

CHAPTER 74:36:11

PERFORMANCE TESTING

Section

- 74:36:11:01 Stack performance testing or other testing methods.
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74:36:11:01. Stack performance testing or other testing methods. All stack performance tests or other test methods must be made in accordance with the applicable method specified in 40 C.F.R. § 60.17; Part 60, Appendix A; § 63.14; Part 63, Appendix A; and Part 51, Appendix M (all July 1, 2016).

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from § 34:10:05:01, 7 SDR 4, effective July 27, 1980; transferred from § 44:10:05:01, effective July 1, 1981; 10 SDR 68, effective January 5, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 72, effective November 24, 1987; 16 SDR 88, effective November 14, 1989; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:05:01, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; 23 SDR 106, effective December 29, 1996; 26 SDR 168, effective June 27, 2000; 30 SDR 26, effective September 1, 2003; 31 SDR 101, effective January 2, 2005; 32 SDR 209, effective June 13, 2006; 36 SDR 207, effective June 28, 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, 34A-1-12.

Law Implemented: SDCL 34A-1-12.

74:36:11:02. Secretary may require performance tests. The secretary may conduct or require a performance test of emissions, including stack sampling, for air pollutants from any source to determine compliance with regulated pollutant emission standards. Upon the request of the secretary, the owner or operator of the source to be tested must provide necessary ports in stacks or ducts and any other safe and applicable sampling and testing facilities necessary for determination of the emissions of air pollutants. The results of the required performance test must

be submitted to the department within 60 days after the completion of the performance test or as designated by the department.

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; 23 SDR 106, effective December 29, 1996.

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

Law Implemented: SDCL 34A-1-12.

74:36:11:03. Notice to department of performance test. The owner or operator of an affected facility shall notify the department at least 10 days before the start of a performance test to arrange for an agreeable test date when a department representative may observe the test.

Source: 19 SDR 157, effective April 22, 1993; 23 SDR 106, effective December 29, 1996.

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

Law Implemented: SDCL 34A-1-12.

74:36:11:04. Testing new fuels or raw materials. The owner or operator of a permitted source may request permission to test a new fuel or raw material to determine if it is compatible with existing equipment and to determine air emission rates before requesting a permit amendment or modification. A complete request shall consist of:

- (1) A written proposal that describes the new fuel or raw material;
- (2) An estimate of the type and amount of regulated air pollutant emissions that will result from the change; and
- (3) The schedule for conducting the test and the duration of 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.

Within 45 days after receipt of a complete proposal to conduct a test, the department shall notify the owner or operator in writing as to whether or not the department approves the test. If approved, the department's written response shall specify the schedule for conducting the test and outline the test requirements. The requirements may include performance testing, visible emission evaluation, fuel analysis, dispersion modeling, and monitoring of raw material or fuel rates.

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

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

Source: 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6, 34A-1-12, 34A-1-21.