DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

EXHIBIT MH-7

Tuesday, August 12, 2025

Colin Chatterton
Knife River
1500 N. Sweetman Place
Sioux Falls, SD 57107

RE: Coverage Under General Permit - Permit SDG05A534

Dear Mr. Chatterton:

The Department of Agriculture and Natural Resources has reviewed your Notice of Intent. The department has determined that your application is complete and your operation can be covered by the general permit for nonmetallic mineral processing plants in South Dakota. The enclosed permit lists all the conditions required under an air quality Title V operating permit in South Dakota.

This facility has provided the following information in its Notice of Intent:

Source: **2025 Sandvik CJ615 Jaw**

Serial #: **J001016**

Pollution Control Equipment:

Maximum Operating Rate: **1500** tons/hour

Coverage under this permit:

Effective Date: **Tuesday, August 12, 2025**

Expiration Date: **Monday, January 18, 2027**

For those facilities that are portable sources, you are required to submit the information requested on the Source Relocation Form either by mail or telephone at least 10 days prior to operating at a new site. A copy of the Source Relocation Form is attached to the general permit.

The department will conduct inspections to ensure that your facility remains in compliance with the general permit. The department must be notified of any changes to the operation or equipment listed above. If you have any questions concerning this permit please contact our office at (605) 773-4201.

Sincerely,

Bret Graves

Bret Graves
Environmental Manager
Minerals & Mining Program

STATEMENT OF BASIS FOR COVERAGE UNDER THE GENERAL PERMIT SDG05A534

On January 19, 2007, the department was authorized to grant coverage under the general permit to operate under the air quality operating permit program and surface water discharge system for nonmetallic mineral processing plants in South Dakota.

On 08/11/25, Knife River, Sioux Falls, SD, submitted a notice of intent to operate under the general permit. The following equipment was listed in the application:

Source: **2025 Sandvik CJ615 Jaw**

Max Rate: **1500** t/hr

Emissions of the facility were calculated below:

PTE (Controlled): **0.88** t/yr

PTE (Uncontrolled): **3.94** t/yr

Allowable Emissions (ARSD 74:36:06:03): **82.95** lbs/hr

Allowable Emissions (ARSD 74:36:06:03): **363.32** t/yr

Upon a review of the permit application, it has been determined that the operator may operate under the conditions of the general permit.

Bret Graves
Environmental Manager
Minerals & Mining Program

Permit No.: SDG05A534

Effective Date: January 18, 2022

Expiration Date: January 18, 2027

GENERAL PERMIT TO OPERATE UNDER THE AIR QUALITY OPERATING PERMIT PROGRAM FOR NONMETALLIC MINERAL PROCESSING PLANTS SUBJECT TO TITLE V IN SOUTH DAKOTA

In compliance with the provisions of the South Dakota Codified Law 34A-1-56, nonmetallic mineral processing plants 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.

Signed this 18th day of January, 2022

Authorized Permitting Official

XXXXX

Glenn Blumhardt, Chairman
Board of Minerals & Environment

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

1.0 DEFINITIONS

1. *"Biodiesel"* (fatty acid alkyl esters) means a fuel oil made from natural, renewable sources such as new and used vegetable oils and animal fats.

2. "*Distillate oil"* means fuel oil that complies with the specifications for fuel oil numbers 1 or 2. Specifications for fuel oils are defined in the American Society for Testing and Materials (ASTM) in ASTM D396-78, "Standards Specifications for Fuel Oils".

3. "*Nonmetallic mineral processing plant*" means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, or any other facility processing nonmetallic minerals subject to Title V except as provided in 40 CFR 60.670 (b) and (c) (see Appendix G).

4. *"Particulate matter"* means total suspended particulate.

5. *"Regulated substance"* means the compounds designated by the department under ARSD 74:34:01:03, including but not limited to fertilizers, pesticides, and petroleum substances such as oil and gasoline. This term does not include sewage and sewage sludge.

6. *"Residual oil"* means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5, and 6. Specifications for fuel oils are defined in ASTM D396-78, "Standards Specifications for Fuel Oils".

7. *"Secretary"* means the Secretary of the Department or an authorized representative.

8. *"Used oil"* means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil may be either on-specification used oil fuel that meets the used oil specifications as listed in the ARSD 74:28:27:01, adopting by reference 40 CFR § 279.11, or off-specification used oil fuel that does not meet the specifications as listed in ARSD 74:28:27:01, adopting by reference 40 CFR § 279.11.

2.0 COVERAGE UNDER THIS PERMIT

2.01 General permit authority

Under authority of South Dakota Codified Laws (SDCL) 34A-1-56, ARSD 74:27:10:01 and ARSD 74:36:05:51, a general air quality permit may be issued to all nonmetallic mineral processing plants subject to Title V.

2.02 Notice of intent/termination

In accordance with ARSD 74:36:05:08, in order to be considered eligible for authorization to operate a hot mix asphalt facility under the terms and conditions of this permit, the owner,

operator, and/or authorized agent must submit a complete notice of intent and a certification of applicant form (see Appendix E) to the address below at least 10 business days prior to the anticipated date of operation.

South Dakota Department of Agriculture and Natural Resources
Minerals and Mining Program
523 East Capitol, Joe Foss Building
Pierre, SD 57501-3181

If the owner or operator becomes aware that it failed to submit any relevant facts in the Notice of Intent or submitted incorrect information, such information shall be promptly submitted. If the owner, operator, and/or authorized agent wish to terminate operation under authorization of this permit, a Notice of Termination (see Appendix A) must be submitted to the above address.

2.03 Change of facility name

In accordance with ARSD 74:36:04:32, the owner or operator shall submit to the Secretary a "Change of Facility Name" form (see Appendix F) at least seven days prior to any change of facility name.

2.04 Signatory requirements

In accordance with ARSD 74:36:05:12 and 74:36:05:16.01, all applications submitted to the Secretary shall be signed and certified by a responsible official. A responsible official for a corporation is a responsible corporate officer and for a partnership or sole proprietorship is a general partner or the proprietor, respectively. All reports 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.

2.05 Property rights or exclusive privileges

In accordance with ARSD 74:36:05:16.01(12), 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.

2.06 Severability

In accordance with ARSD 74:36:05:16.01(11), any portion of the general permit that is void or challenged, shall not affect the validity of the remaining permit requirements.

2.07 Requiring an individual permit

In accordance with ARSD 74:36:05:52, 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 permits under the following circumstances:

1. The owner or operator is not in compliance with the conditions of the general permit;
2. A change has occurred in the availability of demonstrated technologies or practices for the control or abatement of pollutants applicable to hot mix asphalt facilities;

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.

3.0 GENERAL REQUIREMENTS

3.01 Operation of source

In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall operate and maintain the units, controls, and processes in accordance with the statements, representations and supporting data contained in the notice of intent, unless modified by the conditions of this permit. Except as otherwise provided herein, the control equipment shall be operated at all times in accordance with the manufacturer's specification and in a manner that achieves compliance with the conditions of this permit. The application consists of the application forms, supporting data, and supplementary correspondence

3.02 Permit renewal

In accordance with ARSD 74:36:05:08, a timely and complete notice of intent and certification of applicant form shall be submitted at least six months prior to the date of permit expiration. If submitted at least six months 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. Any owner or operator already covered under the general permit at the time of expiration will continue to have coverage until a new general permit is issued.

3.03 Permit flexibility

In accordance with ARSD 74:36:05:30, an owner or operator shall have the permit flexibility to make changes to the facility if the change does not cause an exceedance of the 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 before the proposed change. The written notice shall include a brief description of the change, the date on which the change will occur, and any changes in emissions.

The Secretary will notify the owner or operator whether the change is acceptable or is not eligible under the general permit. A proposed change that is acceptable can be completed seven days after the Secretary receives the written notification. A proposed change that is not eligible under the general permit cannot be completed until the owner or operator applies for and receives an individual permit.

3.04 Permit revision

In accordance with ARSD 74:36:05:40, the Board of Minerals and Environment, upon recommendation of the Secretary may reopen and revise this permit to meet requirements of SDCL 34A-1 or the federal Clean Air Act. In accordance with ARSD 74:36:05:41, the Secretary shall notify the owner or operator at least 30 days before reopening this general permit. The notice may be less in case of an emergency.

3.05 Annual air fee required

In accordance with ARSD 74:36:05:06.01, the owner or operator shall submit an annual air fee. In accordance with ARSD 74:37:01:08, the Secretary will notify the owner or operator of the required annual air fee by June 1 of each year. The fee shall accrue July 1 and is payable to the Department of Revenue by July 31 of each year.

3.06 Right to operate

In accordance with ARSD 74:36:05:28, permit expiration terminates the owner's or operator's right to operate each unit covered under the general permit unless a timely and complete notice of intent and a certification of applicant form have been submitted to the Secretary.

3.07 Permit actions

In accordance with ARSD 74:36:05:46, the Board of Minerals and Environment, upon recommendation of the Secretary, may terminate coverage, modify, or revoke all air quality authorization granted under the general permit.

3.08 Credible evidence

In accordance with ARSD 74:36:13:07, credible evidence may be used for the purpose of establishing whether the owner or operator has violated or is violation of this permit. Credible evidence is as follows:

1. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:
   a. A monitoring method approved for the source pursuant to 40 CFR § 70.6(a)(3) and incorporated in this permit;
   b. Compliance methods specified in an applicable plan;
2. The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
   a. Any monitoring or testing methods approved in this permit, including those in 40 CFR Parts 51, 60, 61, and 75; or

b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in paragraph (1) or (2)(a).

3.09 Testing new fuels or raw materials

In accordance with ARSD 74:36:11:04, an owner or operator may request permission to test a new fuel or raw material to determine if it is compatible with existing equipment before submitting a request to use the new fuel or raw material to determine if the owner or operator is still eligible for coverage under this general permit. A complete test proposal shall consist of the following:

1. A written proposal describing the new fuel or raw material, operating parameters, and parameters that will be monitored and any testing associated with air pollutant emissions during the test;
2. An estimate of the type and amount of regulated air pollutant emissions resulting from the proposed change; and
3. The proposed schedule for conducting the test. In most cases the owner or operator will be allowed to test for a maximum of one week. A request for a test period longer than one week will need additional justification. A test period shall not exceed 180 days.

The Secretary shall approve, conditionally approve, or deny in writing the test proposal within 45 days after receiving a complete proposal. Approval conditions may include changing the test schedule or pollutant sampling and analysis methods. Pollutant sampling and analysis methods may include, but are not limited to performance testing, visible emission evaluation, fuel analysis, dispersion modeling, and monitoring of raw material or fuel rates.

If the Secretary determines the proposed change will result in an increase in the emission of a regulated air pollutant or result in the emission of an additional regulated air pollutant, the Secretary shall give public notice of the proposed test for 30 days. The Secretary shall consider all comments received during the 30-day public comment period before making a final decision on the test. The Secretary will not approve a test if the test would cause or contribute to a violation of a national ambient air quality standard.

4.0 AIR POLLUTION LIMITS

4.01 Standard for particulate matter for nonmetallic mineral processing plants subject to 40 CFR 60.670, Subpart OOO

In accordance with ARSD 74:36:07:27, as referenced to 40 CFR Part 60, Subpart OOO, nonmetallic mineral processing plants must meet the stack emission limits and compliance requirements in Table 1 within 60 days after achieving the maximum production rate at which the nonmetallic mineral processing plant will be operated, but not later than 180 days after initial startup as required under 40 CFR §60.8. The requirements in Table 1 apply for nonmetallic mineral processing plants with capture systems used to capture and transport particulate matter to a control device.

Table 1. Stack Emission Limits for Nonmetallic Mineral Processing Plants With Capture Systems

For * * *	The owner or operator must meet a particulate matter limit of	And the owner or operator must meet an opacity limit of	The owner or operator must demonstrate compliance with these limits by conducting
Nonmetallic mineral processing plants that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	0.05 g/dscm (0.022 gr/dscf) [a]	7 percent for dry control devices [b]	An initial performance test according to 40 CFR §§60.8 and 60.675; and monitoring of wet scrubber parameters according to 40 CFR §§60.674(a) and 60.676(c), (d), and (e).
Nonmetallic mineral processing plants that commence construction, modification, or reconstruction on or after April 22, 2008	0.032 g/dscm (0.014 gr/dscf) [a]	Not applicable (except for individual enclosed storage bins) 7 percent for dry control devices on individual enclosed storage bins	An initial performance test according to 40 CFR §§60.8 and 60.675; and monitoring of wet scrubber parameters according to 40 CFR §§60.674(a) and 60.676(c), (d), and (e); and monitoring of baghouses according to 40 CFR §§60.674(c), (d), or (e) and 60.676(b).

[a] Exceptions to the particulate matter limit apply for individual enclosed storage bins and other equipment. See 40 CFR §60.672(d) through (f); and

[b] The stack opacity limit and associated opacity testing requirements do not apply for nonmetallic mineral processing plants using wet scrubbers.

Nonmetallic mineral processing plants must meet the fugitive emission limits and compliance requirements in Table 2 within 60 days after achieving the maximum production rate at which the nonmetallic mineral processing plant will be operated, but not later than 180 days after initial startup as required under 40 CFR §60.11. The requirements in Table 2 apply for fugitive emissions from nonmetallic mineral processing plants without capture systems and for fugitive emissions escaping capture systems.

Table 2 —Fugitive Emission Limits

For	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used	The owner or operator must demonstrate compliance with these limits by conducting
Nonmetallic mineral processing plants that commenced	10 percent opacity	15 percent opacity	An initial performance test according to 40 CFR §§60.11 and 60.675.

For	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used	The owner or operator must demonstrate compliance with these limits by conducting
construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008			
Nonmetallic mineral processing plants that commence construction, modification, or reconstruction on or after April 22, 2008	7 percent opacity	12 percent opacity	An initial performance test according to 40 CFR §§60.11 and 60.675; and periodic inspections of water sprays according to 40 CFR §§60.674(b) and 60.676(b); and
			A repeat performance test according to 40 CFR §§60.11 and 60.675 within 5 years from the previous performance test for fugitive emissions without water sprays. Fugitive emissions controlled by water carryover from upstream water sprays that are inspected according to the requirements in 40 CFR §§60.674(b) and 60.676(b) are exempt from this 5-year repeat testing requirement.

Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

1. Fugitive emissions from the building openings (except for vents as defined in 40 CFR §60.671) must not exceed 7 percent opacity; and
2. Vents (as defined in 40 CFR §60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 1.

Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack particulate matter concentration limit (and associated performance testing) in Table 1 but must meet the applicable stack opacity limit and compliance

requirements in Table 1. This exemption from the stack particulate matter concentration limit does not apply for multiple storage bins with combined stack emissions.

4.02 State emission limits for rock crushers not subject to Section 4.01

In accordance with ARSD 74:36:12:01 the owner or operator of a source may not discharge into the ambient air from a single unit of emissions an air pollutant of a density equal to or greater than that designated as 20 percent opacity.

In accordance with ARSD 74:36:06:03 an owner or operator who operates a process industry unit may not cause or permit particulate matter emissions from any unit in excess of the amount expressed in the equation allocated to the unit listed in this section:

1. The allowable particulate emissions rate for process industry units with the process weight rates up to 60,000 pounds per hour shall be determined by the following equation:
   $E = 4.10 \times P^{0.67}$, and
2. The allowable particulate emissions rate for process industry units with process weight rates in excess of 60,000 pounds per hour shall be determined by use of the following equation:
   $E = [55.0 \times P^{0.11}] - 40$, where
   E = the rate of emissions in pounds per hour and
   P = process weight in tons per hour.

4.03 Visibility exceedances

In accordance with ARSD 74:36:12:01, an exceedance from the operating limit in permit condition 4.02 is not considered a violation during brief periods of start-up, shutdown, or malfunctions. A malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures 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.

4.04 Sulfur dioxide limit

In accordance with ARSD 74:36:06:02(2) and ARSD 74:36:06:03(2), no owner or operator of the units authorized to operate under this permit 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.

4.05 Fuel use

In accordance with ARSD 74:36:05:16.01(8), the following fuels may be used to fuel the hot mix asphalt facility:

1. Natural gas;
2. Liquid propane;
3. Distillate oil;
4. Residual oil;
5. Biodiesel;

6. Used oil burned for energy recovery, except used oil that is subject to regulation as a hazardous waste in ARSD 74:28:27:01 and 40 CFR 279.10, may not be used as a fuel source; and
7. Other alternative fuels. Prior approval from the Secretary is required for other alternative fuels. The use of alternative fuels may require additional compliance testing.

4.06 Prevention of significant deterioration of air quality

In accordance with 74:36:05:16.01(8), the owner or operator shall not emit 238 tons or more of any regulated pollutant per 12-month rolling period.

4.07 Upset conditions

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.11(c), an exceedance of the opacity limit in permit condition 4.01 shall not constitute a violation during start-up, shut down or malfunctions. Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures 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.

4.08 Air emission exceedance

In accordance with ARSD 74:36:05:16.01(18), the Secretary will allow for an emission exceedance of a technology-based emission limit if the exceedance is caused by an emergency condition and immediate action is taken by the owner or operator to restore the operations back to normal. An emergency condition is a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of nature. An emergency shall not include an emission exceedance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. The owner or operator shall notify the Secretary within two working days of the incident and take all steps possible to eliminate the excess emissions.

4.09 Circumvention of emissions not allowed

In accordance with ARSD 74:36:05:47.01 and 74:36:07:01, as referenced to 40 CFR § 60.12, the owner or operator may not install, use a device, or use a means which conceals or dilutes an emission of air pollutants 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.

4.10 Minimizing emissions

In accordance with ARSD 74:36:05:16.01(8) and 74:36:07:01, as referenced to 40 CFR § 60.11(d), the owner or operator shall at all times, when practicable, maintain and operate all permitted units in a manner that minimizes air pollution emissions

5.0 MONITORING OF OPERATIONS - AIR QUALITY

5.01 Periodic monitoring

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall demonstrate compliance with the opacity limits in permit condition 4.01 and 4.02 on a periodic basis using one of the following methods:

1. Visible emission readings. The owner or operator shall perform visible emission readings at least once per day on each permitted unit, if the unit is operated that day but not during periods of startup or shutdown. The visible emissions reading shall consist of a visual survey of each unit over a two-minute period to identify if there are visible emissions. If visible emissions are not observed from a unit for 14 straight observations, the owner or operator may perform the visible emission reading on that particular unit once per week. If visible emissions are observed during a weekly reading, the owner or operator must revert back to daily readings until 14 straight observations result in no visible emissions;

   If visible emissions are observed from a unit, the owner or operator shall perform the following steps:

   a. Verify that the pollution control equipment emitting the visible emissions is operating according to manufacturer's specifications. If the pollution control equipment is not operating properly, the owner or operator shall make the appropriate changes to eliminate the visible emissions and perform a second visible emission reading to verify that no visible emissions are observed; and
   b. If the visible emissions are not eliminated by the changes, the owner or operator shall conduct a visible emission evaluation on the unit in accordance with 40 CFR Part 60, Appendix A, Method 9. The visible emission evaluation shall be conducted to determine that the visible emissions for a 6-minute average is less than 20 percent opacity. The person conducting the visible emission evaluation must be certified in accordance with 40 CFR Part 60, Appendix A, Method 9;

The owner or operator shall maintain the results of the visible emission readings and visible emission evaluations in the maintenance log required in permit condition 12.08 of this document.

2. Monitoring of Mechanical Devices - Wet scrubber. The owner or operator shall install, calibrate, maintain and operate at least one of the following monitoring devices or procedures based on the appropriate type of particulate control device:

   a. A device to measure the scrubbing liquid flow rate or water pressure to the wet scrubber. The device must be calibrated on an annual basis in accordance with the manufacturer's instructions. The scrubbing liquid flow rate or water pressure to the wet scrubber shall be maintained at level established during the performance test required in permit condition 6.08 of this document or the most recent performance test that demonstrates compliance with the appropriate opacity limit. The owner or operator may operate the measurement device on a continuous basis using a strip recorder or similar device. In lieu of a continuous recorder, the owner or operator

shall record the flow rate or water pressure at a minimum of once daily every calendar day of operation.

b. A device to measure the pressure loss of the gas stream through the scrubber. The device must be calibrated on an annual basis in accordance with the manufacturer's instructions. The pressure loss of the gas stream through the wet scrubber shall be maintained at level established during the performance test required in permit condition 6.08 of this document or from the most recent performance test that demonstrates compliance with the appropriate opacity limit. The owner or operator may operate the measurement device on a continuous basis using a strip recorder or similar device. In lieu of a continuous monitor, the owner or operator shall record the pressure drop at a minimum of once daily every calendar day of operation;

3. Monitoring of Mechanical Devices - Baghouse. The owner or operator shall install, calibrate, maintain and operate a device to measure the pressure drop across the baghouse. The device must be calibrated on an annual basis in accordance with manufacturer's instructions. The pressure drop across the baghouse shall be maintained at a level established during the performance test required in permit condition 6.08 of this document or from the most recent performance test that demonstrates compliance with the appropriate opacity limit. The owner or operator may operate the measurement device on a continuous basis using a strip recorder or similar device. In lieu of a continuous monitor the owner or operator shall record the pressure drop at a minimum of once daily every calendar day of operation; or

4. Other Alternative Methods. Prior approval from the Secretary is required for other alternative methods.

If the pollution control equipment is found to be operating improperly or is not operating within the manufacturer's recommended operating specifications, the owner or operator shall immediately make the appropriate changes to correct the problem. The owner or operator shall record the date and time of the malfunction and what actions were taken to correct problem in the maintenance log required in permit condition 12.08. In addition, the owner or operator shall maintain the results of the visible emission readings, visible emission evaluations, and the appropriate reading for the wet scrubber or baghouse in the maintenance log required in permit condition 12.08 of this document.

5.02 Certified personnel – visible emission tests

In accordance with ARSD 74:36:13:07, the owner or operator shall retain a person that is certified to perform a visible emission evaluation in accordance with 40 CFR Part 60, Appendix A, Method 9.

5.03 Monitoring fuel other than natural gas or liquid propane

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall obtain a fuel supplier certification for each load of fuel oil purchased or received. The fuel supplier certification shall include the following information:

1. For each load of distillate oil, residual oil, or biodiesel, the fuel supplier certification shall include, at a minimum, the following information:
   a. The name of the oil supplier;

b. The date and time of delivery;
c. Whether the oil complies with the specifications under the definition of distillate oil, residual oil or biodiesel; and
d. A statement of the sulfur content of the oil;

2. For each load of used oil, the fuel supplier certification shall include, at a minimum, the following information:
   a. The name, address, and regulated waste identification number of the transporter who delivered the used oil;
   b. The name, address, and regulated waste identification number of the generator or processor/re-refiner from whom the used oil was obtained;
   c. The amount of fuel delivered as well as the date of delivery;
   d. Documentation indicating the use oil contains less than 1000 ppm halogens, or is managed in accordance with ARSD 74:28:27:01 and 40 CFR Part 279;
   e. Documentation indicating the amount of arsenic (in ppm);
   f. Documentation indicating the amount of cadmium (in ppm);
   g. Documentation indicating the amount of chromium (in ppm);
   h. Documentation indicating the amount of lead (in ppm);
   i. Documentation of the flash point; and
   j. Documentation of the sulfur content of the oil.

In the case where a fuel supplier certification is not obtained for distillate oil, residual oil, or biodiesel, the owner or operator shall collect a grab sample from the storage tank within 30 days of receiving the shipment but before another load is transferred into the storage tank. The grab sample shall be analyzed to determine the sulfur content in the storage tank. A copy of the results of the analysis shall be maintained on site and a copy submitted with the annual certification report required in permit condition 12.03.

6.0 AIR QUALITY PERFORMANCE TESTING

6.01 Discretion of the Secretary

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 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 performance test results shall be submitted to the Secretary within 60 days after completing the performance test or as designated by the Secretary.

6.02 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.

6.03 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.

6.04 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.

6.05 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 a Secretary representative 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.

6.06 Performance test report

In accordance with ARSD 74:36:05:16.01(9), 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.

6.07 Initial performance test for particulate

In accordance with ARSD 74:36:07:01, as reference to 40 CFR § 60.8(a), within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 180 days after initial startup of a new source, the owner or operator shall conduct a performance test to demonstrate compliance with the particulate emission limit in permit condition 4.01.

6.08 Initial performance test for opacity

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.11, the owner or operator shall perform an initial performance test for opacity at the same time as the performance test required in permit condition 6.07, unless written approval is received from the Secretary. For the purpose of determining initial compliance with the opacity limit in permit condition 4.01, the minimum total time of observation shall be 3 hours (30 6-minute averages) for the performance test. If the owner or operator uses a wet scrubber and elects to use option (2) in permit condition 5.01 to periodically monitor for opacity, the owner or operator shall establish the scrubbing liquid flow rate or water pressure to the wet scrubber or the pressure loss of the gas stream through the wet scrubber that demonstrates compliance with the opacity limit. If the owner or operator uses a baghouse and elects to use option (3) in permit condition 5.01 to periodically monitor opacity, the owner or operator shall establish pressure drop across the baghouse that demonstrates compliance with the opacity limit.

6.09 Characterization of oil sludge, residue, or scrubber waste

The owner or operator shall determine through laboratory analysis or process knowledge if wastes generated as a result of burning used oil would be considered hazardous waste. Once this determination has been made, the owner or operator need not perform additional analysis unless there is a change in the type of fuel. Analysis must be performed in accordance with methodologies specified in ARSD 74:28:22:01 and 40 CFR Part 261. All solid and hazardous wastes must be disposed of properly.

7.0 BURNING OFF-SPECIFICATION USED OIL FUEL

7.01 Notification of regulated waste activity

In accordance with ARSD 74:28:27:01 and 40 CFR Part 279 Subpart G, before a shipment of used oil is accepted, the owner or operator must notify the Secretary of its used oil activity. To do so, the owner or operator may complete and submit a Notification of Regulated Waste Activity Form (see Appendix B) to document the owner or operator burns used oil in an aggregate kiln (considered a type of Industrial Furnace) The completed Regulated Waste Activity Form should be submitted to:

South Dakota Department of Agriculture and Natural Resources
Waste Management Program
523 East Capitol
Pierre, SD 57501

7.02 One-time notice to suppliers of used oil

In accordance with ARSD 74:28:27:01, and 40 CFR 279.66, before the owner or operator accepts its first shipment of off-specification used oil fuel, the owner or operator must provide a one-time written and signed notice documenting the owner or operator has a regulated waste activity identification number, and that the owner or operator burns used oil in an appropriate device. An appropriate device includes an asphalt batch plant. These notices must be provided once to each supplier of off-specification used oil fuel.

7.03 Storage of used oil

In accordance with ARSD 74:28:27:01 and 40 CFR Part 279, containers appropriate for the on-site storage of used oil include underground storage tanks that comply with 40 CFR Part 280 or tanks, containers, and units that are subject to regulation under 40 CFR Parts 264 and 265. Containers must:

1. Be free of leaks and in good condition (no severe rust, structural defects, or deterioration);
2. Be placed in secondary containment structures that include impervious floors and sidewalls. Aboveground storage tanks on-site and in use prior to issuance of this permit must be equipped with a secondary containment system that includes, at a minimum, dikes, berms or retaining walls and a floor that covers the entire area within the dike, berm or retaining wall except where existing portions of the tank meet the ground; and
3. The tank, container, or storage unit and the associated fill pipes must be labeled with the words "used oil."

8.0 RELEASES

8.01 Responsibility of the operator

The owner or operator shall, upon the detection of a release of a regulated substance:

1. Stop the release;
2. Contain the release;
3. Comply with the spill notification requirements of SDCL 34A-12 and the rules adopted thereunder (ARSD 74:34:01) by reporting a known discharge of a regulated substance to the environment to the Secretary immediately if one of the following conditions exists:
   a. The discharge threatens or is in a position to threaten the waters of the state;
   b. The discharge causes an immediate danger to human health or safety;
   c. The discharge exceeds 25 gallons or causes a sheen on surface water or it exceeds any groundwater quality standards of chapter 74:54:01 or surface water quality standards of chapter 74:51:01;
   d. The discharge harms or threatens to harm wildlife or aquatic life; or
   e. The discharge is required to be reported according to SARA, Title III, § 304 (1986). The immediate report must be telephoned to DANR at 605.773.3296 during regular office hours (8 a.m. to 5 p.m. Central time) as soon as the responsible person becomes aware of the discharge. To report after hours, on weekends, or on holidays, immediately call State Radio Communications at 605.773.3231. Reporting the release to DANR does not meet any obligation for reporting to other state, local, or federal agencies. Therefore, the responsible person must also contact local and federal authorities to determine the reporting requirements for releases. The National Response Center for spills can be reached at (800) 424-8802;
4. Cleanup and properly manage the spilled substance and used cleanup materials; and
5. Repair any leaking container or product line.

9.0 SPECIAL REQUIREMENTS - RAPID CITY AREA

9.01 Rapid City Natural Events Action Plan area

In accordance with ARSD 74:36:05:16.01(8), the owner or operator that locates in the Rapid City Natural Events Action Plan area must meet the requirements in this Chapter. The Rapid City Natural Events Action Plan area is defined by a north to south line extending west from the "Gap" to five miles beyond the city limit boundary (see Appendix C).

9.02 Local air quality ordinances

In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall comply with all local (Rapid City and Pennington 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.

9.03 Reporting work location to local government

In accordance with ARSD 74:36:05:16.01(9), in addition to reporting the work location of the operation as required in permit condition 12.02 of this permit, the owner or operator shall notify the Rapid City Air Quality Division of the date and location of every job site within the Rapid City Natural Events Action Plan Area (see Appendix C) at least one week prior to start-up, using the Portable Source Relocation Form (see Appendix D), by telephone, or fax. Notification can be mailed to City of Rapid City, Growth Management Department, Air Quality Division, 300 Sixth Street, Rapid City, SD, 57701-5035. Phone: 605.394.4157. Fax: 605.394.6636.

9.04 Unpaved roads and parking lots

In accordance with ARSD 74:36:05:16.01(8), 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 and unpaved parking lots 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 9.11. The owner or operator may pave the main haul roads, secondary roads, or parking lots with tack seal, asphalt, recycled asphalt, or concrete. If the main haul road, secondary haul road, or parking lot is paved, the owner or operator shall meet the requirements of permit condition 9.05. 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.

9.05 Paved roads and parking areas

In accordance with ARSD 74:36:05:16.01(8), 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 9.11.

9.06 Track out areas

In accordance with ARSD 74:36:05:16.01(8), 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 9.11. 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.

9.07 Open storage piles

In accordance with ARSD 74:36:05:16.01(8), 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 9.11. 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

9.08 Crusher control option*s*

In accordance with ARSD 74:36:05:16.01(8), 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 shut down 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 9.11 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.

9.09 Waste pit controls

In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall apply a soil cement, water spray, or similar application to create a crusted surface over the entire waste pit or implement a combination of wind protection (i.e., wind-fence, wind-screen, three wall enclosure, etc.) and water spray application. Waste pit controls shall be applied or constructed

in a manner that maintains compliance with the opacity limit in permit condition 9.11.

9.10 Reclamation control

In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall submit to the Secretary for approval, a plan to reclaim lands that have a wind erosion potential within 90 days of the owner or operator locating in the Rapid City Natural Events Action Plan area. Reclaimed land means an area which meets the requirements for reclamation in SDCL 45-6 for licensed mining operations or established in the reclamation plan of a mining operation permitted under SDCL 45-6B. Upon approval of the plan by the Secretary, the plan shall remain in effect as best available control measures for lands with wind erosion potential, until reclamation has been completed and approved by the Secretary. Lands with wind erosion potential means all areas within the facility except those that have a hard rock surface, are paved, have a structure over it, or have been reclaimed. The Secretary will approve a plan that makes reasonable progress toward reclaiming land with wind erosion potential.

The Secretary shall notify the owner or operator if the plan is approved or disapproved within 90 days after receiving the reclamation plan. If the plan is disapproved, the notification shall identify what information is needed for the plan to be accepted. The owner or operator shall resubmit a revised plan within 90 days of notification. The approved plan shall remain in effect until modified.

The owner or operator may modify an approved plan by written notice to the Secretary. Modifications to an approved reclamation plan shall follow the same approval procedures as described above.

9.11 Opacity limit for fugitive sources

In accordance with ARSD 74:36:05:16.01(8), 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 the fugitive operations identified in this chapter. 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.

9.12 Opacity readings during a high wind dust alert

In accordance with ARSD 74:36:05:16.01(8), 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 9.11. A high wind air pollution alert is based on 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).

10.0 SARA Title III - Comply with all provisions of the federal Superfund Amendments and Reauthorization Act of 1986, also known as SARA Title III or Emergency Planning and Community Right to Know Act (EPCRA).

In addition to spill reporting requirements (discussed in Chapter 8.0), the owner or operator may be required to submit one or more of the following:

10.01 Section 302/303 reports

Submit within 60 days if storage meets the threshold planning quantity (TPQ) for a chemical listed on the Section 302 Extremely Hazardous Substances list. A copy of the reporting form may be obtained by contacting DANR at 605.773.3296.

10.02 Section 311 reports

Facilities regulated under Occupational Safety and Health Administration (OSHA), may need to report within three months, if storing a hazardous chemical as defined under the OSHA Hazard Communication Standard in an amount exceeding the EPCRA reporting threshold. A copy of the reporting form may be obtained by contacting DANR at 605.773.3296.

10.03 Section 312 (Tier II) reports

Facilities regulated under OSHA may need to report annually by March 1, if storing a hazardous chemical as defined under the OSHA Hazard Communication Standard in an amount exceeding the EPCRA reporting threshold. There is a reporting fee associated with Tier II Report submittal. A copy of the reporting form may be obtained by contacting DANR at 605.773.3296.

10.04 Section 313 (Toxic Release Inventory - TRI) reports

By July 1, your facility may need to submit a Toxic Release Inventory Report. You may need to submit this report if your facility type is included in a TRI-covered North American Industry Classification System (NAICS) code, if you have 10 or more employees, and if you manufacture, process, or use specified chemicals in amounts greater than threshold quantities. There is a reporting fee associated with Tier II Report submittal. The reporting form is available on the EPA website. A link to the EPA website may be found at https://danr.sd.gov/Agriculture/Inspection/SaraTitle3/default.aspx.

NOTE: Contact DANR at 605.773.3296 if you have any questions concerning SARA Title III.

11.0 COMPLIANCE RESPONSIBILITIES

11.01 Duty to comply

In accordance with ARSD 74:36:05:16.01(12), 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.

11.02 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 the reasonable likelihood of adversely affecting human health or the environment.

11.03 Inspection and entry

In accordance with SDCL 34A-1-41, the owner or operator shall allow the Secretary, upon presentation of credentials, to:

1. Enter the premises where a regulated activity is located or conducted or where pertinent records are stored;
2. Inspect any regulated activity and have access to and copy records specified under this permit; or
3. Sample or monitor any substances or parameters at any location for the purpose of assuring compliance.

11.04 Proper operation and maintenance

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.11(d), the owner or operator shall at all times, to the extent practicable, properly operate and maintain all permitted units and systems of treatment and control (and related appurtenances) that are installed or used by the owner or operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an owner or operator only when the operation is necessary to achieve compliance with the conditions of the permit.

11.05 Penalty for noncompliance

In accordance with SDCL 34A-1 and 34A-11, 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.

11.06 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.

12.0 REPORTING AND RECORD KEEPING REQUIREMENTS

12.01 Duty to provide information

The owner or operator shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for revoking and reissuing an individual permit, or to determine compliance with this permit. The owner or operator shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit. If the owner or operator becomes aware that he or she failed to submit any relevant facts or submitted to the Secretary incorrect information in the Notice of Intent or in any other report, the owner or operator shall promptly submit such facts or information.

12.02 Reporting work location

In accordance with ARSD 74:36:05:16.01(9), the Secretary is to be notified of the date and location of every job site in the state at least one week prior to start-up, using the Portable Source Relocation Form (see Appendix D) or by telephone. Operators may utilize the toll-free relocation number by calling 1-800-848-8203. NOTE - See permit condition 9.03 for additional reporting requirements to relocate in the Rapid City, SD area.

12.03 Annual air quality compliance certification

In accordance with ARSD 74:36:05:16.01(14)(d), the owner or operator shall submit an annual compliance certification letter to the Secretary by March 1 of each year. (NOTE: The Secretary will forward a copy of the certification letter to EPA). The certification must include statements that include the following:

1. Methods used to determine compliance which may include, but are not limited to an annual visual emission evaluation, annual stack performance test, monitoring, record keeping, and reporting requirements;
2. That the source is in compliance and will continue to demonstrate compliance with all applicable requirements;
3. The tonnage of asphalt cement produced in South Dakota in excess of 500,000 tons for a drum mix asphalt plant and 350,000 tons for a batch mix plant;
4. In the event the source is in noncompliance, a compliance plan that indicates how the source has or will be brought into compliance; and
5. Certification statement required in permit condition 12.04.

12.04 Certification statement

In accordance with ARSD 74:36:05:16.01(14)(a), all documents required by this permit, including reports, must be certified by a responsible official or a duly authorized representative. The certification shall include the following statement:

> "I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this document and all attachments are true, accurate, and complete."

12.05 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, Chapter 34A-1 and 34A-11, is subject to a criminal fine not to exceed $10,000.00 per day of violation. The violator is also subject to a civil penalty not to exceed $10,000.00 per day of violation, for damages to the environment of this state, or both.

12.06 Availability of reports

Except for data determined to be confidential under SDCL 34A-1-14, 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 upon request. Permit applications, permits and effluent data shall not be considered confidential.

12.07 Retention of records

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall retain the following records for a period of at least five years from the date of the sample, measurement, report or application:

1. All monitoring information, including all calibration and maintenance records;
2. All original strip chart recordings for continuous monitoring instrumentation;
3. All copies of used oil fuel shipping documents for used oil accepted for burning; and
4. Copies of all reports required by this permit, and records of all data used to complete the application for this permit.

The retention period may be extended by request of the Secretary at any time. Data collected on site, all reports, the plan, a copy of this permit, and the letter from the Secretary granting coverage under this permit must be maintained on site during the duration of activity at the permitted location.

12.08 Maintenance log

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall maintain a written log of all maintenance activities performed on the control equipment. If the pollution control equipment is found to be operating improperly or is not operating within the manufacturer's recommended operating specifications, the owner or operator shall immediately make the appropriate changes to correct the problem. The owner or operator shall record the date and time of the malfunction and what actions were taken to correct problem in the maintenance log. The maintenance log shall be retained with the hot mix asphalt plant and made available for inspection by the Secretary.

12.09 Reporting of noncompliance required

In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall report any noncompliance of this permit as soon as possible, but no later than the first workday (Monday through Friday, 8:00 a.m. - 5:00 p.m. Central Time) following the day the owner or operator first became aware of the noncompliance. Notice of noncompliance may be reported by

telephone to the South Dakota Department of Agriculture and Natural Resources at (605) 773-4201 or by FAX at (605) 773-6035.

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. Description of the permit violation and its cause(s);
2. Duration of the permit violation, including exact dates and times; and
3. 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. All notifications and reports shall be submitted to the following address:

South Dakota Department of Agriculture and Natural Resources
Minerals and Mining Program
523 E. Capitol, Joe Foss Building
Pierre, SD 57501-3181

12.10 Anticipated 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 permit requirements.

Appendix A

Notice of Termination

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

NOTICE OF TERMINATION OF COVERAGE UNDER THE GENERAL PERMIT FOR PORTABLE NONMETALLIC MINERAL PROCESSING PLANTS IN SOUTH DAKOTA

This form is required to be submitted when coverage under the general permit is no longer required or necessary. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

South Dakota Department of Agriculture and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-4201 FAX: (605) 773-5286

Company Name: _____

Permit Number: _____

Requested Date of Termination: _____

_____

Responsible Official Date

Appendix B

Notification of Regulated Waste Activity Form

Notification of Regulated Waste Activity

RCRA Subtitle C Site Identification Form

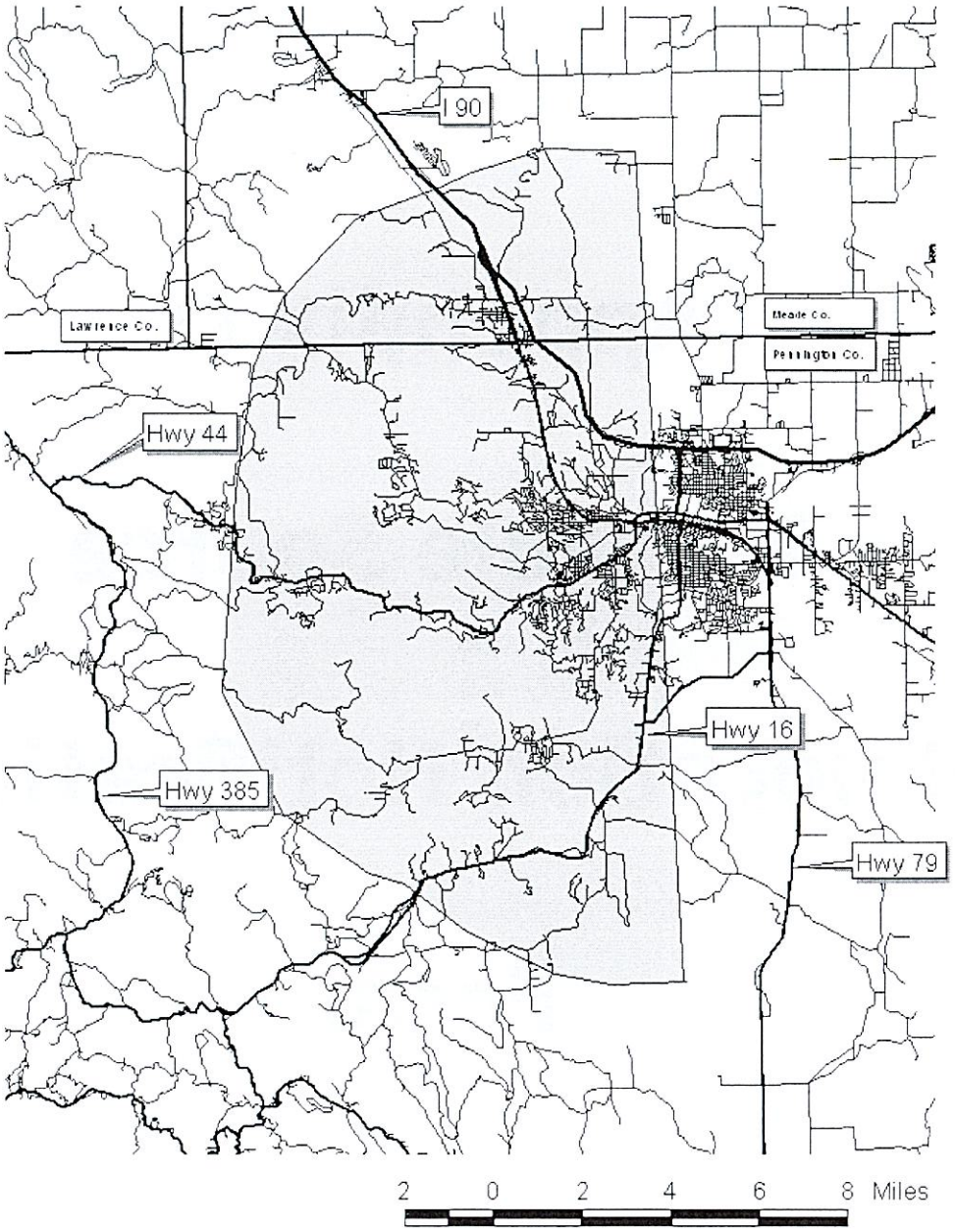
To obtain a current Site Identification Form (EPA Form 8700-12) please use the following link: https://danr.sd.gov/Environment/WasteManagement/HazardousWaste/Notification.aspx

Should you have questions while filling out the form, please contact staff with the Department of Agriculture and Natural Resources' Waste Management Program at 605-773-3153.

Appendix C

Rapid City Natural Events Action Plan Control Area Map

Rapid City Natural Events Action Plan Control Area



Appendix D

Portable Source Relocation Notification Form

South Dakota Department of Agriculture and Natural Resources

PORTABLE SOURCE RELOCATION NOTIFICATION FORM

Company Name: _____

Contact Person: _____

Permit Number: _____

New Location

General Location: _____

Legal Location: _____

Is this location on Indian lands? Yes _____ No _____

Approximate Dates

From: _____

To: _____

Receiving Water: _____

(Natural drainage ditch, Dry Creek, Running River, Capitol Lake, etc..)

Municipal Storm Sewer: _____

(Name of City and Ultimate receiving water)

Send to: Department of Agriculture and Natural Resources
Minerals and Mining Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181
1-800-848-8203
1-605-773-5286 FAX

Appendix E

Notice of Intent

And

Certification of Applicant

Form

Air Quality Permit Application Form
Nonmetallic Mineral Processing Plant

Notice of Intent
And
Certification of Applicant Form

(please complete shaded areas)

SEND TO:

SD Department of Agriculture and Natural Resources
Minerals and Mining Program
523 East Capitol
Pierre, South Dakota 57501-3181

Include an application fee of $138 for each rock crusher.

General Information:

If permit is being renewed or amended, give existing permit number:

1. Facility name:

2. Mailing address:

Street and/or box number

City, state, zip code

3. Facility location (if plant is portable, enter location at time of submittal):

Street and city

Legal description and county

(Quarter, Section, Township, Range)

4. Standard Industrial Classification Code (SIC code):

Primary SIC code: Secondary SIC code (if applicable):

Please contact the Department if unable to determine your SIC code.

5. Permit contact:

Name/title:

Telephone number:

Email Address:

6. Billing contact?

Name/title:

Telephone number:

Email Address:

Nonmetallic Mineral Processing Plant Information:

1. Facility identification:
2. Company Inventory No.
3. Manufacturer: Manufacture Date:
4. Model number: Serial number:
5. Type (i.e., jaw, gyratory, impactor, etc.):
6. Check one: Stationary Portable
7. Maximum design operating rate: tons per hour
8. Aggregate moisture content: %
9. Has a 3-hour visible emissions evaluation been conducted on the plant? Yes No

If a 3-hour visible emissions evaluation has been conducted, please attach a copy of the most recent evaluation to this application. If the Department already has a copy of the most recent 3-hour visible emissions evaluation, please specify the date of the most recent evaluation.

Date of most recent 3-hour vee:

Control Equipment:

1. Dust emissions controlled by spray bar or water fog? Yes No
2. If yes, number of spray bars:

(Include screen and conveyor spray bars)

3. Average water pressure to spray bar system:

pounds per square inch gallons per minute

4. Other types of air pollution control equipment (Examples: baghouse, cyclone, wet scrubber, electrostatic precipitator, thermal oxidizer, miscellaneous control device, etc.).

Please complete the appropriate air quality permit application form for each type of control equipment that controls air emissions from this operation.

Generator (if applicable):

1. Generator identification:			
2. Manufacturer:			
3. Model number:		Date of manufacture:	
4. Maximum designed operating rate:		kilowatts	

Indicate the name plate capacity in "kilowatts"

5. Type of fuel (check appropriate boxes)?

☐	Natural gas	☐	Propane	☐	Distillate oil
☐	Other (please specify)				

Map: Attach a map showing the current location of the plant.

Certification:

This application is submitted in accordance with the provisions of the South Dakota Air Pollution Control Regulations, ARSD 74:36.

"I certify that to the best of my knowledge, after reasonable inquiry, the statements and information contained in the application and supporting documents are true, accurate, and complete. In accordance with South Dakota Codified Laws 1-41-20, I have also enclosed a completed Certification of Applicant form.

Signature:		
Print Name:		Date

Responsible Official

CERTIFICATION OF APPLICANT

In the Matter of the Application of	
	(Facility Name)
State of	
County of	

I, [ ], the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

South Dakota Codified Laws Section 1-41-20 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-41-20, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Dated this		, day of		, 20	

Applicant (signature)

Subscribed and sworn before me this:

Dated this		, day of		, 20	

Notary Public (signature)

My commission expires:

(SEAL)

PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-41-20 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.

Appendix F

Change of

Facility Name

DEPARTMENT OF AGRICULUTRE AND NATURAL RESOURCES

CHANGE OF FACILITY NAME
for Coverage Under the General Permit for
Non Metallic Mineral Processing Plants

General Permit Number: _____

Former Company/Operator

Name: _____

New Company/Operator

Name: _____

Contact Person: _____

Email Address: _____

Mailing Address: _____

Facility Address: _____

Latitude, Longitude: _____

Send to: Department of Agriculture & Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501-3182

Appendix G

Standards of Performance for Nonmetallic Mineral Processing Plants

40 CFR – CHAPTER I – PART 60 Subpart OOO —Standards of Performance for Nonmetallic Mineral Processing Plants

Source: 74 FR 19309, Apr. 28, 2009, unless otherwise noted.

§ 60.670 Applicability and designation of affected facility.

(a)(1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.

(2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; plants without crushers or grinding mills above ground; and wet material processing operations (as defined in §60.671).

(b) An affected facility that is subject to the provisions of subparts F or I of this part or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.

(c) Facilities at the following plants are not subject to the provisions of this subpart:

(1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 23 megagrams per hour (25 tons per hour) or less;

(2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less; and

(3) Common clay plants and pumice plants with capacities, as defined in §60.671, of 9 megagrams per hour (10 tons per hour) or less.

(d)(1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.

(2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in §60.676(a).

(3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§60.672, 60.674 and 60.675.

(e) An affected facility under paragraph (a) of this section that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of this part.

(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that do not apply to owners and operators of affected facilities subject to this subpart or that apply with certain exceptions.

§ 60.671 Definitions.

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

Bagging operation means the mechanical process by which bags are filled with nonmetallic minerals.

Belt conveyor means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

Bucket elevator means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

Building means any frame structure with a roof.

Capacity means the cumulative rated capacity of all initial crushers that are part of the plant.

Capture system means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more affected facilities to a control device.

Control device means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a nonmetallic mineral processing plant.

Conveying system means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.

Crush or *Crushing* means to reduce the size of nonmetallic mineral material by means of physical impaction of the crusher or grinding mill upon the material.

Crusher means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

Enclosed truck or railcar loading station means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

Fixed plant means any nonmetallic mineral processing plant at which the processing equipment specified in §60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

Fugitive emission means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

Grinding mill means a machine used for the wet or dry fine crushing of any nonmetallic mineral.

Grinding mills include, but are not limited to, the following types: Hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

Initial crusher means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

Nonmetallic mineral means any of the following minerals or any mixture of which the majority is any of the following minerals:
(1) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.
(2) Sand and Gravel.
(3) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.
(4) Rock Salt.

(5) Gypsum (natural or synthetic).
(6) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.
(7) Pumice.
(8) Gilsonite.
(9) Talc and Pyrophyllite.
(10) Boron, including Borax, Kernite, and Colemanite.
(11) Barite.
(12) Fluorospar.
(13) Feldspar.
(14) Diatomite.
(15) Perlite.
(16) Vermiculite.
(17) Mica.
(18) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

Nonmetallic mineral processing plant means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670 (b) and (c).

Portable plant means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Production line means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

Saturated material means, for purposes of this subpart, mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be "saturated" for purposes of this definition.

Screening operation means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.

Seasonal shut down means shut down of an affected facility for a period of at least 45 consecutive days due to weather or seasonal market conditions.

Size means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

Stack emission means the particulate matter that is released to the atmosphere from a capture system.

Storage bin means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.

Transfer point means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

Truck dumping means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: Trucks, front end loaders, skip hoists, and railcars.

Vent means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

Wet material processing operation(s) means any of the following:

(1) Wet screening operations (as defined in this section) and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line; or

(2) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations (as defined in this section) that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line.

Wet mining operation means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

Wet screening operation means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

§ 60.672 Standard for particulate matter (PM).

(a) Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.
(b) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.
(c) [Reserved]
(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.

(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:
(1) Fugitive emissions from the building openings (except for vents as defined in §60.671) must not exceed 7 percent opacity; and
(2) Vents (as defined in §60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 2 of this subpart.
(f) Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack PM concentration limit (and associated performance testing) in Table 2 of this subpart but must meet the applicable stack opacity limit and compliance requirements in Table 2 of this subpart. This exemption from the stack PM concentration limit does not apply for multiple storage bins with combined stack emissions.

§ 60.673 Reconstruction.
(a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under §60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

(b) Under §60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

§ 60.674 Monitoring of operations.
(a) The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:
(1) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±250 pascals ±1 inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.
(2) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(b) The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).

(1) If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5-year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii) of this section:
(i) The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and §60.676(b), and
(ii) The owner or operator of the affected facility designates which upstream water spray(s) will be periodically inspected at the time of the initial performance test required under §60.11 of this part and §60.675 of this subpart.
(2) If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.
(c) Except as specified in paragraph (d) or (e) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions must conduct quarterly 30-minute visible emissions inspections using EPA Method 22 (40 CFR part 60, Appendix A–7). The Method 22 (40 CFR part 60, Appendix A–7) test shall be conducted while the baghouse is operating. The test is successful if no visible emissions are observed. If any visible emissions are observed, the owner or operator of the affected facility must initiate corrective action within 24 hours to return the baghouse to normal operation. The owner or operator must record each Method 22 (40 CFR part 60, Appendix A–7) test, including the date and any corrective actions taken, in the logbook required under §60.676(b). The owner or operator of the affected facility may establish a different baghouse-specific success level for the visible emissions test (other than no visible emissions) by conducting a PM performance test according to §60.675(b) simultaneously with a Method 22 (40 CFR part 60, Appendix A–7) to determine what constitutes normal visible emissions from that affected facility's baghouse when it is in compliance with the applicable PM concentration limit in Table 2 of this subpart. The revised visible emissions success level must be incorporated into the permit for the affected facility.

(d) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions may use a bag leak detection system. The owner or operator must install, operate, and maintain the bag leak detection system according to paragraphs (d)(1) through (3) of this section.
(1) Each bag leak detection system must meet the specifications and requirements in paragraphs (d)(1)(i) through (viii) of this section.
(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.
(ii) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.* , using a strip chart recorder or a data logger).
(iii) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point

established according to paragraph (d)(1)(iv) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.
(iv) In the initial adjustment of the bag leak detection system, the owner or operator must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.
(v) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided in paragraph (d)(1)(vi) of this section.
(vi) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (d)(2) of this section.
(vii) The owner or operator must install the bag leak detection sensor downstream of the fabric filter.
(viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.
(2) The owner or operator of the affected facility must develop and submit to the Administrator or delegated authority for approval of a site-specific monitoring plan for each bag leak detection system. The owner or operator must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (d)(2)(i) through (vi) of this section.
(i) Installation of the bag leak detection system;
(ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;
(iii) Operation of the bag leak detection system, including quality assurance procedures;
(iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;
(v) How the bag leak detection system output will be recorded and stored; and
(vi) Corrective action procedures as specified in paragraph (d)(3) of this section. In approving the site-specific monitoring plan, the Administrator or delegated authority may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.
(3) For each bag leak detection system, the owner or operator must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (d)(2)(vi) of this section, the owner or operator must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:
(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;
(ii) Sealing off defective bags or filter media;
(iii) Replacing defective bags or filter media or otherwise repairing the control device;
(iv) Sealing off a defective fabric filter compartment;
(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or
(vi) Shutting down the process producing the PM emissions.

(e) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility that is subject to the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) may follow the continuous compliance requirements in row 1 items (i) through (iii) of Table 6 to Subpart AAAAA of 40 CFR part 63.

§ 60.675 Test methods and procedures.

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendices A–1 through A–7 of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.

(b) The owner or operator shall determine compliance with the PM standards in §60.672(a) as follows:

(1) Except as specified in paragraphs (e)(3) and (4) of this section, Method 5 of Appendix A–3 of this part or Method 17 of Appendix A–6 of this part shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (40 CFR part 60, Appendix A–3), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.

(2) Method 9 of Appendix A–4 of this part and the procedures in §60.11 shall be used to determine opacity.

(c)(1) In determining compliance with the particulate matter standards in §60.672(b) or §60.672(e)(1), the owner or operator shall use Method 9 of Appendix A–4 of this part and the procedures in §60.11, with the following additions:

(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (*e.g.,* road dust). The required observer position relative to the sun (Method 9 of Appendix A–4 of this part, Section 2.1) must be followed.

(iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

(2)(i) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9 (40 CFR part 60, Appendix A–4), the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations shall be 1 hour (ten 6-minute averages).

(ii) The duration of the Method 9 (40 CFR part 60, Appendix A–4) observations may be reduced to the duration the affected facility operates (but not less than 30 minutes) for baghouses that control storage bins or enclosed truck or railcar loading stations that operate for less than 1 hour at a time.

(3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) or §60.672(e)(1) of this subpart, the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations must be 30 minutes (five 6-minute averages).

Compliance with the applicable fugitive emission limits in Table 3 of this subpart must be based on the average of the five 6-minute averages.

(d) To demonstrate compliance with the fugitive emission limits for buildings specified in §60.672(e)(1), the owner or operator must complete the testing specified in paragraph (d)(1) and (2) of this section. Performance tests must be conducted while all affected facilities inside the building are operating.
(1) If the building encloses any affected facility that commences construction, modification, or reconstruction on or after April 22, 2008, the owner or operator of the affected facility must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and §60.11.
(2) If the building encloses only affected facilities that commenced construction, modification, or reconstruction before April 22, 2008, and the owner or operator has previously conducted an initial Method 22 (40 CFR part 60, Appendix A–7) performance test showing zero visible emissions, then the owner or operator has demonstrated compliance with the opacity limit in §60.672(e)(1). If the owner or operator has not conducted an initial performance test for the building before April 22, 2008, then the owner or operator must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and §60.11 to show compliance with the opacity limit in §60.672(e)(1).

(e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
(1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
(i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.
(2) A single visible emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:
(i) No more than three emission points may be read concurrently.
(ii) All three emission points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
(iii) If an opacity reading for any one of the three emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point.
(3) Method 5I of Appendix A–3 of this part may be used to determine the PM concentration as an alternative to the methods specified in paragraph (b)(1) of this section. Method 5I (40 CFR part 60, Appendix A–3) may be useful for affected facilities that operate for less than 1 hour at a time such as (but not limited to) storage bins or enclosed truck or railcar loading stations.
(4) In some cases, velocities of exhaust gases from building vents may be too low to measure accurately with the type S pitot tube specified in EPA Method 2 of Appendix A–1 of this part [*i.e.,* velocity head <1.3 mm H_2O (0.05 in. H_2O)] and referred to in EPA Method 5 of Appendix A–3 of this part. For these conditions, the owner or operator may determine the average gas flow rate produced by the power fans (*e.g.,* from vendor-supplied fan curves) to the building vent. The owner or operator may calculate the average gas velocity at the building vent

measurement site using Equation 1 of this section and use this average velocity in determining and maintaining isokinetic sampling rates.

$$v_e = \frac{Q_f}{A_e} \quad \text{(Eq. 1)}$$

Where:

V_e= average building vent velocity (feet per minute);
Q_f= average fan flow rate (cubic feet per minute); and
A_e= area of building vent and measurement location (square feet).

(f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a)(1) and (2) during each particulate matter run and shall determine the averages.

(g) For performance tests involving only Method 9 (40 CFR part 60 Appendix A–4) testing, the owner or operator may reduce the 30-day advance notification of performance test in §60.7(a)(6) and 60.8(d) to a 7-day advance notification.

(h) [Reserved]

(i) If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in §60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

§ 60.676 Reporting and recordkeeping.

(a) Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

(ii) The total surface area of the top screen of the replacement screening operation.

(3) For a conveyor belt:

(i) The width of the existing belt being replaced and

(ii) The width of the replacement conveyor belt.

(4) For a storage bin:

(i) The rated capacity in megagrams or tons of the existing storage bin being replaced and

(ii) The rated capacity in megagrams or tons of replacement storage bins.

(b)(1) Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

(2) For each bag leak detection system installed and operated according to §60.674(d), the owner or operator must keep the records specified in paragraphs (b)(2)(i) through (iii) of this section.
(i) Records of the bag leak detection system output;
(ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and
(iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.
(3) The owner or operator of each affected facility demonstrating compliance according to §60.674(e) by following the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) must maintain records of visible emissions observations required by §63.7132(a)(3) and (b) of 40 CFR part 63, subpart AAAAA.

(c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

(d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss and liquid flow rate decrease by more than 30 percent from the average determined during the most recent performance test.

(e) The reports required under paragraph (d) of this section shall be postmarked within 30 days following end of the second and fourth calendar quarters.

(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 (40 CFR part 60, Appendix A–4) to demonstrate compliance with §60.672(b), (e) and (f).

(g) The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in §60.672(b) and the emission test requirements of §60.11.

(h) The subpart A requirement under §60.7(a)(1) for notification of the date construction or reconstruction commenced is waived for affected facilities under this subpart.

(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

(j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.
(k) Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).

Table 1 to Subpart OOO—Exceptions to Applicability of Subpart A to Subpart OOO

Table 1 to Subpart OOO—Exceptions to Applicability of Subpart A to Subpart OOO

Subpart A reference	Applies to subpart OOO	Explanation
60.4, Address	Yes	Except in §60.4(a) and (b) submittals need not be submitted to both the EPA Region and delegated State authority (§60.676(k)).
60.7, Notification and recordkeeping	Yes	Except in (a)(1) notification of the date construction or reconstruction commenced (§60.676(h)).
		Also, except in (a)(6) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§60.675(g)).
60.8, Performance tests	Yes	Except in (d) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§60.675(g)).
60.11, Compliance with standards and maintenance requirements	Yes	Except in (b) under certain conditions (§§60.675(c)), Method 9 (40 CFR part 60, Appendix A–4) observation is reduced from 3 hours to 30 minutes for fugitive emissions.
60.18, General control device	No	Flares will not be used to comply with the emission limits.

Table 2 to Subpart OOO—Stack Emission Limits for Affected Facilities With Capture Systems

Table 2 to Subpart OOO—Stack Emission Limits for Affected Facilities With Capture Systems

For * * *	The owner or operator must meet a PM limit of * * *	And the owner or operator must meet an opacity limit of * * *	The owner or operator must demonstrate compliance with these limits by conducting * * *
Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	0.05 g/dscm (0.022 gr/dscf)[a]	7 percent for dry control devices[b]	An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e).
Affected facilities (as defined in §§60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008	0.032 g/dscm (0.014 gr/dscf)[a]	Not applicable (except for individual enclosed storage bins) 7 percent for dry control devices on individual enclosed storage bins	An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e); and
			Monitoring of baghouses according to §60.674(c), (d), or (e) and §60.676(b).

[a]Exceptions to the PM limit apply for individual enclosed storage bins and other equipment. See §60.672(d) through (f).

[b]The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.

Table 3 to Subpart OOO—Fugitive Emission Limits

Table 3 to Subpart OOO—Fugitive Emission Limits

For * * *	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671) * * *	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used * * *	The owner or operator must demonstrate compliance with these limits by conducting * * *
Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	10 percent opacity	15 percent opacity	An initial performance test according to §60.11 of this part and §60.675 of this subpart.
Affected facilities (as defined in §§60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008	7 percent opacity	12 percent opacity	An initial performance test according to §60.11 of this part and §60.675 of this subpart; and Periodic inspections of water sprays according to §60.674(b) and §60.676(b); and
			A repeat performance test according to §60.11 of this part and §60.675 of this subpart within 5 years from the previous performance test

			for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in §60.674(b) and §60.676(b) are exempt from this 5-year repeat testing requirement.