§ 52.2171 Classification of regions.

The South Dakota plan evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>Metropolitan Sioux City Interstate</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Sioux Falls Interstate</td>
<td>III</td>
</tr>
<tr>
<td>Black Hills—Rapid City Intrastate</td>
<td>III</td>
</tr>
<tr>
<td>South Dakota Intrastate</td>
<td>III</td>
</tr>
</tbody>
</table>

[37 FR 10893, May 31, 1972]

§ 52.2172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves South Dakota’s plan as meeting the requirements of section 110 of the Clean Air Act, as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D of the Clean Air Act, as amended in 1977.

[46 FR 54542, Nov. 3, 1981]

§ 52.2173 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met since the South Dakota Compiled Law 34–16A–21 provides that data which relates to processes or production unique to the owner or which tend to adversely affect a competitive position of the owner shall be held confidential.

(b) Delegation of authority: Pursuant to section 114 of the Act, South Dakota requested a delegation of authority to enable it to collect, correlate and release emission data to the public. The Administrator has determined that South Dakota is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to South Dakota his authority under sections 114(a)(1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.


§§ 52.2174–52.2177 [Reserved]

§ 52.2178 Significant deterioration of air quality.

(a) The South Dakota plan, as submitted, is approved as meeting the requirements of part C, subpart 1 of the CAA, except that it does not apply to sources proposing to construct on Indian reservations;

(b) Regulations for preventing significant deterioration of air quality. The provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the South Dakota
Environmental Protection Agency

State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian reservations.


§ 52.2179 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approved procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of South Dakota.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of South Dakota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2180 Stack height regulations.

The State of South Dakota has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 11, 1988, Joel C. Smith, Administrator, Office of Air Quality and Solid Waste, stated:

"* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA’s response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comport with the EPA’s modified requirements. The State of South Dakota agrees to make the appropriate changes." 

[53 FR 34079, Sept. 2, 1988]

§ 52.2181 [Reserved]

§ 52.2182 PM_{10} Committal SIP.

On July 12, 1988, the State submitted a Committal SIP for the Rapid City Group II PM_{10} area, as required by the PM_{10} implementation policy. The SIP commits the State to continue to monitor for PM_{10} and to submit a full SIP if a violation of the PM_{10} National Ambient Air Quality Standards is detected. It also commits the State to make several revisions related to PM_{10} to the existing SIP.

[55 FR 40834, Oct. 5, 1990]

§ 52.2183 Variance provision.

The revisions to the variance provisions in Chapter 74:26:01:31.01 of the South Dakota Air Pollution Control Program, which were submitted by the Governor’s designee on September 25, 1991, are disapproved because they are inconsistent with section 110(i) of the Clean Air Act, which prohibits any state or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[58 FR 37426, July 12, 1993]

§ 52.2184 Operating permits for minor sources.

Emission limitations and related provisions established in South Dakota minor source operating permits, which are issued in accordance with ARSD 74:36:04 and which are submitted to EPA in a timely manner in both proposed and final form, shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA’s underlying regulations.

[60 FR 46228, Sept. 6, 1995]

§ 52.2185 Change to approved plan.

South Dakota Air Pollution Control Program Chapter 74:36:07, New Source Performance Standards, is removed from the approved plan, except for sections 74:36:07:08, 74:36:07:11 and 74:36:07:29-30. On April 2, 2002, we issued a letter delegating responsibility for all sources located, or to be located, in the State of South Dakota subject to the specified NSPS in 40 CFR part 60.