Permit No.: 28.000067

Effective Date: February 17, 2016

Authorization Date: May 8, 2019

Expiration Date: February 17, 2021

Issued To: Croell, Inc. – Newel Portable Batch Plant

GENERAL PERMIT TO OPERATE UNDER THE

AIR QUALITY OPERATING PERMIT PROGRAM AND SURFACE WATER

DISCHARGE SYSTEM FOR PORTABLE CONCRETE PLANTS IN SOUTH DAKOTA

In compliance with the provisions of the South Dakota Codified Law 34A-1-56, portable concrete plants with potential emissions of less than 100 tons per year of any one criteria 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.

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), Chapters 74:52:01 through 74:52:11, portable concrete plants located within the state of South Dakota are authorized to discharge stormwater associated with industrial activity to surface waters of the state in accordance with discharge point(s), effluent limits, monitoring requirements and other conditions set forth herein.

Signed this

Rex Hagg, Chairman
Board of Minerals and Environment

Signed this

Steven M Pirner, Secretary
Department of Environment and Natural Resources

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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 portable concrete plants that qualify as a minor source under ARSD 74:36:01:01(37). Under authority of SDCL 34A-2-112 and ARSD 74:52:02:46, a general permit may be issued for stormwater point sources.

1.2 Discharges not covered

This general permit does not authorize stormwater discharges that are:

1. Mixed with sources of non-stormwater, other than discharges that are authorized under a separate discharge permit;
2. Discharges the Secretary determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards;
3. Process waters, including those from truck wash-outs and concrete wash water;
4. Discharges that contain leachate;
5. Discharges that contain regulated substances, hazardous substances, or oil resulting from on-site spills. The owner or operator is subject to federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. Spills in excess of reportable quantities shall be properly reported as stated in permit condition 1.10;
6. Discharges of fill material into waters of the state. Such discharges are required to obtain a Section 404 federal Clean Water Act permit from the U.S. Army Corps of Engineers;
7. Discharges associated with construction activities. If one or more acres are disturbed during construction of a site, the owner or operator must apply for authorization to discharge under the general permit for stormwater discharges associated with construction activity; or
8. Non-stormwater discharges such as truck washout water, vehicle wash water, aggregated cleaning wastewater, etc. A non-stormwater discharge may need an individual Surface Water Discharge permit.

1.3 Notice of Intent

In accordance with the ARSD 74:36:04:06 and 74:52:02:37, in order to be considered eligible for authorization to operate a portable 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 Environment and Natural Resources
Air Quality Program/Surface Water 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.

1.4 Notice of Termination

In accordance with the ARSD 74:36:04:06, if the owner, operator, and/or authorized agent decide to terminate operation under authorization of this general permit, a Notice of Termination (see Appendix B) must be submitted to the above address.

1.5 Change of Ownership or Facility Name

In accordance with ARSD 74:36:04:19 and 74:52:04:02, the owner or operator shall submit to the Secretary a "Change of Ownership or Facility Name" form (see Appendix C) at least seven days prior to any change of ownership or facility name.

1.6 Signatory requirements

In accordance with ARSD 74:36:04:07 and 74:52:02:18, all Notice of Intent, Notice of Termination, 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.

1.7 Property rights or exclusive privileges

In accordance with ARSD 74:36:04:15(12) and ARSD 74:52:03:02(7), 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.

1.8 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.

1.9 Requiring an individual permit.

In accordance with ARSD 74:36:04:33 and 74:52:02:47, 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 and surface water discharge permits under the following circumstances:

1. The owner or operator is not in compliance with the conditions of this general permit;
2. A change has occurred in the availability of demonstrated technologies or practices for the control or abatement of pollutants applicable to concrete plants;
3. Effluent limitation guidelines are promulgated for concrete plants;
4. A water quality management plan containing requirements applicable to concrete plants is approved;
5. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary; or
6. The discharger is a significant contributor of pollutants. In making this determination, the Secretary may consider the following factors:
    a. The location of the discharge with respect to waters of the State;
    b. The size of the discharge;
    c. The quantity and nature of the pollutants discharged to waters of the State;
    d. The discharge presents a health hazard;
    e. A total maximum daily load is developed and implemented for a waterbody into which the industry discharges, and the stormwater pollution prevention plan is not modified to meet the wasteload allocation; or
    f. Other relevant factors.

The owner or operator must be notified in writing that an application for an individual permit is required. When an individual 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 permit.

1.10 Unauthorized release of regulated substances

This general permit does not authorize the discharge of any regulated substance listed in ARSD Section 74:34:01:03, including, but not limited to fertilizers, pesticides, and petroleum substances such as oil and gasoline. If a release occurs, the stormwater pollution prevention plan shall be modified and changes implemented, as appropriate. The plan must identify and address the following measures:

1. Ways to prevent the reoccurrence of such releases;
2. The proper response to such releases if and when they do occur; and
3. Steps to prevent pollutants from contaminating stormwater runoff.

If a release occurs, the owner or operator is also required to notify the SDDENR Ground Water Quality Program at (605) 773-3296 or Emergency Management at (605) 773-3231 (during non-business hours). The owner or operator may be required to sample the discharge. Releases resulting in oil sheens must immediately be reported to the National Response Center at 1-800-424-8802. All notifications must be made as soon as reasonably practicable, but in no case greater than 24 hours after the release.

1.11 Definitions

1. "*Best Management Practices*" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. Best Management Practices also include treatment requirements, operating procedures, and practices to control industrial site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. "*Discharge*" as used in the general permit means an addition of any pollutant or combination of pollutants to surface waters of the state from any stormwater point source.
3. "*Minimize*" means to reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically achievable and practicable in light of best industry practice.
4. "*Municipal Separate Storm Sewer System*" is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
    a. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
    b. Designed or used for collecting or conveying stormwater;
    c. Which is not a combined sewer; and
    d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.
5. "Stormwater *Point Source*" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged.
6. "*Pollutant*" is defined at ARSD Section 74:52:01:01(35) and is any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or any industrial, municipal, or agricultural waste discharged into waters of the state. This term does not mean sewage from watercraft; or water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state after it is determined that such injection or disposal will not result in the

degradation of ground or surface water resources.

7. "*Regulated Substance*" means the compounds designated by SDDENR under South Dakota Codified Law, Sections 23A-27-25, 34A-1-39, 34A-6-1.3(17), 34A-11-9, 34A-12-1 to 34A-12-15, inclusive, 38-20A-9, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68, including pesticides and fertilizers regulated by SDDENR of Agriculture, the hazardous substances designated by the EPA pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500 as amended by the federal Clean Water Act of 1977, Pub.L. 95-217, the toxic pollutants designated by Congress or the EPA pursuant to Section 307 of the Toxic Substances Control Act, Pub.L. 99-519, the hazardous substances designated by the EPA pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub.L. 96-510, and petroleum, petroleum substances, oil, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, substances, or additives to be utilized in the refining or blending of crude petroleum or petroleum stock, and any other oil or petroleum substance. This term does not include sewage and sewage sludge.
8. "*Secretary*" means the Secretary of the Department of Environment and Natural Resources or an authorized representative.
9. *"Potential Air Emissions"* means the total amount of particulate emissions that could be released from all the operations permitted at the portable concrete plant while operating at maximum capacity for every hour of the year.
10. "*Stormwater Associated with Industrial Activity*" means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 C.F.R. § 122.26 (as it existed on July 1, 2001). "Stormwater" shall mean Stormwater Associated with Industrial Activity; and
11. "*Stormwater Pollution Prevention Plan*", identifies potential sources of stormwater pollution at an industrial facility and specifies structural and nonstructural control measures that will be in place to minimize negative impacts caused by stormwater discharges associated with industrial activity. See permit condition 5.0 for details on the requirements for a stormwater pollution prevention plan.
12. "*Waters of the state*" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, but not waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the federal Clean Water Act.

2.0 General Requirements

2.1 Operation of source

In accordance with ARSD 74:36:04:15(9) and 74:52:03:02, the owner or operator shall operate the units, controls, and processes in accordance with the statements, representations, and supporting data contained in the complete Notice of Intent form, unless modified by the conditions of this general permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

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 74:36:04:27, 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 74:52:04:03, the Secretary may reopen or revise this general permit to meet requirements of the federal Clean Water 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 and 74:52:03:02(2), 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. 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 74:36:12:01, an exceedance from 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.

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

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.

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

Where "E" equals the rate of 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.

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

Where "E" equals the rate of emissions in pounds per million Btus of heat input and "H" equals the maximum heat input rate of the boiler 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 Stormwater Limits

4.1 Implement control measures

All necessary stormwater control measures shall be implemented to eliminate or minimize contact of stormwater with materials or activities that may result in pollution of the runoff. If the owner or operator cannot eliminate or reduce contact of stormwater, the stormwater should be treated before it is discharged from the site.

4.2 Precipitation design event

All stormwater control measures shall be selected, designed, and installed to minimize the pollutants present in runoff from a rainfall event of up to two (2) inches in a 24-hour period or snowmelt large enough to cause runoff.

4.3 Maintenance of control measures

1. The owner or operator shall maintain all stormwater control measures in effective working order. If any control measures are not operating effectively, the owner or operator shall perform maintenance on the control measures as necessary to maintain the continued effectiveness of the stormwater control measures and before the next anticipated storm event, or within seven (7) days of identifying the need for maintenance, whichever comes first;
2. At a minimum, the owner or operator shall remove the sediment from controls when design capacity has been reduced by 50%; and
3. All control measures and other protective measures identified in the stormwater pollution prevention plan shall be maintained in effective operating condition. If the site inspections and comprehensive site evaluations required by permit condition 4.8 identify control measures that are not operating effectively, the owner or operator shall perform maintenance as stated above.

4.4 Off-site pollutant and dust control

1. The owner or operator shall minimize dust generation and vehicular tracking of soil or other pollutants off-site. At a minimum, street sweeping shall be performed if other best management practices are not adequate to minimize pollutants from being tracked on to the street;
2. If pollutants escape the site, the owner or operator shall remove the off-site accumulations of pollutants at a frequency sufficient to minimize impacts; and

3. The owner or operator shall revise the stormwater pollution prevention plan and implement control measures to minimize further off-site track-out or sedimentation.

4.5 Erosive velocity control

The owner or operator shall place velocity dissipation devices at discharge points and along the length of a runoff conveyance, as necessary, to provide a non-erosive flow and protect the receiving waters of the state's natural uses and characteristics; both physical and biological.

4.6 Storage of materials

The owner or operator shall properly handle, store, and dispose of litter, chemicals, scrap material, raw material, fuel, and other materials to minimize pollutants entering stormwater discharges. Final products intended for outdoor use are exempt from this requirement unless the product would be mobilized in stormwater discharges (e.g. rock salt). The owner or operator is required to minimize the discharge of solid materials to waters of the state (except where authorized by a Section 404 permit from the United States Army Corps of Engineers).

4.7 Spills / releases in excess of reportable quantities

1. The owner or operator shall have the capacity to control, contain, and remove spills at the site. If spills do occur, the owner or operator shall implement control measures to minimize the potential for contamination of the stormwater and modify the stormwater pollution prevention plan with the location of the spill and any new control measures; and
2. Spills in excess of reportable quantities shall be properly reported as stated in permit condition 1.10.

4.8 Inspections and comprehensive site evaluations

1. Site inspections shall be conducted at least monthly. The inspections must be conducted by an appropriately trained person familiar with the general permit conditions and the stormwater pollution prevention plan. The purpose of the inspections is to:
   a. Determine if structural and non-structural control measures require maintenance or changes and
   b. Evaluate the completeness and accuracy of the plan.
2. At least one inspection each calendar year must be conducted within 24 hours of a storm event greater than 2 inches or during snowmelt event large enough to cause runoff;
3. Inspection results and corrective actions taken in response to any deficiencies or opportunities for improvement identified during the inspection must be documented in the stormwater pollution prevention plan;
4. The owner or operator shall conduct a comprehensive site compliance evaluation at least once a year. The results of the evaluation shall be summarized in a written report and maintained with the site records. In addition to the normal site inspection information, the comprehensive site evaluations shall include:
   a. Visual inspection of areas contributing to stormwater discharges for evidence of, or the potential for, pollutants entering the drainage system;
   b. Evaluation of measures to reduce pollutant loadings to determine whether they are adequate and properly implemented or whether additional control measures are

needed;

c. Observation of structural stormwater management devices, sediment and erosion control measures, and other Best Management Practices to ensure they are operating correctly;
d. Visual inspection of equipment needed to implement the stormwater pollution prevention plan, such as spill response equipment;
e. Revision of the stormwater pollution prevention plan based on the results of the inspection within 2 weeks of the inspection;
f. Implementation of any stormwater pollution prevention plan changes in a timely manner, but in no case more than 12 weeks after the inspection; and
g. A written report summarizing the inspection shall be retained as part of the stormwater pollution prevention plan for at least one year after coverage under this permit terminates. The report shall include the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the stormwater pollution prevention plan, actions taken, and identification of any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the stormwater pollution prevention plan and this general permit. The report shall be signed in accordance with permit conditions 1.6 and 7.2.

4.9 Monitoring

The owner or operator shall perform monitoring at least once per calendar year for the parameters in Table 4.1. Monitoring shall be conducted within 24 hours of a storm event greater than 2 inches or snowmelt large enough to cause runoff. If an oil sheen is visible, a grab sample for oil and grease shall be taken immediately, analyzed, and reported to the Secretary.

Table 4.1: Parameters

Effluent Characteristic	Reporting Value	Sample Type
Oil and Grease	Presence or Absence of Sheen	Visual [1]
Oil and Grease, mg/L [2]	Daily Maximum	Grab [1]
Visible Pollutants	Presence or Absence of Visible Pollutants, Discoloration, Etc.	Visual

[1] - The presence or absence of an oil sheen shall be visually monitored. In the event that an oil sheen or floating oil is observed during discharge, a grab sample for oil and grease shall be taken immediately, analyzed, and reported ; and

[2] - Use Standard Methods 1664A – hexane extraction.

5.0 Stormwater Pollution Prevention Plan

5.1 Deadlines for plan preparation and compliance

A stormwater pollution prevention plan must be developed to address specific conditions at the permitted site. The goal of the stormwater pollution prevention plan is to eliminate or minimize contact of stormwater with materials or activities that may result in pollution of runoff. The stormwater pollution prevention plan must be developed prior to submittal of the Notice of Intent

form and implemented at site before initiating any industrial activity. The stormwater pollution prevention plan is not submitted to the department unless requested by the Secretary, but it must be retained at the permitted site.

5.2 Signature and plan review

1. The stormwater pollution prevention plan shall be signed in accordance with the signatory requirements in permit condition 1.4 and retained at the facility which generates the stormwater discharge;
2. The owner or operator shall make the stormwater pollution prevention plan available upon request to the Secretary, or in the case of stormwater that discharges through a municipal separate storm sewer system, to the operator of the municipal system; and
3. The Secretary may notify the owner or operator at any time that the stormwater pollution prevention plan does not meet the minimum requirements of this part. This notification shall identify those provisions of the permit that are not being met by the stormwater pollution prevention plan and which provisions require modifications in order to meet the minimum requirements. Within 30 days of notification, the owner or operator shall make the required changes to the stormwater pollution prevention plan and submit to the Secretary a written certification that the requested changes have been made.

5.3 Keeping the stormwater pollution prevention plan current

The owner or operator shall amend the stormwater pollution prevention plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for discharging pollutants to waters of the state. The plan shall also be amended if the stormwater pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants present in the stormwater.

5.4 Contents of the stormwater pollution prevention plan

The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team. Each stormwater pollution prevention plan shall identify a specific individual, or individuals, within the facility organization as members of a stormwater pollution prevention team. The team shall be responsible for developing the stormwater pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The stormwater pollution prevention plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.
2. Summary of Potential Pollutant Sources. Each stormwater pollution prevention plan shall provide a description of potential pollutant sources or pollutant parameters (e.g., biochemical oxygen demand, total suspended solids, etc.) that may impact stormwater discharges or result in the discharge of pollutants during dry weather from facility storm sewers. The following sources must be included in the stormwater pollution prevention plan:
    i. Loading and unloading operations;

ii. Outdoor storage, manufacturing, or processing activities;
iii. Significant dust or particulate generating processes; and
iv. On-site waste disposal practices.

3. Site Map. The stormwater pollution prevention plan shall contain a site map indicating the following, if applicable:
   a. Drainage areas and directions of stormwater runoff (indicated by arrows);
   b. Discharge outfalls from the site such as floor drain systems, ditches, culverts, or storm sewers;
   c. The name and location of waters of the state that receive facility stormwater runoff. If waters of the state are too distant from the facility to be included on the site map, indicate the name and direction of the receiving water;
   d. Areas where materials are exposed to stormwater;
   e. Locations of storm sewer inlets such as municipal storm sewers, and an indication of which structures, if any, have floor drains or loading dock drains that are connected to the storm sewers;
   f. Locations and types of Best Management Practices currently implemented at the facility to minimize or eliminate contact of pollutants with stormwater;
   g. Locations where spills or leaks have occurred;
   h. Locations of the baghouse or air pollution control equipment; and
   i. Areas of concern such as fueling stations; vehicle and equipment maintenance and cleaning areas; loading and unloading areas; locations used for waste treatment, storage, or disposal; liquid storage tanks; processing areas; and storage areas.
4. Inventory of Exposed Materials. The stormwater pollution prevention plan shall include an inventory of the types of materials handled at the site that may potentially be exposed to stormwater. This inventory shall include:
   a. A narrative description of significant materials that have been handled, treated, stored or disposed of in a manner to allow exposure to stormwater during the past three years;
   b. The method and location of on-site storage or disposal;
   c. Materials management practices employed to minimize contact of materials with stormwater runoff between the time of three years prior to the date coverage is obtained under this permit and the present;
   d. Identification of the types of pollutants that are likely to be present in stormwater discharges;
   e. Locations and descriptions of existing structural and non-structural Best Management Practices implemented to reduce pollutants in stormwater runoff;
   f. The storage and handling of aggregate, cement, admixtures, and other chemicals such as fuels, oil, and grease;
   g. The toxicity of chemicals used, produced, or stored; and
   h. A description of any treatment the stormwater receives, including the location and description of existing control measures to reduce pollutants in stormwater runoff.
5. Risk Identification and Summary of Potential Pollutant Sources. The owner or operator must, at a minimum, evaluate the following areas and determine whether or not materials are exposed:
   a. Vehicle and equipment maintenance, parking and storage areas, fueling areas, and washing/cleaning areas;

b. Liquid storage tanks and other bulk material stockpile areas;
c. Loading and unloading areas;
d. Outdoor manufacturing, processing or storage areas, and industrial plant yards;
e. Dust or particulate generating areas including dust collection devices that may release dust;
f. Best Management Practices;
g. On-site waste disposal areas, such as waste ponds, dumpsters, solid waste storage or management areas; and
h. Exposed (non-vegetated) soil areas where there is a potential for erosion to occur.

6. Spills and Leaks. A list of significant spills and leaks of toxic or hazardous pollutants that have occurred at areas exposed to stormwater or that drain to a stormwater conveyance at the facility. This list shall contain information from three years prior to coverage is obtained under this permit and shall be updated as appropriate during the term of the permit. Areas where potential spills which can contribute pollutants to stormwater discharges, and their accompanying drainage points shall be identified clearly in the stormwater pollution prevention plan. Where appropriate, the stormwater pollution prevention plan should specify material handling procedures, storage requirements, and use of equipment such as diversion valves; and
7. Sampling Data. A summary of all sampling data describing pollutants in stormwater discharges from the facility, including any voluntary sampling data collected during the past three years, shall be included in the stormwater pollution prevention plan.

5.5 Best Management Practices

Each facility covered by this permit shall develop, describe, and implement appropriate stormwater Best Management Practices at the site. Best Management Practices shall include a schedule for implementation and address the following minimum components:

1. Description of Best Management Practices. The stormwater pollution prevention plan shall contain a description of Best Management Practices used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in discharges from the site. The potential of various sources at the facility to contribute pollutants to stormwater discharges shall be considered when determining reasonable and appropriate Best Management Practices. The Best Management Practices identified in the plan shall be implemented and maintained. Appropriate Best Management Practices may include vegetative swales, reuse of collected stormwater, snow management, infiltration devices, and stormwater detention/retention devices;
2. Good Housekeeping:
   a. Any areas that may contribute pollutants to stormwater discharges must be kept in a clean and orderly manner. A maintenance schedule shall be developed for these areas;
   b. Facilities shall prevent or minimize the discharge of cement, aggregate, kiln dust, fly ash, settled dust, and other materials to areas that are exposed to stormwater. Sweeping or other equivalent measures are Best Management Practices that may be used to minimize the presence of these materials;
   c. The stormwater pollution prevention plan shall indicate the frequency of sweeping or other Best Management Practices. The frequency shall be determined based on the amount of industrial activity occurring in the area and precipitation frequency, but

shall not be less than once per week when cement, aggregate, kiln dust, or fly ash are being handled or processed in the area; and

d. Facilities shall prevent the exposure of fine granular solids such as cement, fly ash, and kiln dust to stormwater. Where practicable, these materials shall be stored in enclosed silos, hoppers, or buildings, or under covered areas.

3. Preventative Maintenance. A preventative maintenance program shall be implemented at the site. Stormwater management devices such as oil/water separators and catch basins must be inspected and maintained regularly. Facility equipment and systems must be inspected and tested to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to waters of the state;
4. Spill Prevention and Response Procedures. The stormwater pollution prevention plan shall clearly identify areas with the potential for spills that can contribute pollutants to stormwater discharges, and their accompanying drainage points. Where appropriate, the plan should specify material handling procedures, storage requirements, and use of equipment such as diversion valves. Procedures and necessary equipment for cleaning up spills shall be identified in the stormwater pollution prevention plan and made available to the appropriate personnel to implement the clean-up. The stormwater pollution prevention plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of chemicals can be isolated and contained. Sampling of discharges may also be required as a result of a spill. Required reporting and emergency procedures shall be included with the stormwater pollution prevention plan;
5. Inspections. Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the stormwater pollution prevention plan as required in permit condition 4.8. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained;
6. Employee Training. Employee training programs shall inform all personnel of their role in implementing the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping, material management practices, truck wash out procedures, and equipment wash down procedures. The stormwater pollution prevention plan shall identify periodic dates for such training. Contractor or temporary personnel shall also be informed of facility operation and design features in order to prevent discharges or spills from occurring;
7. Recordkeeping and Internal Reporting Procedures. A description of incidents such as spills or other discharges, along with other information describing the quality and quantity of stormwater discharges, shall be included in the stormwater pollution prevention plan. Inspections and maintenance activities shall be documented in the stormwater pollution prevention plan;
8. Non-Stormwater Discharges. The owner or operator shall include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges by the owner or operator or under their direction and supervision. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or

evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with permit condition 7.3;

9. Sediment and Erosion Control. The stormwater pollution prevention plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion; and
10. Dry Weather Screening. Evaluate all discharge conveyances from the site (storm sewers, pipes, tile lines, ditches, etc.) to determine if liquids other than stormwater are being discharged from these devices. This should be done during dry weather when stormwater discharge is not occurring. The evaluation should cover sewer inlets and floor drains to determine which inlets/drains are connected to sanitary sewer lines, storm sewer lines, or septic tanks/drain fields. Appropriate methods such as dye or smoke testing or video imaging should be used to determine the source of discharges. Discharge of non-stormwater (such as sanitary sewer or floor drain connections to storm sewers) is not authorized by this permit. Before such discharge may continue, authorization under an appropriate discharge permit must be obtained.

5.6 Additional requirements for stormwater discharges through municipal separate storm sewer systems

Facilities covered by this permit and discharging into a municipal separate storm sewer system must also comply with applicable requirements in municipal stormwater management programs developed by the affected city. Facilities that discharge stormwater through a municipal separate storm sewer system shall submit signed copies of the Notice of Intent form to the municipal operator and shall make the stormwater pollution prevention plan available to the city upon request.

5.7 Consistency with other plans

The stormwater pollution prevention plan may reflect requirements for Spill Prevention Control and Countermeasure plans developed for the facility as long as these requirements are incorporated into the stormwater pollution prevention plan.

6.0 Compliance Responsibilities

6.1 Duty to comply

In accordance with ARSD 74:36:04:15(12) and 74:52:03:02, 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.

6.2 Inspection and entry

In accordance with SDCL 34A-1-41 and ARSD 74:52:03:03, 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.

6.3 Penalties for falsification of reports

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a Class 1 misdemeanor. In addition to a jail sentence authorized by SDCL 22-6-2, a Class 1 misdemeanor imposed by SDCL, Chapters 34A-1 and 34A-2, is subject to a criminal fine not to exceed $10,000 per day of violation. The violator is also subject to a civil penalty not to exceed $10,000 per day of violation, for damages to the environment of this state, or both.

6.4 Penalty for violating a permit condition

In accordance with SDCL 34A-1 and 34A-2, 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.

6.5 Oil and hazardous substance liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the owner or operator from any responsibilities, liabilities, or penalties to which the owner or operator is or may be subject under Section 311 of the federal Clean Water Act.

6.6 Anticipated stormwater noncompliance

The owner or operator shall give advance notice to the Secretary of any planned changes in the permitted facility or activity, which may result in noncompliance with stormwater requirements.

6.7 Duty to mitigate

The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.8 Removed substances

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering waters of the state or creating a health hazard in accordance with applicable requirements of SCL 34A-2, -6, and -11.

7.0 Recordkeeping and Reporting Requirements

7.1 Recordkeeping and reporting

In accordance with ARSD 74:36:04:15(10), and 74:52:03:04, the owner or operator shall maintain all monitoring data, records, reports, and pertinent information specified by this permit for six years from the date of sample, measurement, report, or application. Data collected on site, the plan, and a copy of this permit must be maintained on site during the duration of activity at the permitted location. All records must be made available to the Secretary for inspection. All notifications and reports shall be submitted to the following address:

South Dakota Department of Environment and Natural Resources
Air Quality Program/ Surface Water Quality Program
523 E. Capitol, Joe Foss Building
Pierre, SD 57501-3181

7.2 Reporting Work Location

In accordance with ARSD 74:36:04:15(10), the Secretary is to be notified in writing of the date and location of every job in the state at least one week prior to start-up, using the Portable Source Relocation Form (see Appendix E). The Storm Water Pollution Prevention Plan shall be updated to address any site specific changes.

7.3 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 under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

7.4 Availability of reports

Except for data determined to be confidential under SDCL 34A-1-14 and ARSD 74:52:02:17, all reports prepared and submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Secretary. Permit applications, permits and effluent data shall not be considered confidential.

7.5 Reporting permit violations

In accordance with ARSD 74:36:04:15(10) and 74:52:03:07, 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 Environment 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.

The Secretary may waive the written report on a case-by-case basis if the oral report has been received within the reporting period and dependent upon the severity of the permit violation.

8.0 Performance Tests

8.1 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 required by the Secretary if circumstances reasonably warrant but will not extend the deadline past a federally required performance test deadline.

8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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.

9.0 NSPS Requirements – Emergency Engine, Subpart IIII

9.1 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.

9.2 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.

9.3 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 9.6:

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.

9.4 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 9.1 by purchasing an engine certified to meet the emission limits in permit condition 9.1 and install and configure the engine according to the manufacturer's emission-related specifications, except as permitted in permit condition 9.6.

9.5 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.

9.6 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 9.1 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 9.1.

9.7 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 9.1 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 9.1 and determined by Equation 9-1.

Equation 9-1 – NTE formula

$NTE = 1.25 \times STD$

Where:

- NTE = Numerical requirement for each pollutant identified in permit condition 9.1; and
- STD = Emission limit for each pollutant identified in permit condition 9.1.

9.8 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.

9.9 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.

9.10 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 9.5 or that operates for the purposes specified in paragraph (3) of permit condition 9.5, 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 9.5, 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 9.5, if applicable; and

7. Hours spent for operation for the purposes specified in paragraph (3) of permit condition 9.5, 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.

10.0 NSPS Requirements – Emergency Engine, Subpart JJJJ

10.1 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.

10.2 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.

10.3 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.

10.4 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.

10.5 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.

11.0 MACT SUBPART JJJJJJ for Boilers

11.1 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 11.5 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.

11.2 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.

11.3 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 11.2 if the boiler is less than 10 Million Btus, no later than March 21, 2012.

11.4 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 11.3. 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 11.5;

The Notice of Compliance Status shall be signed by the responsible official.

11.5 Boiler tune-up procedures

In accordance with 40 CFR § 63.11223(a) and (e), 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 one week of startup.

11.6 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 11.0; and
3. The date of the tune-up for each boiler subject to this chapter.

11.7 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 11.0:

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 11.0, the date of each tune-up, and the manufacturer's specifications to which the boiler was tuned.

11.8 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 JJJJJJ 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.

12.0 SPECIAL REQUIREMENTS – RAPID CITY AREA

12.1 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 D).

12.2 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 12.8. 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 12.3. 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.

12.3 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 12.8.

12.4 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 12.8. 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.

12.5 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 12.8. 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

12.6 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.

12.7 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 12.8.

12.8 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.

12.9 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 12.7. 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).

12.10 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.