

CHAPTER 74:36:06

REGULATED AIR POLLUTANT EMISSIONS

Section

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74:36:06:01. Applicability. Any unit required to be permitted under this article must comply with the standards and requirements in this chapter except as otherwise specified in chapter 74:36:07, 74:36:08, 74:36:09, 74:36:10, or 74:36:16.

Source: SL 1975, ch 16, § 1; transferred from § 34:10:07:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:07:01, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:07:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:06:02. Allowable emissions for fuel-burning units. An owner or operator of a fuel-burning unit may not cause or permit emissions of the following regulated air pollutants from the combustion of solid, gaseous, or liquid fuels that exceed the following allowable emissions limits that apply to the fuel-burning unit:

(1) Particulate matter:

(a) A fuel-burning unit with heat input values less than 10 million Btus per hour may not exceed .6 pounds of particulate matter per million Btus of heat input; and

(b) A fuel-burning unit with a heat input equal to or greater than 10 million Btus per hour may not exceed the particulate emissions rate determined by the following equation:

$$E = 0.811H^{0.131}, \text{ where}$$

E = the allowable particulate emissions rate in pounds per million Btus of heat input and

H = heat input in millions of Btus per hour;

(2) Sulfur dioxide: A fuel-burning unit may not emit sulfur dioxide emissions to the ambient air in an amount greater than three pounds of sulfur dioxide per million Btus of heat input to the unit based on a three-hour rolling average, which is the arithmetic average of three contiguous one-hour periods.

Source: SL 1975, ch 16, § 1; transferred from § 34:10:07:03, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:07:03, effective July 1, 1981; 11 SDR 151, effective May 12, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:06:02.01 and 74:26:07:03, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:06:03. Allowable emissions for process industry units. An owner or operator who operates a process industry unit may not cause or permit emissions of the following regulated air pollutants from any unit in excess of the amount expressed in the equation allocated to the unit listed in this section:

(1) Particulate matter:

(a) The allowable particulate emissions rate for process industry units with process weight rates up to 60,000 pounds per hour shall be determined by use of the following equation:

$$E = 4.10 \times P^{0.67}, \text{ and}$$

(b) The allowable particulate emissions rate for process industry units with process weight rates in excess of 60,000 pounds per hour shall be determined by use of the following equation:

$$E = [55.0 \times P^{0.11}] - 40, \text{ where}$$

E = the rate of emission in pounds per hour and

P = process weight rate in tons per hour;

(2) Sulfur dioxide: A process unit which uses combustible fuel may not emit sulfur dioxide emissions to the ambient air in an amount greater than three pounds of sulfur dioxide per million Btus of heat input to the unit based on a three-hour rolling average, which is the arithmetic average of three contiguous one-hour periods.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:06:08 and 34:10:07:03, 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:06:05 and 44:10:07:03, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:06:05 and 74:26:07:03, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:06:04. Particulate emission restrictions for incinerators and waste wood burners. An owner or operator may not cause or permit an incinerator or wood waste burner to emit a regulated air pollutant of a density greater than that designated as 20 percent opacity. No other emission limits apply to these sources except those in chapters 74:36:07 and 74:36:08.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:06:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:06:01, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:06:01, 19 SDR 157, effective April 22, 1993; 31 SDR 101, effective January 2, 2005.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:06:05. Most stringent interpretation applicable. If the nature of any unit or the design of any equipment permits more than one interpretation of the limits of this chapter, the interpretation that results in the most stringent value for the allowable emissions shall apply.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:06:10, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:06:07, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from § 74:26:06:07, 19 SDR 157, effective April 22, 1993.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.

74:36:06:06. Stack performance test. A unit subject to this chapter must follow the requirements in chapter 74:36:11 for stack performance tests. A stack performance test is required under the following conditions:

(1) A new unit or modification of an existing source with the potential to emit any of the regulated pollutants greater than 100 tons per year shall conduct a stack performance test to determine compliance with the applicable standard;

(2) A unit that emits any regulated pollutants may be required to conduct a stack performance test to determine compliance with all applicable emission standards upon renewal of a permit to operate or at the discretion of the secretary.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:05:02, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:05:02, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; transferred from § 74:26:05:02, 19 SDR 157, effective April 22, 1993; 31 SDR 101, effective January 2, 2005.

General Authority: SDCL 34A-1-6, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:06:07. Open burning practices prohibited. The following open burning practices are prohibited:

(1) A person may not burn waste oils, rubber, waste tires, tarpaper, or asphalt shingles. For the purposes of this subdivision, waste oil means any oil that has been refined from crude oil, used, or contaminated by physical or chemical impurities. An exception for crude oil is allowed as a remediation alternative for soils contaminated with crude oil if a person submits the information requested in § 74:12:04:11 and the secretary approves the alternative remediation process;

(2) A municipality or county governmental agency may not burn municipal solid waste unless exempted by the small town exemption in accordance with § 74:27:12:25;

(3) A person may not conduct or permit the operation of a salvage operation by open burning, except as allowed in article 74:27; and

(4) A person may not burn railroad ties or wood treated with inorganic arsenicals, pentachlorophenol, or creosols.

Open burning of any other material must be conducted in accordance with all applicable local ordinances and state laws and rules.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:04:02 and 34:10:04:08, 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:04:02 and 44:10:04:08, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:04:02 and 74:26:04:08, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; transferred from § 74:36:15:01, 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

Cross-References: Promulgation of rules -- Factors for consideration -- Scope -- Open burning, SDCL 34A-6-1.6; Open burning restrictions, § 74:27:13:11.