Official

Jeff Haskell  
(605) 858-1027

B. Permit Revisions or Modifications

Not applicable

C. Type of Operation

Portable, self-contained, refractory walled air curtain destructor  
(incinerator) used to burn wood, wood slash and other wood waste.

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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 received April 9, 2014, unless modified by the conditions of this permit. Except as otherwise provided herein, the control equipment shall be operated at all times in accordance with the manufacturer's specification and in a manner that achieves compliance with the conditions of this permit. The application consists of the application forms, supporting data, and supplementary correspondence. If the owner or operator becomes aware 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*

<b>Unit</b>	<b>Description</b>	<b>Maximum Operating Rate</b>	<b>Control Device</b>
<b>#1</b>	2007 Air Burner, model S-220, air curtain incinerator ignited with diesel	6 tons per hour	Not applicable
<b>#2</b>	2006 Kubota, model V2003-TE, non-emergency diesel engine	59 horsepower	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 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, upon presentation of credentials, 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 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 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 in violation of this permit. Credible evidence may consist of the following:

1. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred:
  - a. A monitoring method approved 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 paragraph (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 Amendments and Modifications**

### **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 cannot be implemented until the Secretary takes final action on the proposed change or the owner or operator was issued an air quality construction permit. 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 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;
3. Requires more frequent monitoring or reporting;
4. The ownership or operational control changes and the Secretary determines 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 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 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 recordkeeping 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 recordkeeping 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 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. In accordance with ARSD 74:36:05:41, the Secretary shall notify the owner or operator at least 30 days before reopening this permit. The 30-day period may be less in the case of an emergency.

### **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 describing 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 resulting 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 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**

### **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. The current permit shall not expire and shall remain in effect until the Secretary takes final action on the renewal application.

### **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 to operate 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**

### **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 74:36:05:16.01, all applications, reports, or other information submitted to the Secretary shall be signed and certified by a responsible official or a duly authorized representative. 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. 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 duly authorized representative must be designated prior to or together with any reports or information to be signed by a duly authorized representative. The responsible official shall notify the Secretary if an authorization is no longer accurate.

### **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. The following information shall be recorded for each visible emission reading required in permit condition 8.1 for Unit #2:
  - a. Identify the unit and if it operates on a monthly, quarterly, semiannual, or annual basis;
  - 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; and
2. 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 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 quantity of wood processed in Unit #1 in South Dakota during the calendar year; and
2. The number of hours Unit #2 operated in South Dakota during the calendar year.

### **5.6 Reporting work location**

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall notify the Secretary, of the dates and locations of every job site in the state at least one week prior to startup, using the Portable Source Relocation Form (see Appendix A).

### **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 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) 773-4068.

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. A description of the permit violation and its cause(s);
2. The duration of the permit violation, including exact dates and times; and
3. The 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, unless otherwise specified in this permit. 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 opacity 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 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), 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.

*Table 6-1 – Total Suspended Particulate Matter Emission Limit*

<b>Unit</b>	<b>Description</b>	<b>Emission Limit</b>
#2	Non-emergency engine	0.6 pounds per million Btus heat input

### **6.4 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 owner or operator, 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

## **6.5 Circumvention not allowed**

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.12, 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.

## **6.6 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 outlining what needs to be completed for approval.

### **7.5 Notification of test**

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.8(d), the owner or operator shall notify the Secretary at least 30 days prior to the start of a performance test to afford the Secretary the opportunity to have an observer present. If there is a delay in conducting the scheduled performance test, the owner or operator shall notify the Secretary as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Secretary by mutual agreement.

### **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 represented in the same terminology as the permit limits;
5. Quality assurance procedures and results;
6. Records of operating conditions during the test necessary for demonstrating compliance with the permit limits, 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 Monitoring opacity limits for units operating periodically**

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 for the units identified in the monthly log required in permit condition 5.4 that operate on a quarterly, semiannual, or annual basis. Periodic monitoring shall be based on the following steps:

- Step 1:** For units that operate on a quarterly basis, monitoring shall consist of the following:
- a. Monitoring shall consist of a visible emission reading once per quarter. A visible emission reading shall consist of a visual survey of the 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; or
- b. 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 visible emission test must be conducted within one hour of witnessing a visible emission from the unit. The visible emission test shall be for at least 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.

**Step 2:** For units that operate on a semiannual or annual basis, monitoring shall consist of the following:

- a. Monitoring shall consist of a visible emission reading once per year. A visible emission reading shall consist of a visual survey of the 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;
- b. 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 visible emission test must be conducted within one hour of witnessing a visible emission from the unit. The visible emission test shall be for at least 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.

The person conducting the visible emission reading does not have to be certified in accordance with 40 CFR Part 60, Appendix A, Method 9. 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.



## **9.0 NSPS for Commercial and Industrial Solid Waste Incineration Units**

### **9.1 Operating restrictions**

In accordance with ARSD 74:36:07:86, as referenced to 40 CFR § 60.2245, the owner or operator shall only burn the following materials in Unit #1:

1. 100 percent wood waste;
2. 100 percent clean lumber; and
3. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

The owner or operator shall apply for and obtain written approval from the Secretary before other material may be burned in Unit #1.

### **9.2 Emission limits for Unit #1**

In accordance with ARSD 74:36:07:86, as referenced to 40 CFR § 60.2250(a), within 60 days after Unit #1 reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the owner or operator shall not allow the emissions from Unit #1 to exceed the following opacity limit, except during malfunctions:

1. During the startup period, which is the first 30 minutes of operation, the visible emissions shall not exceed 35 percent opacity (6-minute average); and
2. During all other periods, the visible emissions shall not exceed 10 percent opacity (6-minute average).

In accordance with ARSD 74:36:07:86, as referenced to 40 CFR §§ 60.2250(b) and 60.2265, a malfunction means any sudden, infrequent, and not reasonably preventable failure of the process equipment or a process to operate in a normal or usual manner. Failures caused in part by poor maintenance or careless operation is not malfunctions. A malfunction may not exceed three hours.

### **9.3 Start-up and malfunction records**

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.7, the owner or operator shall maintain records of the occurrence and duration of any startup or malfunction in the operation of Unit #1. In the case of a malfunction, the owner or operator shall also record the cause of the malfunction, the steps taken to correct the malfunction, and the effect of those steps on correcting the malfunction.

### **9.4 Monitoring requirements**

In accordance with ARSD 74:36:07:86, as referenced to 40 CFR § 60.2255, the owner and operator shall monitor the visible emissions from Unit #1 as described below:

1. Within 60 days after achieving the maximum production rate at which Unit #1 will be operated, but not later than 180 days after initial startup, the owner or operator shall conduct an initial test for opacity; and

2. After the initial test for opacity, the owner or operator shall conduct an annual test no more than 12 calendar months following the date of the previous test.

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.11, compliance with the initial and annual performance tests for the opacity limit shall be determined by conducting observations in accordance with Method 9 in Appendix A of 40 CFR Part 60. The initial and annual performance tests shall have a minimum total observation time of 3 hours (30 6-minute averages).

**9.5 Performance test notifications**

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.7(a)(6), the owner and operator shall notify the Secretary of the anticipated date for conducting the opacity monitoring in permit condition 9.4. The notification shall include, if appropriate, a request for the Secretary to provide a visible emissions reader during the performance test. The notification shall be postmarked not less than 30 days prior to such date.

**9.6 Recordkeeping and reporting requirements for Unit #1**

In accordance with ARSD 74:36:07:86, as referenced to 40 CFR § 60.2260, the owner and operator shall:

1. Maintain records of the results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Secretary approves another format, for at least five years;
2. Make all records available for submittal to the Secretary or for an inspector's onsite review;
3. Submit the results (each 6-minute average) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report;
4. Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date; and
5. Keep a copy of the initial and annual reports onsite for a period of 5 years.

**10.0 Non-Emergency Engine – NSPS Requirements for Unit #2**

**10.1 Non-emergency engine emission limits**

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §§ 60.4204(a) and 60.4206, the owner or operator shall operate and maintain the non-emergency engine that achieves the emission limits in Table 10-1 over the entire life of the non-emergency generator.

**Table 10-1 –Non-emergency Engine Emission Limits**

<b>Unit</b>	<b>Nitrogen Oxide</b>
<b>#2</b>	9.2 grams per kilowatt-hour (6.9 grains per horsepower-hour)

### **10.2 Fuel requirements for non-emergency engine**

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4207(b), the owner or operator shall only combust diesel fuel in Unit #2 that meets the following per gallon standards:

1. Maximum sulfur content of 15 parts per million; and
2. Minimum cetane index of 40; or
3. Maximum aromatic content of 35 volume percent.

### **10.3 Operating requirements for non-emergency engine**

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 10.5:

1. Operate and maintain the non-emergency engine according to the manufacturer's emission-related written instructions;
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.

### **10.4 Demonstrating compliance for non-emergency engine**

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4211(b), the owner or operator shall demonstrate compliance with the emission limits in permit condition 10.1 by one of the following methods:

1. Purchase a non-emergency engine certified according to 40 CFR Part 89 or 94, as applicable, for the same model year and maximum engine power. The non-emergency engine must be installed and configured according to the manufacturer's specifications;
2. Keep records of performance test results for each pollutant for a test conducted on a similar non-emergency engine. The test must have been conducted using the same methods specified in subsection (1) of this permit condition and the methods must have been followed correctly;
3. Keep records of engine manufacturer data indicating compliance with the standards; or
4. Conduct an initial performance test to demonstrate compliance with the emission limits in permit condition 10.1 according to the requirements in permit condition 10.6.

### **10.5 Alternative operating requirements for non-emergency engine**

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4211(g), if the owner or operator does not install, configure, operate, and maintain the non-emergency engine 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 non-emergency engine in a manner consistent with good air pollution control practice for minimizing emissions; and

3. Conduct an initial performance test to demonstrate compliance with the emission limits in permit condition 10.1 within 1 year of startup, within 1 year after the non-emergency engine 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.

**10.6 Performance test requirements for non-emergency engine**

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4212(a) and (d), if the owner or operator conducts a performance test to demonstrate compliance with permit condition 10.1, the following procedures shall be followed:

1. The performance test must be conducted according to the in-use testing procedures in 40 CFR Part 1039, Subpart F; and
2. Exhaust emissions from the non-emergency engine must not exceed the “NTE” numerical requirements, rounded to the same number of decimal places as the applicable emission limit in permit condition 10.1 and determined by Equation 10-1.

***Equation 10-1 – NTE formula***

$$NTE = 1.25 \times STD$$

Where:

- NTE = Numerical requirement for each pollutant identified in Table 10-1; and
- STD = Emission limit for each pollutant identified in Table 10-1

**10.7 Non-resettable clock requirements**

In accordance with ARSD 74:36:05:16.01(9), if the owner or operator is required to meet the performance testing schedule in subsection (4) of permit condition 10.4, the owner or operator shall install and maintain a non-resettable hour meter on the non-emergency engine prior to the initial performance test required in subsection (3) of permit condition 10.5.