

Permit No.: SDG11A000

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Issued To:

The seal of the State of South Dakota is a large, circular emblem in the background. It features a serrated outer edge. Inside the circle, the words "STATE OF SOUTH DAKOTA" are written in an arc at the top. Below this, a smaller arc contains the motto "UNDER GOD THE PEOPLE RULE". The center of the seal depicts a landscape with a river, a windmill, and a plow. At the bottom, the year "1889" is prominently displayed.

GENERAL PERMIT TO OPERATE UNDER THE
AIR QUALITY OPERATING PERMIT PROGRAM FOR STATIONARY
CONCRETE PLANTS IN SOUTH DAKOTA

In compliance with the provisions of the South Dakota Codified Law 34A-1-56, stationary concrete plants with potential air emissions less than 100 tons per year of any one criteria air pollutant are authorized to operate at locations throughout the state of South Dakota, in accordance with emissions limitations, operating requirements and other conditions set forth in this General Permit.

Signed this

Glenn Blumhardt, Chairman
Board of Minerals and Environment

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1.0 Coverage Under This Permit

1.1 Sources covered

Under authority of South Dakota Codified Laws (SDCL) 34A-1-56 and Administrative Rules of South Dakota (ARSD) 74:36:04:32, a general permit may be issued to all stationary concrete plants that qualify as a minor source under ARSD 74:36:01:01(37).

1.2 Notice of Intent

In accordance with the ARSD 74:36:04:06, in order to be considered eligible for authorization to operate a stationary concrete plant under the terms and conditions of this general permit, the owner, operator, and/or authorized agent must submit a Notice of Intent form (see Appendix A) to the address below at least 30 days prior to the anticipated date of operation.

South Dakota Department of Agriculture and Natural Resources
Air Quality Program
523 East Capitol, Joe Foss Building
Pierre, SD 57501-3182

If the owner or operator becomes aware that it failed to submit any relevant facts in the Notice of Intent form or submitted incorrect information, such information shall be promptly submitted.

1.3 Change of Ownership or Facility Name

In accordance with ARSD 74:36:04:19, the owner or operator shall submit to the Secretary a "Change of Ownership or Facility Name" form (see Appendix B) at least seven days prior to any change of ownership or facility name.

1.4 Signatory requirements

In accordance with ARSD 74:36:04:07, all Notice of Intent and Change of Ownership or Facility Name forms submitted to the Secretary shall be signed and certified by a responsible official. A responsible official is a responsible corporate officer for a corporation or a general partner or the proprietor for a partnership or sole proprietorship, respectively. All reports, plans, certifications, or other information submitted to the Secretary shall be signed and certified by a responsible official or a duly authorized representative. 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 responsible official shall notify the Secretary if an authorization is no longer accurate. The new duly authorized representative must be designated prior to or together with any reports or information to be signed by a duly authorized representative.

1.5 Property rights or exclusive privileges

In accordance with ARSD 74:36:04:15(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.

1.6 Severability

In accordance with ARSD 74:36:04:15(11), any portion of this permit that is void or challenged shall not affect the validity of the remaining permit requirements.

1.7 Requiring an individual permit.

In accordance with ARSD 74:36:04:33, the Secretary may require the owner or operator applying for this general permit or operating under this general permit to apply for and obtain individual air quality under the following circumstances:

1. The owner or operator is not in compliance with the conditions of its existing individual air quality permit prior to applying for this general permit; or
2. The owner or operator is not in compliance with the conditions of this general permit;

The owner or operator must be notified in writing that an application for an individual air quality permit is required. When an individual air quality permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual air quality permit.

1.8 Definitions

1. "*Secretary*" means the Secretary of the Department of Agriculture and Natural Resources or an authorized representative.
2. "*Potential Air Emissions*" means the total amount of particulate matter, sulfur dioxide, nitrogen oxide, volatile organic compounds and carbon monoxide emissions that could be released from all the operations permitted at the stationary concrete plant while operating at maximum capacity for every hour of the year.

2.0 General Requirements

2.1 Operation of source

In accordance with ARSD 74:36:04:15(9), the owner or operator shall construct and operate the units, controls, and processes in accordance with the statements, representations, and supporting data contained in the complete Notice of Intent form (See Appendix A), unless modified by the conditions of this general permit. Except as otherwise provided herein, the control device(s) in the Notice of Intent form shall be operated in a manner that achieves compliance with the conditions of this permit at all times. If the owner or operator becomes aware that it failed to submit any relevant facts in the Notice of Intent form or submitted incorrect information in the Notice of Intent form, such information shall be promptly submitted.

2.2 Permit flexibility

In accordance with ARSD 74:36:04:18, the owner or operator shall have the flexibility to make changes to the concrete plant provided the proposed change does not cause an exceedance of the air emissions allowed under the permit or render the facility ineligible for coverage under this general permit. The owner or operator shall provide the Secretary with written notice at least seven days in advance of the proposed change. The written notice shall include a brief description of the change, the date on which the change is to occur, and any change in air emissions.

The Secretary will notify the owner or operator whether the proposed change is acceptable or is not eligible under the general permit. A proposed change that is acceptable can be completed immediately after the Secretary receives the written notification. A proposed change that is not eligible under the general permit cannot be constructed until the Secretary takes final action on the proposed change and issues an individual permit.

2.3 Permit revision

In accordance with ARSD 74:36:04:23, the Board of Minerals and Environment, upon recommendation of the Secretary, may reopen or revise this general permit to meet requirements of SDCL 34A-1 or the federal Clean Air Act. In accordance with ARSD 74:36:04:24, the Secretary shall notify the owner or operator at least 30 days before reopening this general permit. The 30-day period may be less in case of an emergency.

2.4 Duty to reapply

In accordance with ARSD 74:36:04:06, a timely and complete Notice of Intent form shall be submitted ninety (90) days prior to the date of permit expiration. If submitted ninety (90) days prior to the date of expiration, then authorization to operate under the general permit shall not expire and the conditions of the general permit shall remain in effect until the Secretary takes final action on the Notice of Intent. In accordance with ARSD 74:36:04:16, permit expiration terminates the owner's or operator's right to operate each source covered under the general permit unless a timely and complete Notice of Intent form has been submitted to the Secretary.

3.0 Air Pollution Limits

3.1 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 the Notice of Intent form, 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.

3.2 Visibility exceedances

In accordance with ARSD 74:36:12:02, an exceedance of the operating limit in permit condition 3.1 is not considered a violation during brief periods of soot blowing, start-up, shutdown, or malfunctions. A malfunction is described as 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 of the source is not a malfunction and is considered a violation.

3.3 Total suspended particulate emission limits for process equipment

In accordance with ARSD 74:36:06:03, no owner or operator of a process may cause or permit the emission of total suspended particulate matter in excess of the amount expressed in Equation 3-1 from a unit listed in the Notice of Intent form with a maximum process rate up to 60,000 pounds per hour.

$$\text{Equation 3-1} \quad E = 4.10 \times P^{0.67}$$

No owner or operator of a process may cause or permit the emission of total suspended particulate matter in excess of the amount expressed in Equation 3-2 from a unit listed in the Notice of Intent form with a maximum process rate in excess of 60,000 pounds per hour.

$$\text{Equation 3-2} \quad E = (55.0 \times P^{0.11}) - 40$$

Where “E” equals the rate of total suspended particulate matter emissions in pounds per hour and “P” equals the process weight rate in tons per hour.

3.4 Total suspended particulate emission limits for fuel-burning units

In accordance with ARSD 74:36:06:02(1)(a), no owner or operator of a fuel-burning unit with heat input values less than 10 million Btus per hour may allow total suspended particulate matter emissions in exceedance of 0.6 pounds per million Btus of heat input. In accordance with ARSD 74:36:06:02(1)(b), no owner or operator of a fuel-burning unit with heat input values equal to or greater than 10 million Btus per hour may allow the emissions of total suspended particulate matter in excess of the amount expressed in Equation 3-3.

$$\text{Equation 3-3} \quad E = 0.811 \times H^{-0.131}$$

Where “E” equals the rate of total suspended particulate matter emissions in pounds per million

Btus of heat input and “H” equals the maximum heat input rate of the fuel burning unit in million Btus per hour.

3.5 Sulfur dioxide emission limit for fuel-burning units

In accordance with ARSD 74:36:06:02(2), no owner or operator of a fuel-burning unit may cause or permit the emissions of sulfur dioxide to the ambient air in an amount greater than three pounds of sulfur dioxide per million Btu of heat input to the unit. Compliance with the sulfur dioxide emission limit is based on a three-hour rolling average, which is the arithmetic average of three contiguous one-hour periods.

3.6 Circumvention not allowed

In accordance with ARSD 74:36:04:31, 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.

3.7 Minimizing emissions

In accordance with ARSD 74:36:04:15(9), the owner or operator shall at all time, when practicable, maintain and operate all permitted units in a manner that minimizes air pollution emissions.

4.0 Compliance Responsibilities

4.1 Duty to comply

In accordance with ARSD 74:36:04:15(12), the owner or operator shall comply with the conditions of this permit. A violation of any condition in this permit is grounds for enforcement, revocation and issuance of an individual permit, 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 revocation and issuance of an individual permit. This permit does not waive compliance with federal, state, or local laws and ordinances.

4.2 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 that are 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.

4.3 Penalty for violating a permit condition

In accordance with 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.

5.0 Recordkeeping and Reporting Requirements

5.1 Recordkeeping and reporting

In accordance with ARSD 74:36:04:15(10), 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 the 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 Secretary using one of the following two notification methods:

Notification Method 1 – Mailing Address

South Dakota Department of Agriculture and Natural Resources
PMB 2020, Air Quality Program
523 E. Capitol, Joe Foss Building
Pierre, SD 57501-3182

Or

Notification Method 2 – Email Address

AirQualityReporting@state.sd.us

Each notification and report shall contain the information required in this permit, the signature of the responsible official or duly authorized representative as outlined in permit condition 5.2 and the certification statement in permit condition 5.3. If the owner or operator chooses to submit the notification and reports via email, the email must contain an acrobat copy (PDF) of the notification or report. The acrobat copy must contain the required information, signature, and certification statement. If a notification or report is required to be notarized, the notification or report may not be submitted by email.

5.2 Signatory requirements

In accordance with ARSD 74:36:04:07, 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 74:36:04:15(10), all documents required by this permit, including the Notice of Intent form and reports, 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 Reporting permit violations

In accordance with ARSD 74:36:04:15(10), 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 Agriculture and Natural Resources at (605) 773-3151 or by FAX at (605) 773-5286.

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 Performance Tests

6.1 Performance test may be required

In accordance with ARSD 74:36:11:02, the Secretary may request a performance test. 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 that is conducted while operating at 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 the performance test if circumstances reasonably warrant but will not extend the deadline past a federally required performance test deadline.

6.2 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 applicable or required.

6.3 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.

6.4 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 that outlines what needs to be completed for approval.

6.5 Notification of test

In accordance with ARSD 74:36:11:03, the owner or operator shall notify the Secretary at least 10 days prior to the start of a performance test to arrange for an agreeable test date when the Secretary may observe the test. The Secretary may extend the deadline for the performance test in order to accommodate schedules in arranging an agreeable test date.

6.6 Performance test report

In accordance with ARSD 74:36:04:15(10), 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;
5. Quality assurance procedures and results;
6. Records of operating conditions during the test, 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.

7.0 NSPS Requirements – Emergency Engine, Subpart IIII

This section is written to cover federal requirements for emergency generators applicable to 40 CFR 60, Subpart IIII. The applicable diesel compression ignition (CI) emergency generators must meet federal requirements written for emergency generators that are located at an area source, are manufactured after 2007, reconstructed after July 11, 2005.

7.1 Emergency engine emission limits

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR §§ 60.4205(b) and 60.4206, the owner or operator shall operate and maintain the emergency engine that achieves the emission limits in 40 CFR §§ 60.4202 over the entire life of the emergency engine.

In addition, the exhaust gases from the emergency engine, except single-cylinder engines and constant-speed engines, shall not exceed the following opacity levels:

1. 20 percent during the acceleration mode;
2. 15 percent during the lugging mode; and
3. 50 percent during the peaks in either the acceleration or lugging modes.

7.2 Fuel requirements for emergency engines

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 the emergency engine 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.

The owner or operator may use any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, until depleted.

7.3 Operating requirements for emergency engines

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 7.6:

1. Operate and maintain the engine according to the manufacturer's emission-related written instructions;
2. Change only those emission-related settings permitted by the manufacturer; and
3. Meet the applicable requirements in 40 CFR Part 89, 94, and/or 1068.

7.4 Compliance with emergency engine emission limits

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4211(c), the owner or

operator shall demonstrate compliance with the emission limits in permit condition 7.1 by purchasing an engine certified to meet the emission limits in permit condition 7.1 and install and configure the engine according to the manufacturer's emission-related specifications, except as permitted in permit condition 7.6.

7.5 Annual operation of emergency engine

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4211(f), the owner or operator shall operate the emergency engine as follows:

1. There is no time limit on the use of emergency engine in emergency situations;
2. The owner or operator may operate the emergency engine for any combination of the following purposes for a maximum of 100 hours per calendar year:
 - a. Emergency engines may be operated for maintenance checks and readiness testing, provided the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Secretary for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating federal, state, or local standards require maintenance and testing of the emergency engine beyond 100 hours per calendar year;
 - b. Emergency engines may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies, or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3; and
 - c. Emergency engines may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency;
3. Emergency engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year provided in paragraph (2) of this permit condition. The 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for the owner or operator to an electric grid or otherwise supply power as part of a financial arrangement with another entity, except if all of the following are met:
 - a. The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
 - b. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region;
 - c. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines;
 - d. The power is provided only to the owner or operator itself or to support the local transmission and distribution system; and

- f. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the owner or operator.

7.6 Alternative requirements for emergency engines

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 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 shall demonstrate compliance as follows:

1. Maintain a maintenance plan and records of conducted maintenance;
2. To the extent practicable, maintain and operate the generator in a manner consistent with good air pollution control practice for minimizing emissions;
3. Conduct an initial performance test to demonstrate compliance with the emission limits in permit condition 7.1 within 1 year of initial startup or within 1 year of such action; and
4. If the emergency engine is greater than 500 horsepower, the owner or operator shall conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable limits in permit condition 7.1.

7.7 Performance test requirements for emergency engines

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4212(a) and (c), if the owner or operator conducts a performance test to demonstrate compliance with permit condition 7.1 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 for emergency engines with a displacement of less than 10 liters per cylinder and according to 40 CFR Part 1042, Subpart F, for emergency engines with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder; and
2. Exhaust emissions from the emergency engine shall not exceed the "NTE" numerical requirements, rounded to the same number of decimal places as the applicable emission limit in permit condition 7.1 and determined by Equation 7-1.

Equation 7-1 – NTE formula

$$NTE = 1.25 \times STD$$

Where:

- NTE = Numerical requirement for each pollutant identified in permit condition 7.1; and
- STD = Emission limit for each pollutant identified in permit condition 7.1.

7.8 Non-resettable hour meter

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4209(a) and ARSD 74:36:05:16.01(9), the owner or operator shall install, maintain, and operate a non-

resettable hour meter on the emergency engine prior to initial startup.

7.9 Recordkeeping for 2011 or later emergency engines

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4214(b), the owner or operator shall maintain records for 2011 or later emergency engines. The owner or operator shall record the date, start time, and end time of operation using the non-resettable hour meter and the reason the engine was in operation during that time.

7.10 Annual reporting for emergency engines greater than 100 horsepower

In accordance with ARSD 74:36:07:88, as referenced to 40 CFR § 60.4214(d), if the owner or operator operates an emergency engine with a maximum engine power of more than 100 horsepower that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in subparagraph (2)(b) and (c) in permit condition 7.5 or that operates for the purposes specified in paragraph (3) of permit condition 7.5, the owner or operator shall submit an annual report. The annual report shall contain the following:

1. Company name and address where the engine is located;
2. Date of the report and beginning and ending dates of the reporting period;
3. Engine site rating and model year;
4. Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place;
5. Hours operated for the purposes specified in subparagraph (2)(b) and (c) in permit condition 7.5, including the date, start time, and end time;
6. Number of hours the engine is contractually obligated to be available for the purposes specified in subparagraph (2)(b) and (c) in permit condition 7.5, if applicable; and
7. Hours spent for operation for the purposes specified in paragraph (3) of permit condition 7.5, including the date, start time, and end time. The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to this subpart is not available in CEDRI at the time the report is due, the written report must be submitted to the Secretary.

8.0 NSPS Requirements – Emergency Engine, Subpart JJJJ

This section is written to cover federal requirements for emergency generators applicable to 40 CFR 60, Subpart JJJJ. The applicable emergency generators must meet federal requirements written for natural gas or propane spark ignition (SI) emergency generators that are located at an area source, are manufactured on or after January 1, 2009.

8.1 Emission limits

In accordance with ARSD 74:36:07:90, the owner or operator shall not allow emissions from the emergency generator to exceed the emission limits in 40 CFR 60, Subpart JJJJ over the entire life of the emergency generator.

8.2 Compliance requirements

In accordance with ARSD 74:36:07:90, the owner or operator shall comply with the following:

1. Purchase an emergency generator certified to meet the emission in 40 CFR 60, Subpart JJJJ and maintain a copy of the certification. The emergency generator must be installed and configured according to the manufacturer's specifications; and
2. Demonstrate compliance with 40 CFR part 1068, subparts A through D, as applicable;
3. Operate and maintain the emergency generator according to or consistent with the manufacturer's emission-related written instructions; and
4. Maintain a maintenance plan and records of conducted maintenance.

The owner or operator of a non-certified engine shall conduct a performance test within one year of the engine start-up.

If the engine is not operated in accordance with the manufacturer's emission related instructions, the engine will be considered a non-certified engine and the owner or operator shall conduct a performance test within year of engine start-up.

8.3 Emergency generator operation

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR § 60.4243(d), the owner or operator may operate the emergency generator for the following reasons:

1. Emergency engines may be operated during emergency operations and maintenance checks/readiness testing as recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company. The maintenance checks/readiness testing is limited to 100 hours per year;
2. The owner or operator may exceed the maintenance checks/readiness testing limit of 100 hours if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency generators beyond 100 hours per year;
3. There is no time limit on the use of emergency generators in emergency situations;
4. Emergency generators may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; and
5. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year is prohibited.

8.4 Recordkeeping requirements

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR § 60.4245(a), the owner or operator shall maintain the following records:

1. All notifications submitted to comply with this chapter and all documentation supporting any notification;
2. Maintenance conducted on the emergency generator; and
3. The owner operator shall maintain documentation that the emergency generator is meeting the emission standards in 40 CFR 60, Subpart JJJJ.

8.5 Installation of a non re-settable clock

In accordance with ARSD 74:36:07:90, as referenced to 40 CFR § 60.4237(c), the owner or operator shall install a non re-settable clock on the emergency generator and continuously record the hours of operation.

9.0 MACT SUBPART JJJJJ for Boilers

This section is written to cover federal requirements for boilers applicable to 40 CFR 60, Subpart JJJJJ. The applicable boilers must meet federal requirements written for boilers that are fired with distillate oil, that are existing, new or reconstructed and that have a maximum heat capacity less than 10 million Btus.

9.1 Work practice standards for Boilers less than 5 Million Btus

In accordance with 40 CFR § 63.11201(b) and (d), the owner or operator of boilers fired with distillate oil and have a maximum heat capacity less than 5 million Btus shall conduct a five year tune-up as specified in permit condition 9.5 on the boiler. The 5-year tune-up shall be conducted within 61 months from the date the previously conducted tune-up was completed. The work practice standards apply at all times.

9.2 Work practice standards for Boilers less than 10 Million Btus

In accordance with 40 CFR § 63.11201(b) and (d), the owner or operator of boilers fired with distillate oil and have a maximum heat capacity less than 10 million Btus shall conduct a biennial tune-up as specified in permit condition 11.5 on the boiler. The biennial tune-up shall be conducted within 25 months from the date the previously conducted tune-up was completed. The work practice standards apply at all times.

9.3 Initial work practice standard compliance deadline

In accordance with 40 CFR §§ 63.11196(a) and 63.11210(c), the owner or operator shall demonstrate initial compliance with permit condition 11.1 if the boiler is less than 5 Million Btus or 9.2 if the boiler is less than 10 Million Btus, no later than March 21, 2014.

9.4 Notice of compliance status for initial tune-up

In accordance with 40 CFR §§ 63.11214(b) and 63.11225(a)(4)(i), the owner or operator shall submit a Notification of Compliance Status to the Secretary within 120 days after the initial tune-up deadline in permit condition 9.3. The Notification of Compliance Status for the initial tune-up shall contain the following:

1. A statement the owner or operator complied with this condition by conducting the initial tune-up; and

2. A statement the initial tune-up was conducted in accordance with permit condition 9.5;

The Notice of Compliance Status shall be signed by the responsible official. The notification must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written Notification of Compliance Status must be submitted to the Secretary at the appropriate address listed in permit condition 1.2.

9.5 Boiler tune-up procedures

In accordance with 40 CFR § 63.11223(a) and (b), the owner or operator shall conduct a tune-up on the boiler and meet the following requirements:

1. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The owner or operator may delay the burner inspection until the next scheduled shutdown, however, the burner must be inspected at least once every 36 months;
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly;
4. Optimize total emissions of carbon monoxide. This optimization should be consistent with the manufacturer's specifications, if available;
5. Measure the concentrations in the effluent stream of carbon monoxide in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made);
6. Maintain onsite and submit, if requested by the Secretary, a report containing the following information:
 - a. The concentrations of carbon monoxide in parts per million, by volume, and oxygen in volume percent, measured before and after the tune-up of the boiler;
 - b. A description of any corrective actions taken as a part of the tune-up of the boiler; and
 - c. The type and amount of fuel used over the 12 months prior to the tune-up of the boiler; and
7. If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

9.6 Compliance certification report

In accordance with 40 CFR § 63.11225(b), the owner or operator shall prepare a compliance certification report by March 1 of the year following the completion of the tune-up. The report shall contain the following information:

1. Facility name and address;
2. Statement by a responsible official, with the official's name, title, phone number, e-mail address, and signature, certifying the truth, accuracy and completeness of the notification

- and a statement of whether the source has complied with all the relevant standards and other requirements of Chapter 9.0; and
3. The date of the tune-up for each boiler subject to this chapter.

9.7 Boiler recordkeeping requirements

In accordance with 40 CFR § 63.11225(c), the owner or operator shall maintain the following records for each boiler applicable to Chapter 9.0:

1. A copy of each notification of compliance status report;
2. A copy of each compliance certification report; and
3. Records identifying each boiler applicable to Chapter 9.0, the date of each tune-up, and the manufacturer's specifications to which the boiler was tuned.

9.8 Changing boiler fuel

In accordance with 40 CFR § 63.11193, the boiler shall be fueled only with diesel. If the boiler is fueled with other fuels such as coal or wood, additional standards and requirements in 40 CFR Part 63 Subpart JJJJJ may apply. The owner or operator shall apply for and obtain approval from the Secretary before other fuels can be used as a fuel in the boiler.

10.0 MACT Standard CCCCCC for Gasoline Dispensing Facilities

This section is written to cover federal requirements for gasoline dispensing facilities applicable to 40 CFR 63, Subpart CCCCCC. The applicable gasoline dispensing facilities must meet federal requirements written for gasoline dispensing facilities that are located at an existing area source, have a monthly throughput less than 10,000 gallons and are not applicable to a more stringent standard for the affected source.

10.1 Date to comply with Gasoline Dispensing Facilities' requirements

In accordance with ARSD 74:36:08:107, as referenced to 40 CFR § 63.11113(b), the owner or operator shall comply with the applicable requirements specified in this chapter on and after January 11, 2011.

10.2 Operational requirements for Gasoline Dispensing Facilities

In accordance with ARSD 74:36:08:107, as referenced to 40 CFR § 63.11116(a), the owner of operator shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include but are not limited to:

1. Minimize gasoline spills;
2. Clean up Spills as expeditiously as practicable;
3. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
4. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

10.3 Record keeping requirements for Gasoline Dispensing Facilities

In accordance with ARSD 74:36:08:107, as referenced to 40 CFR § 63.11111(e) and 40 CFR § 63.11116(b), the owner or operator shall record and keep for a period of 5 years the monthly throughput of any gasoline dispensing facility applicable to this subpart. Additionally, these records shall be submitted to the department within 24 hours of a request by the administrator.

10.4 Exceedance of 10,000 gallon per month threshold

In accordance with ARSD 74:36:08:107, as referenced to 40 CFR § 63.11111(i) and 40 CFR § 63.11116(b), the administrator requests that the owner or operator submit records to the department within 24 hours of any monthly throughput exceeding 10,000 gallons per month, as additional federal requirements may apply.

10.5 Portable Gasoline Containers

In accordance with ARSD 74:36:08:107, as referenced to 40 CFR § 63.11111(j), 40 CFR § 63.11116(d), 40 CFR § 59.602(a), and 40 CFR § 59.602(b) the owner or operator shall not dispense gasoline into a portable gasoline tank for on-site delivery and subsequent dispensing of gasoline into a fuel tank of gasoline-fueled engine or equipment unless the portable gasoline tank meets one of the following requirements:

1. Manufactured and purchased directly or indirectly from a manufacturer, importer, wholesale distributor in the United States after January 1, 2009; or
2. Compliant Through the use of a Certificate of Conformity with 40 CFR § 59 Subpart F.

11.0 SPECIAL REQUIREMENTS – RAPID CITY AREA

11.1 Rapid City Natural Events Action Plan area

In accordance with ARSD 74:36:04:15(10), the owner or operator located in the Rapid City Natural Events Action Plan area for particulate matter less than or equal to 10 microns in diameter (PM10) must meet the requirements in this Chapter. The Rapid City Natural Events Action Plan Control area is defined by a north to south line extending west from the “Gap” to five miles beyond the city limit boundary (see Appendix C).

11.2 Unpaved roads

In accordance with ARSD 74:36:04:15(10), the owner or operator shall apply a chemical stabilizer on all main haul roads and a chemical stabilizer or water on all secondary roads that have daily vehicular traffic or an alternative method approved by the Secretary. The frequency of applying chemical stabilizer or water will be on an as needed basis to comply with the opacity limit in permit condition 10.8. The owner or operator may pave the main haul roads or secondary roads with tack seal, asphalt, recycled asphalt, or concrete. If the main haul road or secondary haul road is paved, the owner or operator shall meet the requirements of permit condition 10.3. A main haul road is defined as a passageway between the mining area and the processing facility or between the processing facility and the storage area in which material is transferred on a road. A secondary haul road is defined as a passageway in which there is daily vehicular traffic on normal working days other than the main haul roads.

11.3 Paved roads and parking areas

In accordance with ARSD 74:36:04:15(10), the owner or operator shall use a mechanical sweeper that collects particulate matter and is equipped with wet suppressions, a vacuum sweeper, or water flush all paved roads and parking areas to remove particulate matter that has the potential to be re-suspended during the spring, summer, and fall. During the winter months or during freezing weather, the paved roads and parking lots shall be cleaned with the mechanical sweeper that collects particulate matter and is equipped with wet suppressions or a vacuum sweeper. The frequency of cleaning will be on an as needed basis to comply with the opacity limit in permit condition 10.8.

11.4 Track out areas

In accordance with ARSD 74:36:04:15(10), the owner or operator shall pave (asphalt or concrete) a track out area to maintain a stabilized surface starting from the point of intersection with the public paved surface into the facility boundary for a total distance of at least 100 feet and a width of at least 20 feet or install a wash station and require all haul truck vehicles leaving the facility to remove track out materials through the use of water. For temporary track out areas (in use for less than 60 days in a calendar year), techniques and/or controls shall be implemented so as to prevent particulate matter from becoming entrained in violation of the opacity limit in permit condition 10.8. A track out area is defined as the driving surface from the owner's or operator's facility to a paved public roadway upon which particulate matter may be deposited by transport vehicles.

11.5 Open storage piles

In accordance with ARSD 74:36:04:15(10), the owner or operator shall sample and analyze the silt content of open storage piles that have a height greater than or equal to three feet and have a total surface area greater than or equal to 150 square feet. The analysis shall be conducted once per calendar year and in accordance with ASTM C-136 or another equivalent method approved by the Secretary. Open storage pile controls shall be applied to each open storage pile that has a silt content of four percent by weight or greater. Silt is defined as any material with a particulate size less than 74 micrometers in diameter and passes through a number 200 sieve. Open storage pile controls shall be applied or constructed in a manner that maintains compliance with the opacity limit in permit condition 10.8. Open storage pile controls shall consist of at least one of the following:

1. Apply chemical stabilizer to the surface area of all open storage piles;
2. Apply water to the surface area of all open storage piles;
3. Install at least a two-sided enclosure with walls extending, at a minimum, to the top of the open storage pile; or
4. An alternative method approved by the Secretary

11.6 Crusher control options

In accordance with ARSD 74:36:04:15(10), the owner or operator shall enclose any primary, secondary or tertiary rock crusher that is stationary. A stationary crusher is defined as a crusher that is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock. The enclosure shall include the associated

screens, conveyor belts, and transfer points, except for transfer points that drop material onto an open stock pile or onto a conveyor system that transports limestone ore from the quarry to the processing facility. Any captured particulate shall be disposed of in a manner that will not allow the captured particulate to become re-entrained into the ambient air.

The term "enclosure" shall be defined to be either a complete enclosure around one or more pieces of equipment or an enclosure of those points on the equipment from which particulate is emitted. To qualify as an enclosure, the enclosure shall:

1. Be constructed of materials impermeable to air. The actual shell of a piece of equipment may be considered as the enclosure or part of the enclosure;
2. Be designed and constructed to minimize the number and size of openings through which air may enter or exit the building or enclosure. Openings shall be covered by a curtain or other method to minimize the opening to the size reasonably needed for the movement of materials, equipment, personnel, and air necessary for operation and ventilation of occupied areas;
3. Be designed and constructed so that the discharge of air from the building or enclosed structure on the unit associated with movement of materials shall be minimized as much as is reasonably possible;
4. Include a method of controlling particulate emissions based on the type of enclosure. If the process is enclosed by a building, the owner or operator shall treat, capture, or remove particulate emissions generated from the material being processed with wet suppression, a baghouse or a wet scrubber. If the enclosure just covers the emission point, the owner or operator shall capture or remove particulate emissions generated from the material being processed with a baghouse or wet scrubber. The particulate emission control device shall be used at all times during the operation of the process equipment;
5. Whenever reasonably possible, the enclosure shall be designed so the enclosure and control have a negative pressure; and
6. Be designed and constructed together with the controls to allow for the removal of particulate emissions which have settled out of the air inside the enclosure or have been removed from the air by controls.

The owner or operator has the option of enclosing and controlling particulate emissions or applying wet suppression to control particulate emissions from a crusher that is mobile or a portable crusher that is moved in an area on a temporary basis. The enclosure and control device or wet suppression shall include the associated screens, conveyor belts, and transfer points, except for transfer points that drop material onto an open stock pile. An enclosure for a mobile or portable crusher shall meet the requirements specified above for a stationary crusher.

A portable crusher is defined as a crusher that is located and operated in the west Rapid City area for no more than 90 days per calendar year. An owner or operator that moves a portable crusher into the west Rapid City area is required to document the date the unit was moved in, the days the unit was operated, and the date the unit was moved out of the west Rapid City area. Once a portable crusher is operated in the west Rapid City area for 90 days in a calendar year, the portable crusher must be shutdown for the calendar year or moved to another location outside the west Rapid City area.

Air emissions from the enclosure shall be subject to the opacity limit in permit condition 12.8 or the applicable New Source Performance Standard for the crusher. Limitations in sealing off enclosures from airflow that will impact worker safety and health standards for indoor particulate emission limits will be considered when reviewing the plans. In the event of freezing conditions and where the wet suppression equipment is inoperable, the owner and operator may operate the crusher and associated equipment without wet suppression provided the crusher and associated equipment can comply with the applicable opacity standard.

11.7 Wash out concrete truck area

In accordance with ARSD 74:36:04:15(10), the owner or operator is not required to add air quality controls to the washout concrete truck area provided the area stays in compliance with the opacity limit in permit condition 10.8.

11.8 Opacity limit for fugitive sources

In accordance with ARSD 74:36:04:15(10), the owner or operator shall not discharge a visible emission to the ambient air of a density equal to or greater than 20 percent opacity from an unpaved road, paved road or parking lot, crushing operation, open storage pile, track out area, or waste pit. The 20 percent opacity reading is based on a series of two minutes averages with a minimum observation period of six minutes. The opacity reading shall be determined by 40 CFR Part 60, Appendix A, Method 9.

If an operation exceeds the opacity limit, the Secretary will allow the owner or operator two opportunities to correct the exceedance with existing controls and/or control measures. In the event of a third exceedance from the same operation, the Secretary will notify the owner or operator that the Best Available Control Measure (BACM) for that operation must be reevaluated. The owner or operator shall reevaluate BACM for that operation and submit a written proposal to the Secretary on the proposed new BACM for the operation within 60 days of receiving the Secretary's notification. The Secretary shall approve or disapprove the proposed new BACM within 60 days of receiving the proposal from the owner or operator.

11.9 Opacity readings during a high wind dust alert

In accordance with ARSD 74:36:04:15(10), opacity readings documenting an exceedance during a high wind air pollution alert shall not be considered an exceedance of the opacity limit in permit condition 10.7. A high wind air pollution alert is based upon the following weather conditions:

1. Winds equal to or greater than 20 miles per hour on an hourly average occurring for two or more consecutive hours;
2. Peak winds of 40 miles per hour (one minute average) or greater; and
3. The above wind conditions with three or more days of low precipitation (less than 0.02 inches).

11.10 Local air quality ordinances

The owner or operator shall comply with all local (city and county) air quality ordinances that pertain to fugitive particulate emissions. The area regulated by these ordinances is different than

the Rapid City Natural Events Action Plan area.

12.0 Recommendation

A review of this facility indicates it can operate in compliance with South Dakota's Air Pollution Control rules and the federal Clean Air Act. The Secretary, therefore, recommends that the Board of Minerals and Environment issue this operating permit with conditions to ensure compliance with SDCL 34A-1 and the federal Clean Air Act. Any questions pertaining to the Secretary's recommendation should be directed to Chloe Ryan, Engineer I, at (605) 773-3151.

Appendix A – Notice of Intent



Air Quality Permit Application Form Concrete Plant

Notice of Intent And Certification of Applicant Form

(please complete shaded areas)

SEND TO:

SD Department of Agriculture and Natural Resources
Air Quality Program
523 East Capitol
Pierre, South Dakota 57501-3181

General Information:

If permit is being renewed or amended, give existing permit number:

1. Facility name?

2. Mailing address?

Street and/or box number

City, state, zip code

3. Facility location (if plant is portable, enter location at time of submittal)?

Street and city

Latitude, Longitude

Legal description and county

(Quarter, Section, Township, Range)

4. Standard Industrial Classification Code (SIC code)?

Primary SIC code:

Secondary SIC code (if applicable):

Please contact the Department if unable to determine your SIC code.

5. Permit contact?

Name/title:

Telephone number:

Email Address:

Concrete Plant Information:

1. Facility identification?			
2. Manufacturer?			
3. Model number?			
3. Check one:	☐ Stationary	☐ Portable	
4. Type of concrete batch plant (check one)?	☐ Redi-mix	☐ Central mix	
5. Maximum design operating rate?			cubic yards per hour
6. Has a stack test been conducted on the concrete batch plant (check one)?	☐ Yes	☐ No	

If a stack test has been conducted, please attach a copy of the most recent stack test report to this application. If the Department already has a copy of the most recent stack test, please specify the date of most recent stack test.

Date of most recent stack test:

Control Equipment: If applicable, types of air pollution control equipment (Examples: baghouse, cyclone, wet scrubber, electrostatic precipitator, thermal oxidizer, miscellaneous control device, etc.).

Please complete the appropriate air quality permit application form for each type of control equipment that controls air emissions from this operation.

Please check the process(es) controlled by the air pollution control equipment indicated above:

☐	Sand/aggregate transportation	☐	Weigh hopper
☐	Mixer	☐	Truck loading
☐	Other (specify):		

Cement and Fly Ash Unloading System:

1. Check the appropriate unloading system:	☐ Pneumatic	☐ Bucket elevator
2. Amount of cement each truck contains?	tons	☐ or cubic yards
3. Amount of fly ash each truck contains?	tons	☐ or cubic yards
4. How long does it take to unload a cement truck?	minutes	
5. How long does it take to unload a fly ash truck?	minutes	
6. Number of silos?		
7. Type of air pollution control equipment for silo's?		

(Examples: cyclone, dust house, fabric filter, enclosed building, etc.)

Other Equipment:

Does the facility own or operate a **boiler**? ☐ Yes ☐ No

Does the facility own or operate a **generator**? ☐ Yes ☐ No

Does the facility own or operate a **gasoline dispensing facility**? ☐ Yes ☐ No

If yes, does the gasoline distribution facility have a throughput of **more than 10,000** gallons of gasoline **per month**? ☐ Yes ☐ No

Does the facility own or operate a **baghouse** control device? ☐ Yes ☐ No

For each **control device, gasoline storage tank, boiler, or generator**, please fill out the appropriate application forms. The application forms can be found on DANR's website at the following link:
<https://danr.sd.gov/Environment/AirQuality/PermitForms/Applications.aspx>

Map: Attach a map showing the current location of the plant.

Certification:

This application is submitted in accordance with the provisions of the South Dakota Air Pollution Control Regulations, ARSD 74:36.

"I certify that to the best of my knowledge, after reasonable inquiry, the statements and information contained in the application and supporting documents are true, accurate, and complete. In accordance with South Dakota Codified Laws 1-40-27, I have also enclosed a completed Certification of Applicant form.

Signature:		
Print Name:		Date

Responsible Official

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE)
APPLICATION OF)

) CERTIFICATION OF

STATE OF)

) APPLICANT

COUNTY OF)

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public (signature)

My commission expires: _____

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS
AND DOCUMENTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

Appendix B – Change of Ownership Form

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES



CHANGE OF OWNERSHIP
for Coverage Under the General Permit for
Stationary Concrete Plants

General Permit Number: _____

Company/Operator Name: _____

Contact Person: _____

Email Address: _____

Mailing Address: _____

Facility Address: _____

Latitude, Longitude: _____

Please include a brief description of activities conducted at the site, noting any changes:

Date transfer of permit responsibility, coverage, and liability becomes effective*: _____

*Include the written agreement between the two facilities which includes this date.

Send to: Department of Agriculture & Natural Resources
Air Quality Program
523 East Capitol
Pierre SD 57501-3182

STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE	)	
APPLICATION OF	)	
_____	)	CERTIFICATION OF
	)	
STATE OF _____	)	APPLICANT
	)	
COUNTY OF _____	)	

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States;*
- or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public (signature)

My commission expires: _____

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL
FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

Appendix C – Rapid City Natural Events Action Plan Area

Rapid City, SD - Natural Events Action Plan (NEAP) Area

