

ATTACHMENT 3

ADMINISTRATIVE RULES OF SOUTH DAKOTA
CHAPTER 74:36:21

Docket No.
PU-11-163/ PU-11-165
OTP/MDU-113

ARTICLE 74:36

AIR POLLUTION CONTROL PROGRAM

Chapter

- 74:36:01 Definitions.
- 74:36:02 Ambient air quality.
- 74:36:03 Air quality episodes.
- 74:36:04 Operating permits for minor sources.
- 74:36:05 Operating permits for Part 70 sources.
- 74:36:06 Regulated air pollutant emissions.
- 74:36:07 New source performance standards.
- 74:36:08 National emission standards for hazardous air pollutants.
- 74:36:09 Prevention of significant deterioration.
- 74:36:10 New source review.
- 74:36:11 Performance testing.
- 74:36:12 Control of visible emissions.
- 74:36:13 Continuous emission monitoring systems.
- 74:36:14 Variances, Repealed.
- 74:36:15 Open burning, Transferred or Repealed.
- 74:36:16 Acid rain program.
- 74:36:17 Rapid City street sanding and deicing.
- 74:36:18 Regulations for state facilities in the Rapid City area.

- 74:36:19 Mercury budget trading program, Repealed.
- 74:36:20 Construction permits for new sources or modifications.
- 74:36:21 Regional haze program.

CHAPTER 74:36:21

REGIONAL HAZE PROGRAM

Section

- 74:36:21:01 Applicability.
- 74:36:21:02 Definitions.
- 74:36:21:03 Existing stationary facility defined.
- 74:36:21:04 Visibility impact analysis.
- 74:36:21:05 BART determination.
- 74:36:21:06 BART determination for a BART-eligible coal-fired power plant.
- 74:36:21:07 Installation of controls based on visibility impact analysis or BART determination.
- 74:36:21:08 Operation and maintenance of controls.
- 74:36:21:09 Monitoring, recordkeeping, and reporting.
- 74:36:21:10 Permit to construct.
- 74:36:21:11 Permit required for BART determination.

74:36:21:12 Federal land manager notification and review.

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, 2009); and

(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; and

(10) "30-day rolling average," shall be 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, shutdown and malfunction.

(11) "Operating day," means 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.

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, and shutdown, and malfunction;

(4) Sulfur dioxide emissions in excess of 0.09 pounds per million Btus, which ~~does not~~ include includes periods of startup, and shutdown, and malfunction;

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

(6) Nitrogen oxide emissions in excess of 0.10 pounds per million Btus, which ~~does not include~~ includes periods of startup, ~~and shutdown, and malfunction~~.

Compliance with the PM10 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.

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. ~~Monitoring of sulfur dioxide and nitrogen oxide emissions from the main stack shall be conducted using a continuous emission monitoring system which complies with the continuous emission monitoring requirements in chapter 74:36:13.~~ 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, 2009), 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, 2009).

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: ~~be in accordance with § 74:36:05:16.01(9). Recordkeeping and reporting shall comply with the requirements in § 74:36:05:16.01(9).~~

(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.

General Authority: SDCL 34A-1-6.

Law Implemented: SDCL 34A-1-6.