

that would otherwise violate this article or the Clean Air Act. This includes operating a source, unit, or control device that emits pollutants into the ambient air from an opening other than the stack, vent, or equivalent opening from which they were designed to be emitted.

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

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-18.

CHAPTER 74:36:21

REGIONAL HAZE PROGRAM

Section

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74:36:21:01. Applicability. The provisions of this chapter apply to the owner or operator of a new major source, modification to a major source, and a BART-eligible source. The provisions of this chapter do not apply to a major source or major modification to an existing source applicable to chapters 74:36:09 and 74:36:10.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:02. Definitions. Unless otherwise specified, the terms used in this chapter mean:

(1) "Adverse impact on visibility," visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I federal area. Adverse impact on visibility shall be based on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with times of visitor use of a mandatory Class I federal area and the frequency and timing of natural conditions that reduce visibility;

(2) "BART," best available retrofit technology;

(3) "Best available retrofit technology" an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonable be anticipated to result from the use of such technology;

(4) "BART-eligible source," an existing stationary facility;

(5) "Coal-fired power plant," any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise real property used, or intended for use, for the conversion of coal into electric power;

(6) "Contribute to adverse impact on visibility," a change in visibility impairment in a mandatory Class I federal area of five-tenths deciviews or more, based on a 24-hour average, above the average natural visibility baseline. A source exceeds the threshold if the 98th percentile (eighth highest value) of the modeling results, based on one year of the three years of meteorological data modeled, equals or exceeds five-tenths deciviews;

(7) "Major source," as defined in § 74:36:01:08(2) and (3);

(8) "Mandatory Class I federal area," any area identified in 40 C.F.R. § 81, Subpart D (July 1, 2016);

(9) "Visibility impairment," any human perceptible change in visibility such as light extinction, visual range, contrast, coloration, from that which would have existed under natural conditions;

(10) "30-day rolling average," expressed as pounds per million Btus and pounds per hour and calculated in accordance with the following procedures:

(a) Sum the total pounds of pollutant in question emitted from a unit during an operating day and the previous 29 operating days;

(b) Sum the total heat input to the unit in million Btus during the operating day and the previous 29 operating days;

(c) Sum the total hours the unit operated in hours during the day and the previous 29 operating days;

(d) For pounds per million Btus, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total heat input during the 30-day operating days;

(e) For pounds per hour, divide the total number of pounds of the pollutant emitted during the 30-day operating days by the total hours operated during the 30-day operating days.

A new 30-day rolling average shall be calculated for each new operating day. Each 30-day rolling average shall represent all emissions, including emissions that occur during periods of startup, shut down, and malfunction; and

(11) "Operating day," a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted the entire 24-hour period.

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:03. Existing stationary facility defined. An existing stationary facility is any of the following stationary sources of air pollutants, including any reconstructed source that was not in operation before August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted for:

- (1) Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (2) Coal cleaning plants (thermal dryers);
- (3) Kraft pulp mills;
- (4) Portland cement plants;
- (5) Primary zinc smelters;
- (6) Iron and steel mill plants;
- (7) Primary aluminum ore reduction plants;
- (8) Primary copper smelters;
- (9) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (10) Hydrofluoric, sulfuric, and nitric acid plants;
- (11) Petroleum refineries;
- (12) Lime plants;
- (13) Phosphate rock processing plants;
- (14) Coke oven batteries;
- (15) Sulfur recovery plants;
- (16) Carbon black plants (furnace process);
- (17) Primary lead smelters;
- (18) Fuel conversion plants;
- (19) Sintering plants;
- (20) Secondary metal production facilities;
- (21) Chemical process plants;
- (22) Fossil-fuel boilers of more than 250 million British thermal units per hour heat input;
- (23) Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels;
- (24) Taconite ore processing facilities;
- (25) Glass fiber processing plants; and
- (26) Charcoal production facilities.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:04. Visibility impact analysis. An air quality construction permit for a new major source or modification to a major source shall demonstrate to the department that the potential to emit from the new major source or modification to a major source may be issued only if it has been shown that the operation of the new major source or modification to a major source will not contribute to adverse impact on visibility in any mandatory Class I federal area. If air pollution dispersion modeling is required, the modeling shall be performed in accordance with the air quality modeling guidance in 40 C.F.R. Part 51, Appendix W (July 1, 2016) and is not affected by stack height that exceeds good engineering practice or by any other dispersion technique as defined in 40 C.F.R. § 51.100 (July 1, 2016).

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:05. BART determination. The owner or operator of a BART-eligible source that emits any air pollutant which may reasonably be anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area shall submit a BART determination. The BART determination shall follow the procedures outlined in 40 C.F.R. § 51, Subpart Y (July 1, 2016) and must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source. In this analysis, the BART determination must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology. The BART determination shall be submitted within nine months after being notified by the department that the existing stationary source is reasonably anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area.

Source: 37 SDR 111, effective December 7, 2010; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:06. BART determination for a BART-eligible coal-fired power plant. The owner or operator of a BART-eligible coal-fired power plant may not cause or permit emissions of the following regulated air pollutant in excess of the following amounts:

(1) PM₁₀ emissions in excess of 67.3 pounds per hour, which includes periods of startup and shutdown;

(2) PM₁₀ emissions in excess of 0.012 pounds per million Btus, which includes periods of startup and shutdown;

(3) Sulfur dioxide emissions in excess of 505 pounds per hour, which includes periods of startup, shutdown, and malfunction;

(4) Sulfur dioxide emissions in excess of 0.09 pounds per million Btus, which includes periods of startup, shutdown, and malfunction;

(5) Nitrogen oxide emissions in excess of 561 pounds per hour, which includes periods of startup, shutdown, and malfunction; and

(6) Nitrogen oxide emissions in excess of 0.10 pounds per million Btus, which includes periods of startup, shutdown, and malfunction.

Compliance with the PM 10 emission limits shall be based on an annual stack performance test using the performance testing methods in § 74:36:11:01 and using the average of three 1-hour test runs. Compliance with the sulfur dioxide and nitrogen oxide emission limits shall be based on using continuous emission monitoring systems and a 30-day rolling average.

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:07. Installation of controls based on visibility impact analysis or BART determination. The owner or operator of a new major source, modification to a major source, or a BART-eligible source that emits any air pollutant which may reasonably be anticipated to contribute to adverse impact on visibility in any mandatory Class I federal area shall install, operate, and maintain the controls established in a visibility impact analysis or BART determination. The owner or operator of a new major source or modification to a major source must install and operate the controls established in a visibility impact analysis at initial startup. The owner or operator of a BART-eligible source required to install BART must install, operate, and demonstrate compliance with BART as expeditiously as practicable, but no later than five years from EPA's approval of the state implementation plan for regional haze.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:08. Operation and maintenance of controls. The owner or operator required to install and operate controls established in a visibility impact analysis or BART determination shall establish written procedures to ensure the control equipment is properly operated and maintained. The written procedures shall include, at a minimum, the following:

- (1) A maintenance schedule for each control device that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance;
- (2) Procedures for the proper operation and maintenance of each control device; and
- (3) Parameters to be monitored to determine each control device is being operated properly.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:09. Monitoring, recordkeeping, and reporting. The owner or operator required to install and operate controls established in a visibility impact analysis or BART determination

shall conduct periodic monitoring, recordkeeping, and reporting. All sulfur dioxide and nitrogen oxides emissions from the BART-eligible source shall be routed to the main stack of a BART-eligible source. The owner or operator of a BART-eligible source shall install, certify, maintain, calibrate, and operate a continuous emission monitoring system for sulfur dioxide and nitrogen oxide in accordance with 40 C.F.R. Part 75 (July 1, 2016), except the recordkeeping and reporting requirements for the continuous emission monitoring systems shall be in accordance with 40 C.F.R. § 60.7 (July 1, 2016). Monitoring and related recordkeeping and reporting requirements for other air pollutants from a BART-eligible source or from a major source or modification of a major source shall consist of at least the following:

(1) All emissions monitoring and analysis procedures, alternative approved methods, or test methods required in determining compliance with §§ 74:36:21:04 and 74:36:21:06;

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

(3) Documentation of the following:

- (a) The date, place, and time of sampling or measurements;
- (b) The date or dates analyses were performed;
- (c) The company or entity that performed the analyses;
- (d) The analytical techniques or methods used;
- (e) The results of such analyses; and
- (f) The operating conditions as existing at the time of sampling or measurement;

(4) Recordkeeping and reporting requirements that comply with the following:

(a) Submission of reports of any required monitoring must occur at least every six months. Reports must clearly identify all exceedances with §§ 74:36:21:04 and 74:36:21:06. All required reports must be certified by a responsible official; and

(b) Exceedances of §§ 74:36:21:04 and 74:36:21:06, including those attributable to upset conditions. The probable cause of such exceedance and any corrective actions or preventive measures taken must be promptly reported and certified by a responsible official; and

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

Source: 37 SDR 111, effective December 7, 2010; 38 SDR 39, effective September 19, 2011; 39 SDR 219, effective June 25, 2013; 42 SDR 52, effective October 13, 2015; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:10. Permit to construct. The owner or operator subject to this chapter may be issued a permit to construct in accordance with chapter 74:36:20 if the department determines that the new major source or modification to a major source does not contribute to adverse impact on visibility at a mandatory Class I federal area.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:11. Permit required for BART determination. The owner or operator of a BART-eligible source shall submit an application in accordance with chapter 74:36:20 to include the controls, emission limits, monitoring, recordkeeping, and reporting requirements identified in the BART determination and approved by the department.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:21:12. Federal land manager notification and review. The department shall provide written notice to the federal land manager of a BART determination or any permit application for a new major source or modification to a major source if the emissions from which may contribute to adverse impact on visibility at a mandatory Class I federal area, except for an application submitted in accordance with chapter 74:36:09 or 74:36:10. A notification of a BART determination shall include a copy of the BART determination and must be submitted within 30 days of receipt of a complete BART determination. The department shall consider an analysis performed by the federal land manager submitted within 60 days of the federal land manager being notified of a BART determination or by the end of the public participation process, whichever is later. A permit application for a new major source or modification to a major source shall include a copy of the permit application and visibility impact analysis. The department shall consider an analysis performed by the federal land manager submitted within 30 days of the federal land manager being notified of a visibility impact analysis or by the end of the public participation process, whichever is later. The department shall follow the procedures outlined in chapter 74:36:09 or 74:36:10 for an application submitted in accordance with chapter 74:36:09 or 74:36:10.

Source: 37 SDR 111, effective December 7, 2010.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.