

# 40 C.F.R. § 52.2170

## Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for South Dakota under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to October 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraphs (c) and (d) of this section with EPA approval dates after October 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of October 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 8 Office, Office of Partnerships and Regulatory Assistance (OPRA), Air Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

(c) *EPA-approved regulations.*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
<b>Statewide</b>					
<b>74:09:01. Procedures— Board of Minerals and Environment, Contested Case Procedure</b>					
74:09:01:20	Board member conflict of interest	5/29/14	3/2/15	80 FR 4799, 1/29/15	
74:09:01:21	Board member potential conflict of interests	5/29/14	3/2/15	80 FR 4799, 1/29/15	
<b>74:36:01. Definitions</b>					
74:36:01:01	Definitions	04/19/2021	5/11/2022	87 FR 21026, 4/11/2022	

74:36:01:03	Administrative permit amendment defined	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:01:04	Affected states defined	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:01:05	Applicable requirements of the Clean Air Act defined	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:01:06	Complete application defined	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:01:08	Major source defined	4/4/99	5/19/14	79 FR 21852, 4/18/14	
74:36:01:09	Categories of sources defined	1/2/05	10/13/06	71 FR 46403, 8/14/06	
74:36:01:10	Modification defined	10/13/15	11/14/16	81 FR 70628, 10/13/16	
74:36:01:11	National ambient air quality standard (NAAQS)	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:01:12	Potential to emit defined	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:01:13	Process weight rate defined	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:01:15	Regulated air pollutant defined	1/5/95	5/19/14	79 FR 21852, 4/18/14	
74:36:01:16	Responsible official defined	1/2/05	10/13/06	71 FR 46403, 8/14/06	
74:36:01:18	Municipal solid waste landfill defined	12/29/96	12/18/98	63 FR 55804, 10/19/98	
74:36:01:19	Existing municipal solid waste landfill defined	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:01:20	Physical change in or change in the method of operation defined	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:01:21	Commence construction defined	6/28/10	7/28/14	79 FR 36419, 6/27/14	
<b>74:36:02. Ambient Air Quality</b>					
74:36:02:01	Air quality goals	4/22/93	12/18/98	63 FR 55804, 10/19/98	

74:36:02:02	Ambient air quality standards	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:02:03	Methods of sampling and analysis	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:02:04	Ambient air monitoring network	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:02:05	Air quality monitoring requirements	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>74:36:03. Air Quality Episodes</b>					
74:36:03:01	Air pollution emergency episode	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:03:02	Episode emergency contingency plan	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>74:36:04. Operating Permits for Minor Sources</b>					
74:36:04:01	Applicability	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:04:02	Minor source operating permit required	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:02.01	Minor source operating permit exemption	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:03	Emission unit exemptions	10/13/15	11/14/16	81 FR 70628, 10/13/16	
74:36:04:04	Standard for issuance of a minor source operating permit	9/13/2017	7/26/2018	83 FR 29700, 6/26/2018	
74:36:04:05	Time period for operating permits and renewals	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:04:06	Timely and complete application for operating permit required	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:07	Required contents of complete application for operating permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:08	Applicant required to supplement or correct application	1/5/95	12/18/98	63 FR 55804, 10/19/98	
74:36:04:09	Permit application—Completeness review	6/28/10	7/28/14	79 FR 36419, 6/27/14	

74:36:04:10	Time period for department's recommendation	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:11	Department's recommendation on operating permit	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:04:12	Public participation in permitting process	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:04:12.01	Public review of department's draft permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:13	Final permit decision—Notice to interested persons	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:04:14	Right to petition for contested case hearing	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:04:15	Contents of operating permit	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:04:16	Operating permit expiration	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:17	Renewal of operating permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:18	Operating permit revision	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:19	Administrative permit amendment	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:04:20	Procedures for administrative permit amendments	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:20.01	Minor permit amendment required	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:20.02	Requirements for minor permit amendment	1/5/95	12/18/98	63 FR 55804, 10/19/98	
74:36:04:20.03	Application for minor permit amendment	1/5/95	12/18/98	63 FR 55804, 10/19/98	
74:36:04:20.04	Department deadline to approve minor permit amendment	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:21	Permit modifications	10/13/15	11/14/16	81 FR 70628, 10/13/16	

74:36:04:22	Source status change—new permit required	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:04:23	Reopening operating permit for cause	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:24	Procedures to reopen operating permit	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:04:27	Operating permit termination, revision, and revocation	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:28	Notice of operating noncompliance—Contents	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:04:29	Petition for contested case on alleged violation	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:04:31	Circumvention of emissions not allowed	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:04:32	General permits	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:04:33	Secretary may require an individual permit	9/1/03	7/9/04	69 FR 25839, 5/10/04	
<b>74:36:06. Regulated Air Pollutant Emissions</b>					
74:36:06:01	Applicability	1/5/95	12/18/98	63 FR 55804, 10/19/98	
74:36:06:02	Allowable emissions for fuel-burning units	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:06:03	Allowable emissions for process industry units	4/4/99	5/7/03	68 FR 16726, 4/7/03	
74:36:06:04	Particulate emission restrictions for incinerators and waste wood burners	1/2/05	10/13/06	71 FR 46403,8/14/06	
74:36:06:05	Most stringent interpretation applicable	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:06:06	Stack performance test	1/2/05	10/13/06	71 FR 46403, 8/14/06	
74:36:06:07	Open burning practices prohibited	9/13/2017	7/26/2018	83 FR 29700, 6/26/2018	
<b>74:36:07. New Source Performance Standards</b>					

74:36:07:08	Ash disposal requirements	12/29/96	6/21/00	65 FR 32033, 5/22/00	
74:36:07:29	Operating requirements for wire reclamation furnaces	4/22/93	11/6/95	60 FR 46222, 9/6/95	
74:36:07:30	Monitoring requirements for wire reclamation furnaces	4/22/93	11/6/95	60 FR 46222, 9/6/95	
<b>74:36:09. Prevention of Significant Deterioration</b>					
74:36:09:01	Applicability	9/18/06	1/22/08	72 FR 72617, 12/21/07	
74:36:09:01.01	Prevention of significant deterioration permit required	9/18/06	1/22/08	72 FR 72617, 12/21/07	
74:36:09:02	Prevention of Significant Deterioration	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:09:03	Public participation	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>74:36:10. New Source Review</b>					
74:36:10:01	Applicability	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:10:02	Definitions	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:10:03.01	New source review preconstruction permit required	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:10:05	New source review preconstruction permit required	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:10:06	Causing or contributing to a violation of any national ambient air quality standard		11/14/16	81 FR 70628, 10/13/16	
74:36:10:07	Determining credit for emissions Offsets	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:10:08	Projected actual emissions	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:10:09	Clean unit test for emission units subject to lowest achievable emission rate	1/2/05	10/13/06	71 FR 46403, 8/14/06	
74:36:10:10	Clean unit test for emission units comparable to lowest achievable emission rate	1/2/05	10/13/06	71 FR 46403, 8/14/06	

<b>74:36:11. Performance Testing</b>					
74:36:11:01	Stack performance testing or other testing methods	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:11:02	Secretary may require performance tests	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:11:03	Notice to department of performance test	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:11:04	Testing new fuels or raw materials	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>74:36:12. Control of Visible Emissions</b>					
74:36:12:01	Restrictions on visible emissions	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:12:02	Exceptions to restrictions	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:12:03	Exceptions granted to alfalfa pelletizers or dehydrators	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>74:36:13. Continuous Emission Monitoring Systems</b>					
74:36:13:01	Secretary may require continuous emission monitoring systems (CEMS)	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:13:02	Minimum performance specifications for all continuous emission monitoring systems	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:13:03	Reporting requirements	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:13:04	Notice to department of exceedance	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:13:05	Compliance determined by data from continuous emission monitor	4/22/93	12/18/98	63 FR 55804, 10/19/98	
74:36:13:06	Compliance certification	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:13:07	Credible evidence	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:13:08	Compliance assurance monitoring	10/13/15	11/14/16	81 FR 70628, 10/13/16	
<b>74:36:17. Rapid City Street Sanding and Deicing</b>					

74:36:17:01	Applicability	2/11/96	8/9/02	67 FR 39619, 6/10/02	
74:36:17:02	Reasonable available control technology	2/11/96	8/9/02	67 FR 39619, 6/10/02	
74:36:17:03	Street sanding specifications	2/11/96	8/9/02	67 FR 39619, 6/10/02	
74:36:17:04	Street deicing and maintenance plan	2/11/96	8/9/02	67 FR 39619, 6/10/02	
74:36:17:05	Street sanding and sweeping recordkeeping	2/11/96	8/9/02	67 FR 39619, 6/10/02	
74:36:17:06	Inspection authority	2/11/96	8/9/02	67 FR 39619, 6/10/02	
<b>74:36:18. Regulations for State Facilities in the Rapid City Area</b>					
74:36:18:01	Definitions	7/1/02	3/22/04	69 FR 2671,1/20/04	
74:36:18:02	Applicability	7/1/02	3/22/04	69 FR 2671, 1/20/04	
74:36:18:03	Permit required	7/1/02	3/22/04	69 FR 2671, 1/20/04	
74:36:18:04	Time period for permits and renewals	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:18:05	Required contents of a complete application for a permit	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:18:06	Contents of permit	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:18:07	Permit expiration	7/1/02	3/22/04	69 FR 2671, 1/20/04	
74:36:18:08	Renewal of permit	7/1/02	3/22/04	69 FR 2671, 1/20/04	
74:36:18:09	Reasonably available control technology required	7/1/02	3/22/04	69 FR 2671, 1/20/04	
74:36:18:10	Visible emission limit for construction and continuous operation activities	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:18:11	Exception to visible emission limit	6/25/13	11/2/15	80 FR 59620, 10/2/15	



74:36:18:12	Notice of operating noncompliance—Contents	6/25/13	11/2/15	80 FR 59620, 10/2/15	
<b>74:36:20. Construction Permits for New Sources or Modifications</b>					
74:36:20:01	Applicability	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:02	Construction permit required	10/13/15	11/14/16	81 FR 70628, 10/13/16	
74:36:20:03	Construction permit exemption	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:04	Emission unit exemptions	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:05	Standard for issuance of construction permit	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:20:06	Timely and complete application for a construction permit required	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:07	Required contents of complete application for a construction permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:08	Applicant required to supplement or correct application	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:09	Permit application—Completeness review	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:10	Time period for department's recommendation	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:11	Public participation in permitting process	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:20:12	Public review of department's draft permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:13	Final permit decision—Notice to interested persons	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:20:14	Right to petition for contested case hearing	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:20:15	Contents of construction permit	6/25/13	11/2/15	80 FR 59620, 10/2/15	
74:36:20:16	Administrative permit amendment	6/28/10	7/28/14	79 FR 36419, 6/27/14	

74:36:20:17	Procedures for administrative permit amendments	6/28/10	7/28/14	79 FR 36149, 6/27/14	
74:36:20:18	Reopening construction permit for cause	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:19	Procedures to reopen construction permit	6/28/10	7/28/14	79 FR 36149, 6/27/14	
74:36:20:20	Construction permit does not exempt from other requirements	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:21	Expiration of a construction permit	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:22	Notice of constructing or operating noncompliance— Contents	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:23	Petition for contested case on alleged violation	6/28/10	7/28/14	79 FR 36419, 6/27/14	
74:36:20:24	Circumvention of emissions not allowed	6/28/10	7/28/14	79 FR 36419, 6/27/14	
<b>74:36:21. Regional Haze Program</b>					
74:36:21:01	Applicability	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:02	Definitions	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:21:03	Existing stationary facility defined	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:04	Visibility impact analysis	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:21:05	BART determination	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
74:36:21:06	BART determination for a BART-eligible coal-fired power plant	9/19/11	5/29/12	77 FR 24845, 4/26/12	
74:36:21:07	Installation of controls based on visibility impact analysis or BART determination	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:08	Operation and maintenance of controls	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:09	Monitoring, recordkeeping, and reporting	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	

74:36:21:10	Permit to construct	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:11	Permit required for BART determination	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:12	Federal land manager notification and review	12/7/10	5/29/12	77 FR 24845, 4/26/12	
74:36:21:13	Calculate a 30-day rolling average	11/25/2019	11/25/2020	85 FR 67658, 10/26/2020	
<b>Pennington</b>					
<b>Ordinance #12—Fugitive Dust Regulation—1.0 Control of Fugitive Dust</b>					
1.1	Applicability	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.2	Definitions	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.3	Standard of compliance	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.4	Reasonably available control technology required	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.5	Fugitive dust control permits required for construction activities, <i>i.e.</i> , temporary operations	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.6	Compliance plans and schedules required, <i>i.e.</i> , continuous operations	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.7	Enforcement procedures	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.8	Establishment of administrative mechanisms	12/12/78	7/13/79	44 FR 44494, 7/30/79	
1.9	Separability	12/12/78	7/13/79	44 FR 44494, 7/30/79	

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