



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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February 1, 2008

Callie A Videtich (8P-AR), Director
Air and Radiation Program
US Environmental Protection Agency, Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

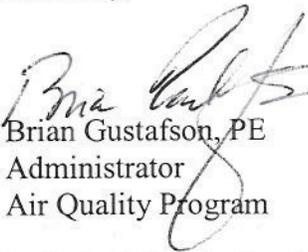
Dear Ms. Videtich:

On December 24, 2007, Steven M. Pirner, Secretary of the Department of Environment and Natural Resources, received a letter from Stephen D. Page, Director, Office of Air Quality Planning and Standards with U.S. EPA concerning the submission of a Section 110(a) SIP for the 1997 8-hour ozone national ambient air quality standard. This letter certifies that the South Dakota State Implementation Plan is meeting the requirements in section 110(a)(2) of the federal Clean Air Act as they relate to the implementation of the 8-hour ozone standard promulgated on July 1, 1997.

Attachment A contains a section by section demonstration on how South Dakota is implementing the 8-hour ozone standard according to the requirements in the federal Clean Air Act.

I want to thank you in advance for your favorable consideration of this submittal. Please contact me at (605) 773-3151, if you have any questions.

Sincerely,


Brian Gustafson, PE
Administrator
Air Quality Program

Attachment

Attachment A

110(a)(2) Determination February 2008

The following is the justification to certify that the South Dakota State Implementation Plan (SIP) is in compliance with the Section 110(a)(2) of the federal Clean Air Act for the revised ozone 8-hour standard as promulgated by EPA as a National Ambient Air Quality Standard on July 18, 1997. The South Dakota Legislators have passed state laws which delegate the responsibility to carry out the Air Pollution Control program to the Department of Environment and Natural Resources (DENR). Authority to carry out the Air Pollution Control program is contained in South Dakota Codified Law (SDCL) 34A-1. The rules that implement the Air Pollution Control program are adopted in the Administrative Rules of South Dakota (ARSD) Article 74:36.

Emissions limits and other control measures – Section 110(a)(2)(A)

The rules in ARSD Chapter 74:36:04 (Operating permits for minor sources), 74:36:05 (Operating permits for Part 70 sources), 74:36:06 (Regulated air pollutant emissions), 74:36:07 (New source performance standards), 74:36:08 (National emission standards for hazardous air pollutants), 74:36:09 (Prevention of significant deterioration), and 74:36:09 (New source review) provide enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters necessary to maintain South Dakota in attainment with the federal National Ambient Air Quality Standards. Authority used to promulgate these rules is contained in SDCL 34A-1-1, 34A-1-6, 34A-1-18, and 34A-1-19.

Ambient air quality monitoring/data system – Section 110(a)(2)(B)

The rules in ARSD 74:36:02 define the goals, national ambient air quality standards, air monitoring methods and monitoring requirements provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data and making these data available to EPA. Authority used to promulgate these rules is contained in SDCL 34A-1-6 and 34A-1-15.

Program for enforcement of control measures – Section 110(a)(2)(C)

SDCL 34A-1-39 through 34A-1-54 and 34A-1-62 provides DENR with the authority to provide enforcement of all South Dakota SIP measures and the regulations under ARSD Chapter 74:36:09 (Prevention of significant deterioration) and 74:36:10 (New source review).

Interstate transport – Section 110(a)(2)(D)

DENR submitted its Interstate transport submittal to EPA on May 15, 2007.

Adequate resources – Section 110(a)(2)(E)

SDCL 34A-1-4, 34A-1-7 through 34A-1-10 provides DENR with adequate personnel to carry out South Dakota's SIP and related issues. SDCL 34A-1-57 through 34A-1-60, DENR's agreement with EPA for 103 and 105 grants and associated matching state funds provides DENR with the funding necessary to carry out South Dakota's SIP and related issues. SDCL 34A-1 provides DENR with the legal authority to carry out South Dakota's SIP and related issues.

Stationary source monitoring system – Section 110(a)(2)(F)

The rules in ARSD Chapter 74:36:04 (Operating permits for minor sources), 74:36:05 (Operating permits for Part 70 sources), 74:36:11 (Performance testing) and 74:36:13 (Continuous emission monitoring systems) establish a system to monitor emissions from stationary sources and periodic emissions reports. Authority to promulgate these rules is contained in SDCL 34A-1-6 and SDCL 34A-1-12.

Emergency power – Section 110(a)(2)(G)

The rules in ARSD Chapter 74:36:03 (Air quality episodes) adopts by reference the criteria in 40 CFR § 51.151 as the air quality episode plan to address activities causing imminent and substantial endangerment to public health, including contingency plan to implement the emergency episode provisions of South Dakota SIP. Authority to promulgate these rules is contained in SDCL 34A-1-6, 34A-1-15, and 34A-1-45.

Future SIP revisions – Section 110(a)(2)(H)

SDCL 34A-1-6 provides DENR with the authority to revise South Dakota's SIP in response to changes to the federal National Ambient Air Quality Standards, availability of improved methods for attaining the federal standards, or in response to an EPA finding that the SIP is substantially inadequate.

Consultation with government officials – Section 110(a)(2)(J)

SDCL 34A-1-1 and 34A-1-10 provide DENR with the authority to consult with local governments, other states, federal government, etc.

Public notification – Section 110(a)(2)(J)

SDCL 1-40-31 and 34A-1-9 provide DENR with the authority to collect and disseminate information and provide full public inspection and disclosure of all non confidential public records related to DENR and those activities within its jurisdiction. The public is notified of any concentrations that exceed the NAAQS through DENR's Air Quality program website that contains the daily concentrations updated hourly from five sites covering 17 parameters from continuous analyzers and monitors located throughout the

state. Four of these sites report hourly ozone levels to the website and to the AirNow EPA database. Through this site the public is notified of high concentration periods.

PSD and visibility protection – Section 110(a)(2)(J)

The rules in ARSD Chapter 74:36:09 (Prevention of significant deterioration) adopts by reference federal regulations under 40 CFR Part 51 and 52 and provides DENR with regulations necessary to meet the applicable requirements of part C of the federal Clean Air Act related to prevention of significant deterioration and visibility protection. South Dakota's prevention of significant deterioration rules were approved in South Dakota's SIP on January 22, 2008. Authority to promulgate these rules is contained in SDCL 34A-1-6.

Air quality modeling/data – Section 110(a)(2)(K)

The rules in ARSD Chapter 74:36:04 (Operating permit for minor sources), 74:36:05 (Operating permit for Part 70 sources), 74:36:09 (Prevention of significant deterioration), and 74:36:10 (New source review) provide DENR with the authority to perform air quality modeling for predicting effects on air quality of emissions from any National Ambient Air Quality Standard pollutant and submission of such data to EPA upon request. Authority to promulgate these rules is contained in SDCL34A-1-6 and 34A-1-9.

Permitting fee – Section 110(a)(2)(L)

DENR has an EPA approved Title V air quality permit program that requires major stationary sources to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing the Title V air quality permit. Therefore, Section 110(a)(2)(L), is not applicable.

Consultation/participation by affected local entities – Section 110(a)(2)(M)

SDCL 34A-1-1, 34A-1-10 provides DENR with the authority to provide for consultation and participation in South Dakota's SIP development by local political subdivision affected by the SIP. Cooperation by DENR with other agencies provides for the consultation, advise, and cooperation with other state, local, industries, other states, interstate or inter local agencies, and the federal government, and with interested persons or groups on air pollution control issues.