



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8P-AR

MAR 12 2010

Brian Gustafson, Administrator
Air Quality Program
South Dakota Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501-3182

RE: EPA Region 8 Comments on January 15, 2010
Draft Regional Haze SIP (FLM Consultation
Version)

Dear Brian:

EPA has completed a preliminary review of South Dakota's January 15, 2010 draft Regional Haze State Implementation Plan (SIP), as received via email through your Federal Land Manager (FLM) consultation process. Our comments and questions are detailed in the Enclosure to this letter.

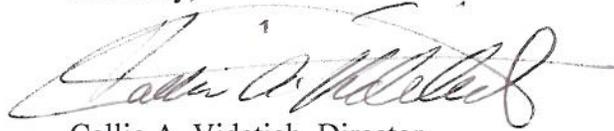
We understand that you intend to consider all comments received on this FLM consultation version of the Regional Haze SIP prior to preparing the documents for your public notice and comment process. The final draft of the SIP, which will include a summary of the FLMs' comments and your responses, will then undergo a broader public hearing process prior to adoption and submission to EPA. We emphasize that we will only reach a final conclusion regarding the adequacy of South Dakota's Regional Haze SIP when we act on the South Dakota Regional Haze SIP revision through our own public notice and comment rulemaking.

We want to acknowledge your efforts in developing this SIP and working with us to resolve concerns related to subject-to-BART modeling for Big Stone I. This effort has helped to narrow the issues significantly; however, important issues remain. Our comments are intended to assist you in revising the draft SIP before you begin your public hearing process. Please note that our most serious concerns are summarized at the beginning of the Enclosure.

As you are aware, South Dakota received a finding of failure to submit its Regional Haze SIP by the required deadline. As a result, a 2-year clock was initiated for EPA to fully approve a SIP or promulgate a Federal Implementation Plan by January 15, 2011. In order to meet this deadline, we continue to advise you to submit the South Dakota Regional Haze SIP in a timely manner. Please do not hesitate to contact me with any concerns related to this timeline.

We have appreciated working with you during the review of this FLM consultation version of the draft Regional Haze SIP and look forward to continued communications during the public hearing process. If you have any questions on EPA's comments, please contact me at 303-312-6434, or your staff may contact Gail Fallon at 303-312-6281 or Amy Platt at 303-312-6449.

Sincerely,



Callie A. Videtich, Director
Air Program

Enclosure

cc: Chris Shaver, NPS
Sandra Silva, USFWS
Thomas Dzomba, USFS



ENCLOSURE

EPA Region 8 Preliminary Comments on the January 15, 2010 Draft Regional Haze SIP (FLM Consultation Version)

Summary of Major Concerns – (see detailed comments for more information):

- No justification for separate startup/shutdown limits for PM, SO₂, and NO_x. See comments #18-20 below.
- No details on how the BART emission limits will be made enforceable as a practical matter. See comments #1 and #21 below.
- No identification of the number of years to reach natural conditions as required when the Reasonable Progress Goal is less than the Uniform Rate of Progress. See comment #23 below.
- No 4-factor Reasonable Progress analysis. See comment #24 below.
- No smoke management plan even though fire is identified as a major contributor. See comment #31 below.

Detailed Comments:

1. Executive Summary, pp. viii-ix:
 - (A) The BART emission limits, compliance schedules, monitoring, recordkeeping, and compliance determining methods for Big Stone I must be specified in the text of the Regional Haze SIP or in a permit that is incorporated into the SIP. You note that you intend to establish the appropriate averaging times, compliance verification procedures, and recordkeeping and reporting requirements in an air quality construction permit. Since this document is not included in this draft SIP, we would like to work with you to ensure that these requirements are adequately addressed in the SIP. Note that the public notice for the Regional Haze SIP needs to include notification that an air quality permit to address BART requirements is incorporated as part of the SIP. Additionally, with MDU Resources Group's November 2, 2009 announcement that Big Stone II will not be built, does SD DENR plan to amend and/or revoke the existing permit provisions in order to reflect the Company's announcement and the forthcoming BART determination, and what is the timeline for doing so?
 - (B) The last sentence references a Chapter 12 that was not included in this draft FLM consultation version of the SIP; therefore, we were unable to review and comment on it.
2. Chapter 1, Introduction, p. 1:
 - (A) Please clarify that the 1977 Clean Air Act Amendments and EPA's 1980 reasonable attributable visibility impairment regulations addressed visibility impairment that was caused *or contributed to* by one or a small group of sources.
 - (B) Please revise the date for delegation of the Prevention of Significant Deterioration (PSD)

program to July 6, 1994. The September 15, 1994 date is simply when EPA provided notice that the delegation had been granted as of July 6, 1994.

3. Sections 3.1, Baseline Visibility Conditions, and 3.2, Natural Visibility Conditions, pp. 11-16:
 - (A) It appears that Appendix A will contain the IMPROVE data used to determine baseline visibility; however, Appendix A was not included with this draft FLM consultation version of the SIP.
 - (B) Based on our review of WRAP's Visibility Information Exchange Web System (VIEWS) and information from the USFS, it appears that there are some errors in the baseline and natural background figures provided in Tables 3-1, 3-5, and 3-7. We understand that the USFS has raised these concerns with you and requested the opportunity to discuss; therefore, we will look for these figures to be revised accordingly. Please note that EPA's default values for natural conditions must be used in the current SIP and any refinements deferred to future planning periods.
 - (C) Table 3-6 addresses the western natural conditions, but the footnotes refer to Trijonis estimates for both East and West. The Trijonis estimates for the East do not need to be included.
 - (D) A column must be added to Table 3-7 to highlight the deciview improvement required for both best and worst days.
4. Figure 3-11, Uniform Rate of Progress, p. 17: This figure has been omitted. Perhaps with its inclusion, our following comment would be addressed.
5. Table 3-8, Annual Uniform Rate of Improvement, p. 18: This table needs to include the uniform rate of improvement for the 1st planning period (2004-2018) for the most and the least impaired days, rather than leaving it to the reader to calculate from the annual numbers provided.
6. Figure 3-12, Uniform Rate of Improvement, pp. 18-19: For both Class I areas, we could not determine the source of the 2018 numbers. For Badlands, it appears that the 2018 uniform rate of progress should be 14.89 dV (based on the 14 year 1st planning period) instead of 15.04 dV, and for Wind Cave, 13.94 dV instead of 14.01 dV. In addition, once the baseline and natural background values are revised per our comment #3 above, these values will need to be recalculated.
7. Section 5.0, Source Apportionment, pp. 37-58:
 - (A) Section 5.1, Air Emission Inventory, pp. 37-38: In general, the WRAP inventories utilized are adequate for this planning period. However, there are some known shortcomings with the WRAP inventories, including the oil and gas emissions estimates. Please note that we would expect future reviews of the South Dakota Regional Haze SIP to rely on the most current, updated emissions inventory.

(B) Pages 39 & 43: Please elaborate on the “compliance initiative” related to VOC emissions from secondary oil and gas production in northwestern South Dakota. The draft document indicates that the initiative identified emissions that needed to be addressed, and it appears emission control devices were installed. What state mechanisms are in place to ensure these four thermal oxidizers are operating at greater than 98% control?

(C) Tables 5-1, 5-2, and 5-4, pp. 40-44: In Tables 5-1 and 5-2, the baseline VOC emissions from oil and gas are identified as 33,721 tons, while the 2018 projected VOC emissions from oil and gas are shown as 562 tons in Table 5-4. According to the WRAP Technical Support System (TSS), the corresponding baseline and projected VOC emissions from oil and gas are 288 tons and 562 tons, respectively. This large discrepancy between South Dakota’s reported numbers and the WRAP TSS must be explained in greater detail in the SIP. In addition, please explain whether these emissions from secondary oil and gas production were used for modeling and reasonable progress purposes. We also note that Table 5-1 provides the baseline SO₂ emissions from area sources as 10,159 tons, while Table 5-2 lists 1,071 tons from the same source. This very substantial difference is consistent with values reported on the WRAP TSS; however, no explanation is provided. The SIP text must provide clarification. Finally, there appears to be a typographical error in the footnotes to Table 5-4 – two footnotes labeled “3.”

(D) Tables 5-6 and 5-7, p. 46: We note some discrepancies compared with what was included in other state plans. In order to ensure consistency with other states’ assumptions it would be prudent to verify their emission inventory numbers. For example, the North Dakota draft plan lists North Dakota NO_x emissions for 2018 at 171,566 tons, but the South Dakota draft plan lists North Dakota NO_x emissions at 187,032 tons for 2018.

(E) Last paragraph, p. 54, and second paragraph, p. 56: There may be typographical errors, but in any case the text is not consistent with the figures which show a slight change between 2002 and 2018 for both the least and most impaired days. Please clarify.

(F) First paragraph, 2nd to last sentence, p. 58: The text regarding Montana’s organic carbon mass contribution must be clarified to read that, “Natural fire related organic carbon mass generated in Montana contributes approximately 34% of the organic carbon mass in Badlands National Park.”

8. Section 6.1, BART-Eligible Sources, pp. 70-71:

(A) The definition of “Date of Reconstruction” does not quite match the Federal definition and must be revised. The Federal definition is for the date of operation, construction, or reconstruction and applies to sources that were not in operation before August 7, 1962 and in existence as of August 7, 1977 with any reconstruction occurring during the August 7, 1962 to August 7, 1977 time period.

(B) The last sentence of the definition for “Potential to Emit” contains a typographical error—should be 26 categories.

9. Section 6.1.2, Pete Lien, pp. 72-73:

(A) There appears to be a typographical error in the 2nd sentence of the first paragraph – should be worded as “*not* in operation prior to August 7, 1962...”

(B) Because there is a rotary kiln (Unit 4a) producing lime within the Pete Lien facility, Pete Lien is classified as a lime plant according to the definition in 40 CFR Part 60, Supart HH. The fact that the unit in question under BART is a vertical kiln does not exclude Pete Lien from the lime plant category, since it does have a rotary kiln producing lime within the plant. Therefore, it was the appropriate decision to include Pete Lien in the WRAP subject-to-BART modeling analysis. We were unaware that you had determined there were errors in the modeling inputs and a need for a re-run. You note that the vertical kiln was shutdown and dismantled in 2009 prior to completion of a modeling re-run. However, the November 12, 2008 Title V permit for Pete Lien still includes the vertical kiln, and there has not been a permit modification to address any such dismantling and closure. Either the permit needs to be modified to reflect this change in status of the vertical kiln, or the modeling needs to be re-run to correct the input errors and accurately determine whether Pete Lien is subject to BART.

10. Section 6.2, Otter Tail Power Company’s Modeling Results, pp. 75-77: We note that the specific version of CALPUFF, coordinate grid points, wind field options, terrain, dispersion options, receptor coordinates, plume characteristics and other model parameters approved by the DENR were used for modeling. The DENR approved protocol (*i.e.* the August 31, 2009 Revised Modeling Protocol for a BART Assessment of the Big Stone I Coal-Fired Power Plant) is acceptable to EPA; however, the modeling input and output files need to be incorporated into the SIP for documentation and public review.
11. Section 6.3.2.4, Sulfur Dioxide Control Technology Impacts, p. 83: Footnote number 3 indicates a baseline level of 18,000 tons of SO₂/year; however, according to Table 6-1 on p. 71, the baseline was 19,863 tons/year. This larger baseline figure results in an 81% emission reduction for the 3rd option, as opposed to 90% with the 18,000 tons/year figure. Please explain how the 18,000 tons/year SO₂ baseline figure was obtained.
12. Section 6.3.3.2, Technically Feasible Nitrogen Oxide Control Technologies, pp. 85-86: At this time, we have not completed a thorough review of your comments regarding commercial availability and technical feasibility of the various NO_x control technologies listed. Therefore, we may have additional comments on this section during the public comment period.
13. Table 6-9, p. 87: Footnote 5 references a 1999 EPA Technical Bulletin on NO_x controls as justification for the 35%-90% control efficiency range for the top three options. The large range in EPA’s bulletin is due to inclusion of SCR, selective non-catalytic reduction (SNCR), and fuel reburning for wet-bottom boilers. It is well documented that SCR achieves the high end of the range. The EPA bulletin also lists a 30%-70% control efficiency for a group of temperature-reducing controls, including over-fire air. Therefore, the proposed BART

determination of SCR plus separated over-fire air (SOFA) should be better than the 90% control efficiency of SCR alone. It is not clear from the SIP text how the proposed emission limit was calculated; however, according to EPA's Acid Rain Database, Big Stone I NO_x emissions have averaged 0.77 lb/MMBtu over the last five years. Assuming a control efficiency greater than 90% should result in a limit lower than the proposed 0.1 lb/MMBtu.

14. Section 6.3.3.4, Nitrogen Oxide Control Technology Impacts, p. 87: We assume you are relying on Otter Tail's analysis of estimated costs, which relied on the CUECost model. While we are satisfied with the control technology conclusions of your NO_x BART determination (*i.e.*, SCR plus SOFA), in general we do not recommend relying on the CUECost model. According to the BART Guidelines, in order to maintain and improve consistency, cost estimates must be based on the OAQPS Control Cost Manual.
15. Table 6-10, p. 88: Footnote 3 contains typographical errors – should be nitrogen oxides. In addition, similar to comment #11 above, it is unclear how the baseline level of 18,000 tons/year was obtained. According to Table 6-1, p. 71, baseline NO_x emissions were 17,179 tons/year. The larger baseline figure results in an 89% emission reduction for the 1st option, as opposed to 93% with the 17,179 tons/year figure. As stated above in comment #13, a control efficiency greater than 90% is appropriate for the proposed SCR plus SOFA controls. Please explain how the 18,000 tons/year NO_x baseline figure was obtained.
16. Section 6.3.4, Visibility Impact Evaluations, 2nd paragraph, p. 89: Again, the text refers to Big Stone I baseline emissions of 18,000 tons SO₂ and 18,000 tons NO_x. Please explain how these numbers were obtained.
17. Table 6-12, p. 89: According to Footnote 2 of Table 6-12, the rounded modeling values shown in the parentheses were used to compare with the subject-to-BART threshold, but actually, the unrounded modeled value must be used for determining whether a source exceeds the threshold.
18. Section 6.3.5.1, Particulate Matter BART Recommendation, p. 95:
 - (A) We assume DENR's proposed particulate matter BART limit of 0.012 lb/MMBtu is on a 30-day rolling average basis, as required. Please clarify in the SIP.
 - (B) While we agree that a baghouse is the top particulate control technology, what is the justification for proposing a separate hourly startup/shutdown limit? The SIP must document the need for such a separate limit, as well as whether the selected value represents BART. Has DENR evaluated potential impacts of the separate startup/shutdown limit on visibility? The BART Guidelines contemplate pounds per million Btu limits that apply continuously, with a 30-day rolling average period to accommodate, among other things, potential short-term fluctuations in the emissions rate that may result during startup, shutdown, and other conditions. Presumably, your proposed 30-day rolling average limit already includes some margin of safety for operational variation. If you are able to justify the separate limits, we would work closely with you as you draft appropriate permit language to help ensure SIP approvability related to determining compliance with the normal 30-day rolling average limit

and the hourly startup/shutdown limit. For example, in calculating 30-day averages, how will days be accounted for that include some, but not all, hours of startup/shutdown?

19. Section 6.3.5.2, Sulfur Dioxide BART Recommendation, pp. 96-97:

(A) We assume DENR's proposed SO₂ BART limit of 0.09 lb/MMBtu is on a 30-day rolling average basis, as required. Please clarify in the SIP.

(B) As noted in comment #18 above, justification for proposing a separate lb/hour limit for periods of startup and shutdown must be provided. The SIP must document the need for such a separate limit, as well as whether the selected value represents BART. Has DENR evaluated potential impacts of the separate startup/shutdown limit on visibility? The BART Guidelines contemplate pounds per million Btu limits that apply continuously, with a 30-day rolling average period to accommodate, among other things, potential short-term fluctuations in the emissions rate that may result during startup, shutdown, and other conditions. Presumably, your proposed 30-day rolling average limit already includes some margin of safety for operational variation. If you are able to justify the separate limits, we would work closely with you as you draft appropriate permit language to help ensure SIP approvability related to determining compliance with the normal 30-day rolling average limit and the hourly startup/shutdown limit. For example, in calculating 30-day averages, how will days be accounted for that include some, but not all, hours of startup/shutdown?

20. Section 6.3.5.3, Nitrogen Oxide BART Recommendation, pp. 97-98:

(A) Regarding the term "threshold" in reference to \$1500/ton for NO_x removal, EPA's position is that the NO_x presumptive limits were established based on the relatively low cost of less than \$1500/ton for the majority of large EGUs. There is no bright line regarding cost effectiveness and each determination must be made taking into account a full five factor BART analysis. In addition, although Big Stone I has a capacity less than 750 MW, it is greater than 200 MW and operating without post-combustion controls. Per the BART Guidelines, it is reasonable to assume that SCR is generally cost-effective on large cyclone units. See 70 FR 39171, July 6, 2005.

(B) Please clarify that DENR's NO_x BART determination is SCR plus SOFA at 0.10 lb/MMBtu on a 30-day rolling average.

(C) As noted in comments #18-19 above, justification for proposing a separate lb/hour limit for periods of startup and shutdown must be provided. The SIP must document the need for such a separate limit, as well as whether the selected value represents BART. Has DENR evaluated potential impacts of the separate startup/shutdown limit on visibility? The BART Guidelines contemplate pounds per million Btu limits that apply continuously, with a 30-day rolling average period to accommodate, among other things, potential short-term fluctuations in the emissions rate that may result during startup, shutdown, and other conditions. Presumably, your proposed 30-day rolling average limit already includes some margin of safety for operational variation. If you are able to justify the separate limits, we would work closely with you as you draft appropriate permit language to help ensure SIP approvability related to determining compliance with the normal 30-day rolling average limit and the

hourly startup/shutdown limit. For example, in calculating 30-day averages, how will days be accounted for that include some, but not all, hours of startup/shutdown?

21. Section 6.4, BART Requirements, p. 99: According to your proposed revisions to the South Dakota Administrative Rules, Chapter 74:36:21:10, a permit modification will be required for your BART determination on Otter Tail's Big Stone I. Without seeing the details of such permit, it is difficult to determine whether this section of the SIP adequately addresses requirements for enforceability, including appropriate averaging times, compliance verification procedures, and recordkeeping and reporting requirements, and proper operation and maintenance procedures. As noted in comment #1 above, these requirements must be specified either in the text of the Regional Haze SIP or in a permit that is incorporated into the SIP.
22. Section 7.1, State and Federal Rules, pp. 100-101: Please clarify that although some of the cited Administrative Rules of South Dakota (ARD) control emissions of pollutants that ultimately contribute to visibility impairment, they were not written specifically to address visibility impairment.
23. Table 7-1 and Section 7.2.1, Breakdown of CMAQ Modeling Results, pp. 102-103: We were unable to determine if 16.50 dv for Badlands and 15.28 dv for Wind Cave are your Reasonable Progress Goals (RPG). These numbers don't quite match with those shown in Figure 8-1. Please clarify and document how the numbers were obtained. Also, the SIP must include the dv difference between the baseline and natural conditions for the best and worst days for the 1st planning period per 40 CFR 51.308(d)(2)(iv)(A). Finally, the SIP must provide the number of years necessary to reach natural conditions, as required by 40 CFR 51.308(d)(1)(ii) when the RPG is less than the uniform rate of progress (URP).
24. Section 7.2.2, Four Factor Analysis, p. 104: DENR's determination that a four-factor analysis is not warranted at this time is not acceptable. A four-factor analysis must be completed in establishing the RPGs for Class I areas impacted by South Dakota emissions, as well as in justifying a RPG that is less than URP. While we realize that the emissions reductions proposed under BART for Big Stone I will provide significant emissions reductions in South Dakota, remaining sources must be considered under Reasonable Progress. For example, are there any further reductions that could be obtained from GCC Dacotah, Ben French, or Pete Lien? What about potential impacts from the close proximity of Rapid City to Badlands? A simple Q/d analysis can provide a starting point. It may be reasonable for DENR to conclude, upon completion of an adequate four-factor analysis, that additional controls under Reasonable Progress are not warranted in this planning period. However, such a determination cannot be made without the analysis. Perhaps information from the WRAP's May 19, 2009 draft *Supplementary Information for Four-Factor Analyses for Selected Individual Facilities in South Dakota*, and WRAP's May 4, 2009 draft *Supplementary Information for Four Factor Analyses by WRAP States*, can be utilized to address some of the Reasonable Progress analysis requirements. If so, our August 12, 2009 comments on the draft WRAP reports must be taken into account.

25. Section 8.0, Long Term Strategy, pp. 104-105: According to 40 CFR 51.306(c), the State must revise its plan to provide for a coordinated long-term strategy for addressing both reasonably attributable and regional haze visibility impairment, and future coordinated long-term strategies must be submitted consistent with the schedule for periodic progress reports set forth in 40 CFR 51.308(g), *i.e.*, every 5 years. South Dakota never adopted a plan to address the requirements of 40 CFR 51.306 for a reasonably attributable visibility impairment long-term strategy; therefore, a Federal Implementation Plan (FIP) was promulgated to incorporate by reference the reasonably attributable visibility impairment long-term strategy requirements described in 40 CFR 52.29. See the federally-approved South Dakota Identification of Plan section at 40 CFR 52.2179(c). At this time, it is not clear from a national perspective how to coordinate a reasonably attributable long-term strategy FIP with a regional haze long-term strategy SIP. The simplest approach would be for you to develop your own reasonably attributable long-term strategy to replace the FIP. Is this approach something you would consider? We would be happy to work with you to develop appropriate language and believe it would not take too much additional work given the effort you have already put into the draft regional haze SIP.
26. Section 8.1, Class I Areas in Other States Impacted by South Dakota, p. 105: This section must quantify South Dakota's impact to the Class I areas outside the State (similar to that noted in Table 6-4).
27. Section 8.3, Technical Basis for Modeling, Monitoring and Emissions Information, p. 106: To assist the reader, please include website addresses and/or references to where these technical analyses are housed and how they will be maintained going forward. In addition, the text must address DENR's commitment to continued compilation and analysis of the technical requirements for the Regional Haze SIP, regardless of future uncertainty in the Western Regional Air Partnership's (WRAP's) role.
28. Section 8.5, Factors in Developing Long Term Strategy, p. 107: There appear to be typographical errors in the last paragraph – should be “emissions reductions.”
29. Section 8.5.1, Emission Reductions from Ongoing Air Pollution Control Programs, pp. 107-108: As noted in comment #22 above, please clarify that although some of the cited Administrative Rules of South Dakota were not written specifically to address visibility impairment, they do control emissions of pollutants that may ultimately contribute to visibility impairment.
30. Section 8.5.2, Measures to Mitigate Impacts of Construction Activities, pp. 108-109: South Dakota never adopted a plan to address the original Visibility New Source Review (NSR) requirements of 40 CFR 51.307; therefore, a Federal Implementation Plan (FIP) was promulgated to incorporate by reference the Visibility NSR requirements described in 40 CFR 52.28. See the federally-approved South Dakota Identification of Plan section at 40 CFR 52.2179(b). Is it your intention to replace the nonattainment NSR visibility analysis requirements of 40 CFR 52.2179(b) with your proposed revisions to ARSD 74:36:21? If so, we would provide input for such a revision if requested.

31. Section 8.5.5, Smoke Management, pp. 109-110: Given that your source apportionment analysis identified organic carbon mass as one of the largest contributors on the most impaired days, it is difficult to understand why DENR has deferred consideration of smoke management techniques until 2013. In establishing its long-term strategy, the State must consider smoke management techniques for agricultural and forestry management purposes including plans as currently exist within the State for these purposes
See 40 CFR 51.308(d)(3)(v)(E). At least some preliminary steps, in coordination with the FLMs, must be included, along with citing to any existing South Dakota burning provisions.
32. Section 8.5.6, Enforceable Emission Limits and Control Measures, pp. 110-111: We note your intention to establish the Big Stone I BART limits and control measure requirements in either a construction permit or the Title V permit. Note that any air quality permit used to address BART requirements will need to be incorporated into the SIP. The South Dakota draft construction permit program regulations are currently under review by our office. Until this has been approved into the SIP, it will not be appropriate to rely upon the program for your BART permits.
33. Section 9.0, Monitoring Strategy, p. 113-116: South Dakota never adopted a plan to address the original Visibility Monitoring requirements of 40 CFR 51.305; therefore, a FIP was promulgated to incorporate by reference the Visibility Monitoring requirements described in 40 CFR 52.26. See the federally-approved South Dakota Identification of Plan section at 40 CFR 52.2179(b). Is it your intention to replace the South Dakota Visibility Monitoring FIP requirements of 40 CFR 52.2179(b) with the DENR Monitoring Strategy as outlined in Section 9.0 of the Regional Haze SIP? If so, we would provide input for such a revision if requested.
34. Section 10.2, Consultation with Other States, pp. 118-119: For clarity, it would be helpful if in each instance of consultation, the text identified the dates and outcomes of the discussions. In addition, other than their involvement in WRAP, does DENR have a plan to include tribal consultation on the public comment version of the SIP?
35. Section 10.3, Public Input, p. 119: As noted in comment #23 above, the SIP must provide the public with a calculation of the number of years required to reach natural conditions if the RPG provides a slower rate of improvement than that needed to attain natural conditions by 2064 per 40 CFR 51.308(d)(1)(ii). We understand your concerns regarding assumptions for other states included in the WRAP analysis; however, this SIP must include your best estimate of number of years to reach natural conditions with the proposed RPGs.
36. Section 11.2, Report Every 5 Years, p. 121: As part of continuing consultation required under 40 CFR 51.308(i)(4), please clarify item 7, regarding the monitoring strategy, to note that you will consult with EPA and the FLMs on any revisions deemed necessary.
37. Appendices: We are unable to comment on any of the appendices since they were not included. Information in these appendices may have been necessary for a more thorough

review by EPA. If you are able to share the draft appendices prior to the official public comment period, it would be very helpful.

38. ARSD Chapter 74:36:21, Regional Haze Program:

(A) 74:36:21:02, Definitions: The definition of “BART-eligible source” must cite to an existing stationary facility as defined in 74:36:21:03. The definition of “visibility impairment” does not mirror the federal definition contained in 40 CFR 51.301 and must be revised accordingly. The definition of “contribute to visibility impairment” is not appropriate in the regional haze context and must be removed since there is no threshold for such a contribution. Finally, the definition of “major source” must cite to 40 CFR 51.166, and you must include the definition of “major modification” from 40 CFR 51.166, since the definition of major stationary source under the regional haze regulations includes major modifications.

(B) 74:36:21:04, Visibility Impact Analysis: This section must be revised to clarify that the existing provisions of 74:36:09, Prevention of Significant Deterioration, are not replaced by this new section 74:36:21:04. Given that you do have existing regulations, what is your intent with this new provision?

(C) 74:36:21:07, Operation and Maintenance of Controls: To improve clarity, this section should include more detail, such as specifying the minimum criteria for an acceptable operation and maintenance plan and when the source specific operation and maintenance plan to meet such criteria shall be submitted for permitting authority approval.

(D) 74:36:21:08, Monitoring, Recordkeeping and Reporting: As this provision is drafted, the term “main stack” is a concern because it is not clear whether all of the sulfur dioxide and nitrogen dioxide emissions from the BART-eligible source will be routed to the main stack. The term "main stack" implies the presence of other stack(s) which is/are not equipped with continuous emission monitoring system(s) as is the "main stack." The language in 74:36:21:08 (page 8, second sentence) should be revised to read, "All sulfur dioxide and nitrogen dioxide emissions from the BART eligible source shall be routed to the main stack of the BART-eligible source. Monitoring of sulfur dioxide and nitrogen dioxide emissions from the main stack shall be conducted using a continuous emission monitoring system which complies with continuous emission monitoring system requirements in 74:36:13."

(E) 74:36:21:11, Federal Land Manager Notification and Review: As required by the Regional Haze Rule, the Federal Land Managers must be provided a 60-day consultation period prior to any public hearing on the Regional Haze SIP. Since a BART permit is an integral part of the Regional Haze SIP, this 60-day consultation period must extend to FLM BART permit review as well. In addition, since any BART permit must be incorporated into the Regional Haze SIP, the 30-day public notice for the SIP needs to identify the inclusion of any BART permits.