|  |  |
| --- | --- |
|  | Air Quality Permit Application Form  Title V (Part 70) Operating Permit  General Information Form  And  Certification of Applicant Form |

**SEND ALL MATERIALS TO:**

SD Department of Agriculture and Natural Resources

Air Quality Program

523 East Capitol

Pierre, South Dakota 57501-3181

(Please complete shaded areas - if you have questions call (605) 773-3151)

#### Application Type

Check the appropriate box:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | New 1 |  | Renewal 1 |  | |  | |
|  |  |  |  |  | |  | |
| Permit revisions: | |  |  |  | |  | |
|  | Modification 1 |  | Minor Amendment |  | | Administrative Amendment | |
|  |  |  |  |  | |  | |
| For existing permits being renewed or revised, provide existing permit number: | | | | |  | |

1 – Applications for “New”, “Renewal”, and “Modification requires an application fee of $138. The application fee is not applicable to ethanol plants.

#### General Information

|  |  |  |  |
| --- | --- | --- | --- |
| 1. Facility name: |  | | |
| 2. Mailing address: |  | | |
| City, state, zip code |  | | |
| 3. Facility location (if plant is portable, enter location at time of submittal): | | | |
| Street and city |  | | |
| Legal description (if street address is unknown) | | |  |
|  | | **(Quarter, Section, Township, Range)** | |
| 4. Permit contact: | | | |
| Name/title |  | | |
| Telephone number |  | | |
| Email address |  | | |
|  | | | |
| 5. Facility contact, if different than permit contact (Person to contact for arranging inspections): | | | |
| Name/title |  | | |
| Telephone number |  | | |
| Email address |  | | |
|  | | | |
| 6. Responsible official: | | | |
| Name/title |  | | |
| Telephone number |  | | |
| Email address |  | | |
| **Note: A responsible official is defined as a president, vice president, secretary, or treasurer for a corporation; general partner or the proprietor for a partnership; and principal executive officer or ranking elected official for municipal, state, federal or public agency.** | | | |

**C. Plant Description**

|  |  |  |  |
| --- | --- | --- | --- |
| 7. Standard Industrial Classification Code (SIC code): | | | |
| Primary SIC code: |  | Secondary SIC code (if applicable): |  |
| **Please contact the Department at (605) 773-3151 for assistance if SIC code is unknown.** | | | |
| 8. For a “New” application, briefly describe the operations at the facility, including raw materials and finished products. For a “Renewal” application, leave blank. For a revision, please describe the modification, minor amendment or administrative amendment: | | | |
|  | | | |
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|  | | | |
| **If additional space is needed to describe operations, please attach the additional paper to this application and reference the attachment here.** | | | |

**D. Air Emissions Summary**

Potential air emissions are calculated assuming the permitted unit operates 24 hours per day, 7 days per week, 52 weeks per year at its maximum design capacity. If air emissions are available, please complete the following table. Attach all available documentation used to calculate the potential air emissions such as a spreadsheet, software programs (i.e., Tanks 4.09), emission factors, calculations, MSDS sheets for all products containing volatile organic compounds and/or hazardous air pollutants, and other supporting documentation.

|  | **Actual** | **Potential Controlled** | **Potential Uncontrolled** |
| --- | --- | --- | --- |
| **Pollutant** | **(tons per year)** | **(tons per year)** | **(tons per year)** |
| **PM10 2** |  |  |  |
| **PM2.5 3** |  |  |  |
| **Sulfur Dioxide** |  |  |  |
| **Nitrogen Oxide** |  |  |  |
| **Carbon Monoxide** |  |  |  |
| **Volatile Organic Compounds** |  |  |  |
| **Greenhouse Gases** |  |  |  |
| **Hazardous Air Pollutants (if applicable)** | | | |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

2 – PM10 means particulate matter 10 microns in diameter or less; and

3 – PM2.5 means particulate matter 2.5 microns in diameter or less.

**Please contact the Department at (605) 773-3151 if assistance is needed for calculating emissions for the permitted units such as emission factors, clarifying what potential emissions are, efficiency for control equipment, or for any other questions.**

#### E. Forms for Specific Equipment and Control Equipment

9. The following forms must be completed for each piece of specific equipment at the facility and submitted with this form:

|  |  |  |
| --- | --- | --- |
| **Boiler, Turbine, or Furnace** | **Generators and Fire Pumps** | **Incinerator** |
| **Kiln or Dryer** | **Spray Booth** | **Storage Tank** |
| **Miscellaneous** | **Insignificant Activities 4** |  |

4 – The “Insignificant Activities” form should be completed for each operation identified as an insignificant activity and exempt from permitting.

10. The following forms must be completed for each piece of specific air control equipment at the facility and submitted with this form:

|  |  |  |
| --- | --- | --- |
| **Bagho****use** | **Cyclon****e** | **Electrostatic Precipitator** |
| **Thermal Oxidizer** | **Wet Scrubber** | **Miscellaneous** |

**F. Compliance Plan**

If an existing emission unit(s) is not in compliance with the air quality construction permit, an existing Title V air quality operating permit, or an applicable federal regulation not covered by the permits, a proposed compliance plan shall be included with the application. The proposed compliance plan shall include a narrative description of the following:

1. What emission unit(s) are out of compliance;
2. The requirement(s) (i.e., statutes, air quality rules, permit conditions, federal regulations, etc.) the emission unit is not in compliance with at the time of submittal of this application;
3. How the facility intends to bring the emission unit(s) into compliance; and
4. A compliance schedule for when the emission unit(s) will achieve compliance with such requirements.

The compliance schedule must include a statement that progress reports will be submitted at least once every six months and must be at least as stringent as that contained in any judicial consent decree or administrative order to which the applicant is subject.

**G. Certification of Compliance**

I certify the following:

This application is submitted in accordance with the provisions of the South Dakota Codified Laws 34A-1 and Administrative Rules of South Dakota 74:36. 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 1-41-20, 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**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

**) APPLICANT**

**STATE OF** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **)**

**)**

**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 1-41-20 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 1-41-20, 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 1-41-20 (1) (a) THROUGH (e).**

**ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT**

**AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**