

**Environmental Protection Agency**

**§ 52.2173**

effective 6/27/2000; 74:36:13:02, effective 6/27/2000; 74:36:13:03, effective 6/27/2000; 74:36:13:04, effective 6/27/2000; and 74:36:13:07, effective 6/27/2000.

(22) On June 27, 2002, the designee of the Governor of South Dakota submitted revisions to the State Implementation Plan. The June 27, 2002 submittal consists of revisions to the Administrative Rules of South Dakota. These revisions add a new chapter 74:36:18, "Regulations for State Facilities in the Rapid City Area". Chapter 74:36:18 regulates fugitive emissions of particulate matter from state facilities and state contractors that conduct a construction activity or continuous operation activity within the Rapid City air quality control zone.

(i) Incorporation by reference.

(A) Chapter 74:36:18 of the Administrative Rules of South Dakota, effective July 1, 2002.

[37 FR 15089, July 27, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2170, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 69 FR 25843, May 10, 2004, in § 52.2170, paragraph (c)(23) was added, effective July 9, 2004. For the convenience of the user, the added text is set forth as follows:

**§ 52.2170 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(23) On September 12, 2003, the designee of the Governor of South Dakota submitted revisions to the State Implementation Plan. The September 12, 2003 submittal revises the following chapters of the Administrative Rules of South Dakota: 74:36:01, 74:36:04, 74:36:10 and 74:36:11.

(i) Incorporation by reference.

(A) Administrative Rules of South Dakota, Chapter 74:36:01, sections 74:36:01:01(77), 74:36:01:01(80), and 74:36:01:01(81); Chapter 74:36:04, sections 74:36:04:06, 74:36:04:32 and 74:36:04:33; Chapter 74:36:10, except section 74:36:10:01; and Chapter 74:36:11, section 74:36:11:01, effective September 1, 2003.

**§ 52.2171 Classification of regions.**

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

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Sioux City Interstate .....	III	III	III	III	III
Metropolitan Sioux Falls Interstate .....	II	III	III	III	III
Black Hills—Rapid City Intrastate .....	III	III	III	III	III
South Dakota Intrastate .....	III	III	III	III	III

[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

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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.

[37 FR 15089, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

**§§ 52.2174–52.2177 [Reserved]**

**§ 52.2178 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(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 applicable State plan for the State of South Dakota.

(c) All applications and other information required pursuant to §52.21 from sources located in the State of South Dakota, except from those sources proposing to locate on Indian reservations, shall be submitted to the Director of the Division of Environmental Regulation, Department of Environment and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501 instead of the EPA Region VIII office.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 59 FR 47261, Sept. 15, 1994; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

**§ 52.2179 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable 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]

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**§ 52.2180 Stack height regulations.**

The State of South Dakota has committed to revise its stack height regulations should EPA complete rule-making 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<sub>10</sub> Committal SIP.**

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