

**HYDE COUNTY**

Application #: \_\_\_\_\_

**Application for Conditional Use Permit (CUP)**

Application Fee-\$200.00

**Applicant/Owner Name/Address:** Triple H Wind by Wanzek Construction, Inc. 4850 32nd Ave S, Fargo ND 58104

Site address: 20193 333rd Ave, Highmore SD 57345

**Phone #:** 701-893-3768

**Current Zoning:** AG - A

**Legal Description for Requested CUP (attach additional sheets if necessary):** See Attached

**Quarter** \_\_\_\_\_ **Section** \_\_\_\_\_ **Township** \_\_\_\_\_ **Range** \_\_\_\_\_

**General Area or Street Address** Batch Plant site 1 will be located NW of 202nd Street & 333rd Ave intersection.

Batch Plant site 2 will be located approximately 1850' SE of 201st Street & Holabird Grade intersection.

**Reason for Requesting CUP:** Triple H Wind Farm will need two batch plants during the construction phase of the project.

Batch plants will produce concret for 92 wind turbine foundations. Once foundations are complete, batch plants will be demobilized and removed from sites. Land will be restored to previous condition.

**1. Describe the special circumstances or conditions that exist that requires a CUP:** \_\_\_\_\_

Batch Plant CUP requirements were a stipulation in original Hyde County approval of Triple H Wind Farm.

**2. Describe how this variance, if approved, would affect neighboring property owners:** \_\_\_\_\_

The batch plants will only be in place temporarily, there will be no long term affects on any neighboring property owners.

**3. What is the purpose/intended use of the proposed project:** The intended use of the batch plant is

to produce concrete for use in 92 wind turbine foundations for the Triple H Wind Project.

**4. Additional Information:** Legal Description Information, Hyde County Parcel ID information, Memorandum of

lease and/or easement documents are, South Dakota Department of Environment & Natural Resources Portable Concrete Batch Plant applications are all attached.

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

**Applicant/Owner Signature:** Tanya Lance **Date:** 7/17/2019

Application #: \_\_\_\_\_

The Hyde County Board of Adjustment takes the following action on the above application number:

\_\_\_\_\_ Approved as applied

\_\_\_\_\_ Approved with following the special conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Denied for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Hyde County Board of Adjustment

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest by Hyde County Auditor

\_\_\_\_\_  
Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: \_\_\_\_\_

Application Fee Receipt # (non-refundable): \_\_\_\_\_

Dates Published: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Notice of Board Action Sent to: Landowner \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

Further Action Required: \_\_\_\_\_

July 17, 2019

Re: Triple H Wind Farm Batch Plant Legal Description for CUP.

**Batch Plant Site 1**

Parcel ID: 001525 Quarter: SE4 Section: 31 Township: 112 Range: 72

**Batch Plant Site 2**

Parcel ID: 001699 Quarter: NW4 Section: 34 Township: 112 Range: 73


## Maps / Site Plan



# Triple H Wind

Batch Plant 1 Location

## Legend

 Batch Plant 2 - 001699

 Batch Plant 1 - 001525

961

333rd Ave

202nd St

334th Ave

Google Earth

© 2018 Google

3000 ft






# Triple H Wind

Batch Plant 2 Location

## Legend

 Batch Plant 2 - 001699

 Batch Plant 2 - 001699

649

Holabird Crde

Google Earth

© 2018 Google

1000 ft





## Parcel 001525 Tax Info & Easement





#### Overview



#### Legend

- ☐ Parcels
- Parcel Numbers
- USA Major Highways
  - Limited Access
  - Highway
  - Major Road
  - Local Road
  - Minor Road
  - Other Road
  - Ramp
  - Ferry
  - Pedestrian Way
- Roads
- ☐ Political Township
- ☐ Corporate Limits

Parcel ID	001525	Alternate ID	n/a	Owner Address	DARWIN BALOUN INC
Sec/Twp/Rng	31-112-72	Class	A		33392 198TH ST
Property Address	STR 31-112-72	Acreage	160		HIGHMORE SD 57345-5402
District	34-2				
Brief Tax Description	SE4 31-112-72 160.00 ACRES				
	(Note: Not to be used on legal documents)				

Date created: 7/17/2019  
Last Data Uploaded: 7/17/2019 2:22:36 AM

Developed by  **Schneider**  
GEOSPATIAL

Book: 7 E Page: 496 - 500 Doc: 20160077  
Hyde County, SD Rec Fee: \$30.00 Trans Fee: \$0.00  
Filed for record on 3/14/2016 at 10:22 AM

Connie Konrad, Register of Deeds Connie Konrad  
By \_\_\_\_\_, Deputy

(Space Above this Line for Recorder's Use Only)

PREPARED BY, AND  
WHEN RECORDED, RETURN TO:

Triple H Wind Project, LLC  
3760 State St., Ste. 200  
Santa Barbara, CA 93105  
Attn: Land Acquisition Dept.  
(805) 569.6180

### MEMORANDUM OF EASEMENT FOR WIND ENERGY DEVELOPMENT

THIS MEMORANDUM OF EASEMENT FOR WIND ENERGY DEVELOPMENT (this "Memorandum") is made as of the 2nd day of February, 2016 (the "Effective Date") by and between Darwin Baloun, Inc., a South Dakota corporation (whether one or more, "Owner"), whose address is 33392 198<sup>th</sup> Street, Highmore, SD 57345, and TRIPLE H WIND PROJECT, LLC, a Delaware limited liability company ("Developer"), whose address is stated above. Each of Owner and Developer is sometimes referred to individually as a "Party" and collectively as the "Parties."

### RECITALS

A. Owner and Developer are parties to that certain Easement for Wind Energy Development dated as of the Effective Date (the "Easement"), whereby Owner demised and granted an exclusive easement, *in gross*, and right-of-way unto Developer, and Developer took an interest through an Easement from Owner on, over and across that certain real property located in Hyde County, South Dakota, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference ("Owner's Property").

B. The Parties desire to execute and record this Memorandum for the purpose of putting all persons on notice of Developer's right, title and interest in and to Owner's Property under the Easement.

C. Capitalized terms used but not otherwise defined in this Memorandum shall have the meanings assigned to them in the Easement.

NOW, THEREFORE, in consideration of the mutual promises set forth in the Easement and this Memorandum, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Developer agree as follows:

SD-01-Darwin Baloun, Inc.

1. Purpose and Scope of Easement. The Easement grants to Developer an exclusive easement, *in gross*, for wind resource assessment and analysis, wind energy conversion, for the collection and transmission of electric power, and certain rights and easements for related and incidental purposes and activities. Owner shall have no ownership or other interest in any windpower facilities installed on the Owner's Property by Developer, and Developer may remove any or all such windpower facilities at any time.

Among other rights and restrictions in the Easement, is the following restriction: Any obstruction to the free flow of the wind by Owner or persons other than Developer or any transferee or assignee of Developer or persons claiming through or under Developer or any transferee or assignee of Developer is prohibited throughout the entire area of Owner's Property, which shall consist horizontally three hundred and sixty degrees (360°) from any point where any Windpower Facilities are or may be located at any time or from time to time (each such location referred to as a "Site") and for a distance from each Site to the boundaries of Owner's Property, together vertically through all space located above the surface of Owner's Property, that is, one hundred eighty degrees (180°) or such greater number or numbers of degrees as may be necessary to extend from each point on and along a line drawn along the surface from each point along the exterior boundary of Owner's Property through each Site to each point and on and along such line to the opposite exterior boundary of Owner's Property. Trees, structures and improvements located on Owner's Property as of the Effective Date of this Easement shall be allowed to remain and Developer may not require their removal. After the Effective Date of this Easement, Owner may not place or plant any trees, structures or improvements on Owner's Property exceeding thirty (30) feet in height that may, in Developer's sole judgment, impede or interfere with the flow of wind to any Site or the Windpower Facilities, unless Owner has received prior written approval from Developer for any such trees, structures or improvements.

2. Term. The Easement Term commenced on the Effective Date and shall continue for fifty (50) years thereafter, unless earlier terminated or extended in accordance with the terms and conditions of the Easement.

3. Interpretation. The terms, conditions and covenants of the Easement are incorporated herein by reference as though fully set forth in this Memorandum. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Easement, and this Memorandum shall not be used in interpreting the terms, conditions or covenants of the Easement. The purpose of this Memorandum is to give public notice of the existence of the Easement. The terms and conditions of the Easement are incorporated by reference into this Memorandum as if set forth fully herein at length. In the event of any inconsistency between this Memorandum and the terms and conditions of the Easement, the Easement shall prevail. The Easement contains a full description of the real property encumbered by the Easement and the easements and other rights granted therein, which terms burden the Owner's Property and run with the land. All of the terms and conditions under which the Easement is granted or may be terminated are included within the Easement.

4. Counterparts. This Memorandum may be executed in counterparts and such counterparts shall, when taken together, constitute one and the same agreement.

SD-01-Darwin Baloun, Inc.



IN WITNESS WHEREOF, the Parties have executed this Memorandum of Easement for Wind Energy Development, by their duly-authorized representatives, as of the day and year first above written.

**OWNER:**

Darwin Baloun, Inc., a South Dakota corporation

By: Darwin Baloun

Name: Darwin Baloun

Its: President

STATE OF SD )  
COUNTY OF Hxdlc ) ss  
)

On Jan 7, 2016 before me, Jan Bussell  
(Name, Title of Officer, Notary Public), before me appeared Darwin Baloun, to me personally known and who by me duly swears that he is the President of Darwin Baloun, Inc., a South Dakota corporation; that said instrument was signed and acknowledged by him for and on behalf of said corporation under authority of its Board of Directors; and said President acknowledged the execution of said instrument to be his free act and deed as such officer, and the free and corporate act and deed of Darwin Baloun, Inc.

Jan Bussell  
Notary Public

[Signatures continued on following page]

Exp. 6/9/2017

SD-01-Darwin Baloun, Inc

SD-01-Darwin Baloun, Inc

## **EXHIBIT A**

### **DESCRIPTION OF OWNER'S PROPERTY**

Real property situated in Hyde County, South Dakota described as follows:

The Southeast Quarter (SE¼) of Section Nineteen (19), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The Southwest Quarter (SW¼) of Section Twenty-eight (28), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The Northwest Quarter (NW¼) of Section Thirty-two (32), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

All of Section Twenty-nine (29), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The Southeast Quarter (SE¼) of Section Thirty-one (31), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The Northeast Quarter (NE¼) of Section Thirty-two (32), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The North Half (N½) of Section Nineteen (19), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

The South Half (S½) of Section Twenty (20), Township One Hundred Twelve (112) North, Range Seventy-two (72) West of the 5<sup>th</sup> P.M.

Subject to all conveyances, restrictions or reservations of record, if any.

SD-01-Darwin Baloun, Inc.



## Parcel 001699 Tax Info & Easement



#### Overview



#### Legend

-  **Parcels**
- Parcel Numbers**
- USA Major Highways**
-  Limited Access
-  Highway
-  Major Road
-  Local Road
-  Minor Road
-  Other Road
-  Ramp
-  Ferry
-  Pedestrian Way
-  Roads
-  Political Township
-  Corporate Limits

<b>Parcel ID</b>	001699	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	MARY JO & NICK NEMEC
<b>Sec/Twp/Rng</b>	34-112-73	<b>Class</b>	A		19757 327TH AVE
<b>Property Address</b>	STR 34-112-73	<b>Acreage</b>	160		HOLABIRD SD 57540
<b>District</b>	34-2				
<b>Brief Tax Description</b>	NW4 34-112-73 160.00 ACRES				
	(Note: Not to be used on legal documents)				

Date created: 7/17/2019  
Last Data Uploaded: 7/17/2019 2:22:36 AM

Developed by  **Schneider**  
GEOSPATIAL

Book: 8 E Page: 508 - 513 Doc: 20190040  
Hyde County, SD Rec Fee: \$30.00 Trans Fee: \$0.00  
Filed for record on 2/14/2019 at 11:06 AM

Connie Konrad, Register of Deeds

By Jane McCloud, Deputy



(Space Above this Line for Recorder's Use Only)

PREPARED BY, AND  
WHEN RECORDED, RETURN TO:

Triple H Wind Project, LLC  
3760 State St., Ste. 200  
Santa Barbara, CA 93105  
Attn: Land Acquisition Dept.  
Phone: (805) 569-6180

### MEMORANDUM OF EASEMENT FOR WIND ENERGY DEVELOPMENT

THIS MEMORANDUM OF EASEMENT FOR WIND ENERGY DEVELOPMENT (this "Memorandum") is made as of the 7 day of January, 2019 (the "Effective Date") by and between Mary Jo Nemec and Nick Nemec, wife and husband, whose address is 19757 327<sup>th</sup> Ave., Holabird, SD 57540 (whether one or more, "Owner"), and TRIPLE H WIND PROJECT, LLC, a Delaware limited liability company ("Developer"), whose address is stated above. Each of Owner and Developer is sometimes referred to individually as a "Party" and collectively as the "Parties."

### RECITALS

A. Owner and Developer are parties to that certain Easement for Wind Energy Development dated as of the Effective Date (the "Easement"), whereby Owner demised and granted an exclusive easement, *in gross*, and right-of-way unto Developer, and Developer took an interest through an Easement from Owner on, over and across that certain real property located in Hyde County, South Dakota, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference ("Owner's Property").

B. The Parties desire to execute and record this Memorandum for the purpose of putting all persons on notice of Developer's right, title and interest in and to Owner's Property under the Easement.

C. Capitalized terms used but not otherwise defined in this Memorandum shall have the meanings assigned to them in the Easement.



NOW, THEREFORE, in consideration of the mutual promises set forth in the Easement and this Memorandum, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Developer agree as follows:

1. Purpose and Scope of Easement. The Easement grants to Developer an exclusive easement, *in gross*, for wind resource assessment and analysis, wind energy conversion, for the collection and transmission of electric power, and certain rights and easements for related and incidental purposes and activities. Owner shall have no ownership or other interest in any windpower facilities installed on the Owner's Property by Developer, and Developer may remove any or all such windpower facilities at any time.

Among other rights and restrictions in the Easement, is the following restriction: Any obstruction to the free flow of the wind by Owner or persons other than Developer or any transferee or assignee of Developer or persons claiming through or under Developer or any transferee or assignee of Developer is prohibited throughout the entire area of Owner's Property, which shall consist horizontally three hundred and sixty degrees (360°) from any point where any Windpower Facilities are or may be located at any time or from time to time (each such location referred to as a "Site") and for a distance from each Site to the boundaries of Owner's Property, together vertically through all space located above the surface of Owner's Property, that is, one hundred eighty degrees (180°) or such greater number or numbers of degrees as may be necessary to extend from each point on and along a line drawn along the surface from each point along the exterior boundary of Owner's Property through each Site to each point and on and along such line to the opposite exterior boundary of Owner's Property. Trees, structures and improvements located on Owner's Property as of the Effective Date of this Easement shall be allowed to remain and Developer may not require their removal. After the Effective Date of this Easement, Owner may not place or plant any trees, structures or improvements on Owner's Property exceeding thirty (30) feet in height that may, in Developer's sole judgment, impede or interfere with the flow of wind to any Site or the Windpower Facilities, unless Owner has received prior written approval from Developer for any such trees, structures or improvements.

2. Term. The Easement Term commenced on the Effective Date and shall continue for fifty (50) years thereafter, unless earlier terminated or extended in accordance with the terms and conditions of the Easement.

3. Interpretation. The terms, conditions and covenants of the Easement are incorporated herein by reference as though fully set forth in this Memorandum. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Easement, and this Memorandum shall not be used in interpreting the terms, conditions or covenants of the Easement. The purpose of this Memorandum is to give public notice of the existence of the Easement. The terms and conditions of the Easement are incorporated by reference into this Memorandum as if set forth fully herein at length. In the event of any inconsistency between this Memorandum and the terms and conditions of the Easement, the Easement shall prevail. The Easement contains a full description of the real property encumbered by the Easement and the easements and other rights granted therein, which terms burden the Owner's Property and

run with the land. All of the terms and conditions under which the Easement is granted or may be terminated are included within the Easement.

4. Counterparts. This Memorandum may be executed in counterparts and such counterparts shall, when taken together, constitute one and the same agreement.

[Signatures on following pages.]

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Easement for Wind Energy Development, by their duly-authorized representatives, as of the day and year first above written.

**OWNER:**

Mary Jo Nemec and Nick Nemec, wife and husband

By: Mary Jo Nemec  
Name: Mary Jo Nemec

By: Nick Nemec  
Name: Nick Nemec

STATE OF SD )  
COUNTY OF Hughes ) ss  
)

On January 7th, 2019 before me, Notary Public, personally appeared Mary Jo Nemec and Nick Nemec, wife and husband, personally known to me or proved to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.



Karla Kirkpatrick  
Notary Public  
My commission expires: 02/13/20

[Signatures continued on following page]



## **EXHIBIT A**

### **DESCRIPTION OF OWNER'S PROPERTY**

Real property situated in Hyde County, South Dakota described as follows:

The Northwest Quarter (NW¼) of Section 34, Township 112 North, Range 73 West of the 5<sup>th</sup> P.M.

The Southeast Quarter (SE¼) of Section 34, Township 112 North, Range 73 West of the 5<sup>th</sup> P.M.

Subject to all conveyances, restrictions or reservations of record, if any.



South Dakota Department of Environment & Natural  
Resources - VanEaton Application to relocated Portable  
Concrete Batch Plant



July 2, 2019

FedEx

ATTN: SD Department of Environment and Natural Resources  
Air Quality Program  
523 East Capitol  
Pierre, South Dakota 57501-3181

Phone: (605) 773-3151

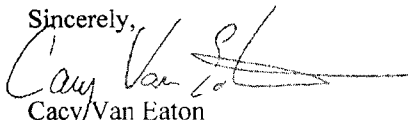
**Subject:** Application for Standard Permit  
Portable Concrete Batch Plant  
Facility: Cemco-275

Dear SD Department of Environment and Natural Resources - Air Quality Program:

Attached is a registration application for coverage under the referenced Standard Permit for the Cemco-275 portable concrete batch plant that will provide concrete in the construction of the Triple H Wind Farm in Hyde County, South Dakota.

Please let me know if you have any question or need additional information. We look forward to hearing from the agency to finalize the permitting process.

Sincerely,



Cacy Van Eaton  
Vice President

Enclosure as described

cc: Tom Blachly, Apex Companies

**APPLICATION FOR AUTHORIZATION UNDER THE  
SOUTH DAKOTA AIR QUALITY STANDARD PERMIT  
FOR CONCRETE BATCH PLANTS  
(TEMPORARY BATCH PLANT)**

***Cemco-275 Portable Concrete Batch Plant***

***(SN# 12770515-275 )***

**PROJECT:**

***Triple H Wind Farm***

**PREPARED FOR:**



Van Eaton Ready Mix  
P.O. Box 1058  
Shawnee, OK 74802

**PREPARED BY:**



**JULY 2019**



## Air Quality Permit Application Form Concrete Plant

### Notice of Intent And Certification of Applicant Form

(please complete shaded areas)

#### SEND TO:

SD Department of Environment and Natural Resources  
Air Quality Program  
523 East Capitol  
Pierre, South Dakota 57501-3181

#### General Information:

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

1. Facility name?

Cemco-275

2. Mailing address?

Street and/or box number

P.O. Box 1058

City, state, zip code

Shawnee, OK 74802

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

Street and city

SE Corner of Intersection of 333<sup>rd</sup> Ave & 202<sup>nd</sup> St, Highmore, SD

Latitude, Longitude

44.45444, -99.52250

Legal description and county

NW¼, S5, T111N, R72W Hyde County

(Quarter, Section, Township, Range)

4. Standard Industrial Classification Code (SIC code)?

Primary SIC code: 3273

Secondary SIC code (if applicable):

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

5. Permit contact?

Name/title:

Cacy Van Eaton

Telephone number:

(405) 214-7450

6. Does the runoff enter into a municipal storm sewer (check one)?

Yes

X

No

If yes, what is the name of the city:

7. Receiving water?

Unnamed Tributary of South Fork Medicine Knoll Creek

(Natural surface drainage that runoff is entering (i.e., draw, ditch, unnamed tributary, river, etc.)

#### Concrete Plant Information:

Concrete Plant

1. Facility identification?
2. Manufacturer?
3. Model number?
3. Check one: ☐ Stationary ☒ Portable
4. Type of concrete batch plant (check one)? ☒ Redi-mix ☐ Central mix
5. Maximum design operating rate?  cubic yards per hour
6. Has a stack test been conducted on the concrete batch plant (check one)? ☐ Yes ☒ No

If a stack test has been conducted, please attach a copy of the most recent stack test report to this application. If the Department already has a copy of the most recent stack test, please specify the date of most recent stack test.

Date of most recent stack test:

**Stack Information:** If this application is a renewal, contact the air program. We may have this information.

**[SEE CONTROL UNIT FORMS]**

X- Coordinate or Easting: <sup>1</sup>  feet or  meters

Y- Coordinate or Northing: <sup>1</sup>  feet or  meters

Base Elevation of Stack: <sup>1</sup>  feet or  meters

Stack Height:  feet or  meters

Exit Stack Diameter  feet or  meters

Exit Stack Temperature  degrees Fahrenheit

Exit Stack Velocity and/or Flow Rate:

Velocity:  feet per second  meters per second

and/or

Flow Rate:  actual cubic feet per minute  actual cubic meters per second

<sup>1</sup> - Portable concrete plants do not have to provide the requested information in these categories.

**Control Equipment:** If applicable, 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.**

Please check the process(es) controlled by the air pollution control equipment indicated above:

<input type="checkbox"/>	Sand/aggregate transportation	<input checked="" type="checkbox"/>	Weigh hopper
<input checked="" type="checkbox"/>	Mixer	<input checked="" type="checkbox"/>	Truck loading
<input checked="" type="checkbox"/>	Other (specify):	<input type="text" value="Conveyor"/>	



**Cement and Fly Ash Unloading System:**

1. Check the appropriate unloading system:

X	Pneumatic		Bucket elevator
25	tons	or	cubic yards
25	tons	or	cubic yards

2. Amount of cement each truck contains?

3. Amount of fly ash each truck contains?

4. How long does it take to unload a cement truck?

30

minutes

5. How long does it take to unload a fly ash truck?

30

minutes

6. Number of silos?

2

7. Type of air pollution control equipment for silo's?

Silo Top Dust Collectors

(Examples: cyclone, dust house, fabric filter, enclosed building, 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): NA**

1. Facility identification (e.g. Generator #1, etc.):

2. Manufacturer:

3. Model number:

4. Type (e.g. compression ignition, spark ignition, fire pump, etc.)

5. Maximum designed operating rate (name plate):

or

horsepower with generator efficiency:

mechanical kilowatts with generator efficiency:

6. Check the appropriate box(es) for primary and secondary fuels:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Natural gas

Distillate oil

Residual oil

Other (e.g. coal, wood, etc.)

Sulfur content

Sulfur content

☐ Propane

Weight percent

Weight percent

7. Is the unit equipped with a non-settable clock?

Yes

No

8. Manufacture date?

**If the manufacture date is prior to July 11, 2005, skip to Question #11**

9. Will the unit operate more than 100 hours per year?

Yes

No

**If yes proceed to Question #10, if no skip to Question #11.**

10. If the generator operates more than 500 hours per year and the manufacture date is after to July 11, 2005, will crankcase emissions be controlled?

Yes

No

If yes, please explain:

11. Does the emergency generator operate less than 500 hours per year?

☐

Yes

☐

No

If yes, skip to Question #14, if no proceed to Question #12

12. What is the displacement of the unit in liters?

13. How many cylinders does the unit have?

14. Please list the Manufacturer Guaranteed Emission Rates or Tier Emission Standards and attach supporting documentation in g/KW-hr or g/HP-hr. (circle the units reported for emissions)

NMHC + NO <sub>x</sub>		NO <sub>x</sub>	
HC		CO	
PM		Tier (if applicable)	

15. Has a stack test been conducted (check appropriate box)?

☐

Yes

☐

No

If a stack test has been conducted, please attach a copy of the most recent stack test report to this application. If the Department already has a copy of the most recent stack test, please specify the date of most recent stack test.

Date of most recent stack test:

Stack Height:

feet

meters

Exit Stack Diameter

feet

meters

Exit Stack Temperature

degrees Fahrenheit

Exit Stack Velocity and/or Flow Rate:

Velocity:

feet per second

meters per second

and/or

Flow Rate:

actual cubic feet per minute

actual cubic meters per second

**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 and the South Dakota Surface Water Discharge Permit Regulations, ARSD 74:03:18:48.

"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 1-40-27, I have also enclosed a completed Certification of Applicant form.

Signature:

*Cacy Van Eaton*

7-2-19

Print Name:

Cacy Van Eaton

Date

Responsible Official

Concrete Plant

**STATE OF SOUTH DAKOTA  
BEFORE THE SECRETARY OF**

**THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**IN THE MATTER OF THE  
APPLICATION OF**

\_\_\_\_\_ Van Eaton Ready Mix, Inc \_\_\_\_\_

**STATE OF** \_\_\_\_\_ South Dakota \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_ Hyde \_\_\_\_\_

**CERTIFICATION OF**

**APPLICANT**

I, \_\_\_\_\_ Cacy Van Eaton \_\_\_\_\_, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which 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."*

Concrete Plant

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

*"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."*

Dated this 2nd day of July, 2019.

Cacy Van Eaton  
Applicant (print)

Cacy Van Eaton  
Applicant (signature)

Subscribed and sworn before me this 2nd day of July, 2019.

Shawn Hatch  
Notary Public (signature)

My commission expires: 8/31/21

(SEAL)



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL  
FACTS AND DOCUMENTS PERTAINING TO  
SDCL 1-40-27 (1) (a) THROUGH (e).  
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT  
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**



## Air Quality Permit Application Form

### Miscellaneous Control Device

This form is to be submitted, if necessary, along with the Title V (Part 70) Operating Permit, Minor Operating Permit, or the General Permits.

(please complete shaded areas)

**Describe the miscellaneous control device and how it works:**

Fabric Filter that controls cement particulate made from spun bounded polyester

**Equipment and processes served by this baghouse (please list all equipment and processes):**

#### Equipment and Processes

1. Cement Silo Vent
- 2.
- 3.
- 4.
- 5.

#### Manufacturer Information:

Manufacturer?	WAM (Model: Silo Top R01 Dust Collector)		
Manufacturer date?		Installation date?	
Manufacturer's designed control efficiency?	99.3		%

#### Miscellaneous Control Device Operation and Maintenance:

Pressure drop across control unit?	4	Inches water (minimum)	8	inches water (maximum)
Inlet Temperature?	Ambient	Fahrenheit (minimum)	Ambient	Fahrenheit (maximum)
Outlet Temperature?	Ambient	Fahrenheit (minimum)	Ambient	Fahrenheit (maximum)

Describe maintenance of control unit (use of visual inspections, maintenance schedule, etc.):

Filter Unit is maintained as recommended by the manufacturer.  
Filters are cleaned by a pulse jet every 120 seconds.



**Stack Information:** If this application is a renewal, contact the air program. We may have this information.

X- Coordinate or Easting: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Y- Coordinate or Northing: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Base Elevation of Stack: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Stack Height:	26	feet	or	<input type="text"/>	meters
Exit Stack Diameter	1.0	feet	or	<input type="text"/>	meters
Exit Stack Temperature	Ambient	degrees Fahrenheit			

Exit Stack Velocity and/or Flow Rate:

Velocity:  <sup>2</sup> feet per second  meters per second

and/or

Flow Rate:  <sup>2</sup> actual cubic feet per minute  actual cubic meters per second

<sup>1</sup> - Portable asphalt plants, rock crushers, or concrete plants do not have to provide the requested information in these categories.

<sup>2</sup> Control unit is passive and does not have independent suction fan. Flowrate results from the pneumatic transfer system on the material delivery truck. Flowrate varies and is generally around 1000 acfm.



## Air Quality Permit Application Form

### Miscellaneous Control Device

This form is to be submitted, if necessary, along with the Title V (Part 70) Operating Permit, Minor Operating Permit, or the General Permits.

(please complete shaded areas)

Describe the miscellaneous control device and how it works:

Fabric Filter that controls cement particulate made from spun bounded polyester

Equipment and processes served by this baghouse (please list all equipment and processes):

#### Equipment and Processes

1. Flyash Silo Vent

2.

3.

4.

5.

#### Manufacturer Information:

Manufacturer?

WAM (Model: Silo Top R01 Dust Collector)

Manufacturer date?

Installation date?

Manufacturer's designed control efficiency?

99.3

%

#### Miscellaneous Control Device Operation and Maintenance:

Pressure drop across control unit?

4

Inches water (minimum)

8

inches water (maximum)

Inlet Temperature?

Ambient

Fahrenheit (minimum)

Ambient

Fahrenheit (maximum)

Outlet Temperature?

Ambient

Fahrenheit (minimum)

Ambient

Fahrenheit (maximum)

Describe maintenance of control unit (use of visual inspections, maintenance schedule, etc.):

Filter Unit is maintained as recommended by the manufacturer.

Filters are cleaned by a pulse jet every 120 seconds.

**Stack Information:** If this application is a renewal, contact the air program. We may have this information.

X- Coordinate or Easting: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Y- Coordinate or Northing: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Base Elevation of Stack: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Stack Height:	26	feet	or	<input type="text"/>	meters
Exit Stack Diameter	1.0	feet	or	<input type="text"/>	meters
Exit Stack Temperature	Ambient	degrees Fahrenheit			

**Exit Stack Velocity and/or Flow Rate:**

Velocity:  <sup>2</sup> feet per second  meters per second

**and/or**

Flow Rate:  <sup>2</sup> actual cubic feet per minute  actual cubic meters per second

<sup>1</sup> - Portable asphalt plants, rock crushers, or concrete plants do not have to provide the requested information in these categories.

<sup>2</sup> Control unit is passive and does not have independent suction fan. Flowrate results from the pneumatic transfer system on the material delivery truck. Flowrate varies and is generally around 1000 acfm.



## Air Quality Permit Application Form

### Miscellaneous Control Device

This form is to be submitted, if necessary, along with the Title V (Part 70) Operating Permit, Minor Operating Permit, or the General Permits.

(please complete shaded areas)

**Describe the miscellaneous control device and how it works:**

Aggregate Conveyor transfer into Weigh Hopper

**Equipment and processes served by this baghouse (please list all equipment and processes):**

#### Equipment and Processes

1. Aggregate Weigh Hopper
- 2.
- 3.
- 4.
- 5.

#### Manufacturer Information:

Manufacturer?

WAM (Model: FC1JO3)

Manufacturer date?

Installation date?

Manufacturer's designed control efficiency? 99.0

%

#### Miscellaneous Control Device Operation and Maintenance:

Pressure drop across control unit? 3 Inches water (minimum) 8 inches water (maximum)

Inlet Temperature? Ambient Fahrenheit (minimum) Ambient Fahrenheit (maximum)

Outlet Temperature? Ambient Fahrenheit (minimum) Ambient Fahrenheit (maximum)

Describe maintenance of control unit (use of visual inspections, maintenance schedule, etc.):

Maintained according to the manufacturer's specifications.

Filter will be cleaned by a pulse jet every 60 seconds.

**Stack Information:** If this application is a renewal, contact the air program. We may have this information.

X- Coordinate or Easting: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Y- Coordinate or Northing: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Base Elevation of Stack: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Stack Height:	<input type="text" value="14"/>	feet	or	<input type="text"/>	meters
Exit Stack Diameter	<input type="text" value="0.5"/>	feet	or	<input type="text"/>	meters
Exit Stack Temperature	<input type="text" value="Ambient"/>	degrees Fahrenheit			

Exit Stack Velocity and/or Flow Rate:

Velocity:  feet per second  meters per second

and/or

Flow Rate:  actual cubic feet per minute  actual cubic meters per second

<sup>1</sup> - Portable asphalt plants, rock crushers, or concrete plants do not have to provide the requested information in these categories.





## Air Quality Permit Application Form

### Miscellaneous Control Device

This form is to be submitted, if necessary, along with the Title V (Part 70) Operating Permit, Minor Operating Permit, or the General Permits.

(please complete shaded areas)

**Describe the miscellaneous control device and how it works:**

Weigh Hopper Dust Collector controls Cement/Flyash particulate emissions

**Equipment and processes served by this baghouse (please list all equipment and processes):**

#### Equipment and Processes

1. Cement/Flyash Weigh Hopper
- 2.
- 3.
- 4.
- 5.

#### Manufacturer Information:

Manufacturer?	C&W (Model: CP-535C)		
Manufacturer date?		Installation date?	
Manufacturer's designed control efficiency?	99.9		%

#### Miscellaneous Control Device Operation and Maintenance:

Pressure drop across control unit?	4	Inches water (minimum)	8	inches water (maximum)
Inlet Temperature?	Ambient	Fahrenheit (minimum)	Ambient	Fahrenheit (maximum)
Outlet Temperature?	Ambient	Fahrenheit (minimum)	Ambient	Fahrenheit (maximum)

Describe maintenance of control unit (use of visual inspections, maintenance schedule, etc.):

Maintained according to the manufacturer's recommendation.

Filter will be cleaned by a pulse jet.

**Stack Information:** If this application is a renewal, contact the air program. We may have this information.

X- Coordinate or Easting: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Y- Coordinate or Northing: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Base Elevation of Stack: <sup>1</sup>	<input type="text"/>	feet	or	<input type="text"/>	meters
Stack Height:	<input type="text" value="14"/>	feet	or	<input type="text"/>	meters
Exit Stack Diameter	<input type="text" value="0.5"/>	feet	or	<input type="text"/>	meters
Exit Stack Temperature	<input type="text" value="Ambient"/>	degrees Fahrenheit			

Exit Stack Velocity and/or Flow Rate:

Velocity:  feet per second  meters per second

and/or

Flow Rate:  actual cubic feet per minute  actual cubic meters per second

<sup>1</sup> - Portable asphalt plants, rock crushers, or concrete plants do not have to provide the requested information in these categories.

14

Ree Heights

Highmore

Ha

47

337th Ave

961

\*Stephan

34

214th St

# Aerial Location Map

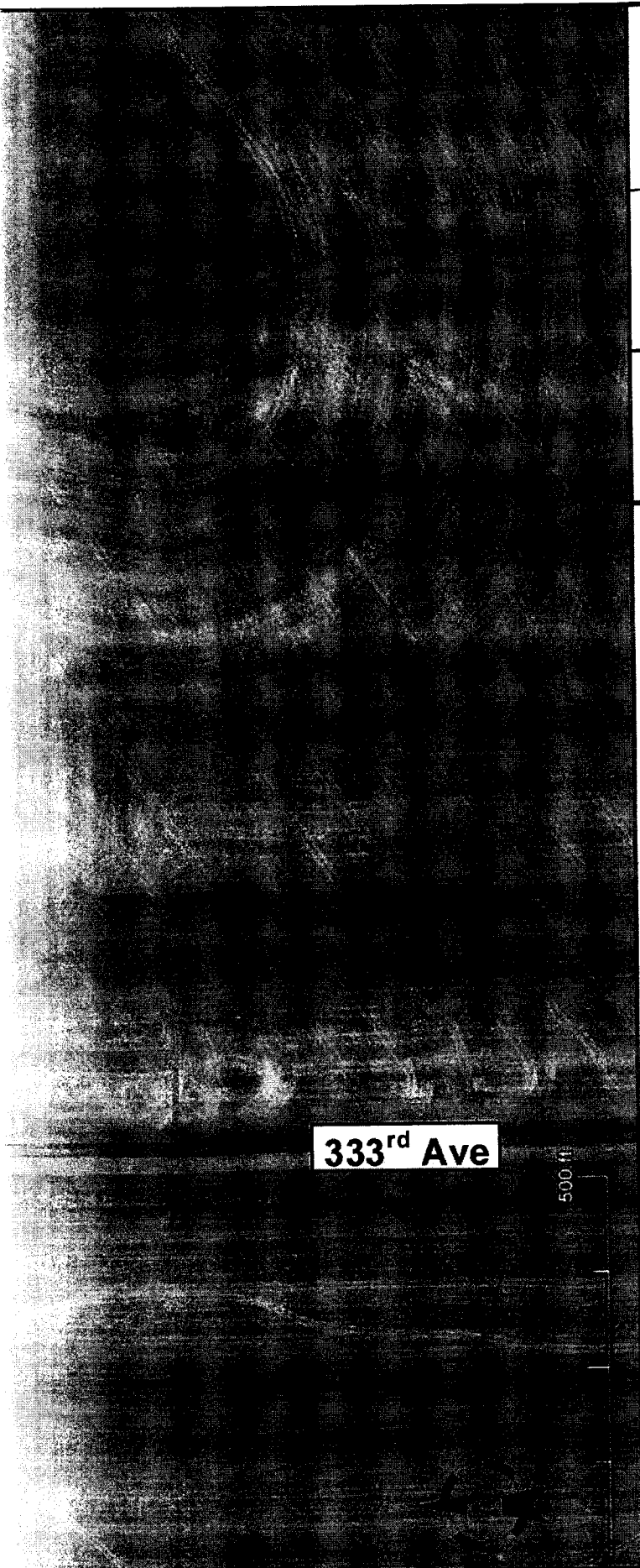
Van Eaton Ready Mix, Inc.  
 Facility: Cemco 275 Concrete Batch Plant  
 Project: Triple H Wind Farm  
 LAT: 44.45444 LON: -99.52250



**APEX COMPANIES, LLC**  
 4608 S. Garnett Rd, Suite 100  
 Tulsa, OK 74146  
 Phone: (918) 660-3543 Fax: (918) 610-3556  
[www.apexccas.com](http://www.apexccas.com)



DESIGNED BY: FI	DETAILED BY: FI	CHECKED BY: Tom Blachly
FILE NAME: Y:\Clients\Van Eaton Ready Mix\South Dakota Triple H-275-19A\Figures		
DATE: 7/01/2019	PROJECT NO.: 453686-01	PLOT SCALE: Located on Map
DRAWING NO.: 01	REVISION NO.: 00	FIGURE: 01



333<sup>rd</sup> Ave

500 ft

**APEX COMPANIES, LLC**  
4608 S. Garrett Rd. Suite 100  
Tulsa, OK 74146  
Phone: (918) 660-3543 Fax: (918) 610-3556  
[www.apexcos.com](http://www.apexcos.com)



**Aerial Close-up Map**  
Van Eaton Ready Mix, Inc.  
Facility: Cemco 275 Concrete Batch Plant  
Project: Triple H Wind Farm  
LAT: 44.45444 LON: -99.52250

DESIGNED BY:	FILE NAME:	CHECKED BY:
FI	Y:\Clients\Van Eaton Ready Mix\South Dakota\Triple H-625-19\A\Figures	Tom Blachly
	DATE:	
	7/01/2019	
	PROJECT NO.:	
	459686-01	
	REVISION NO.:	
	00	
	FIGURE:	
	02	

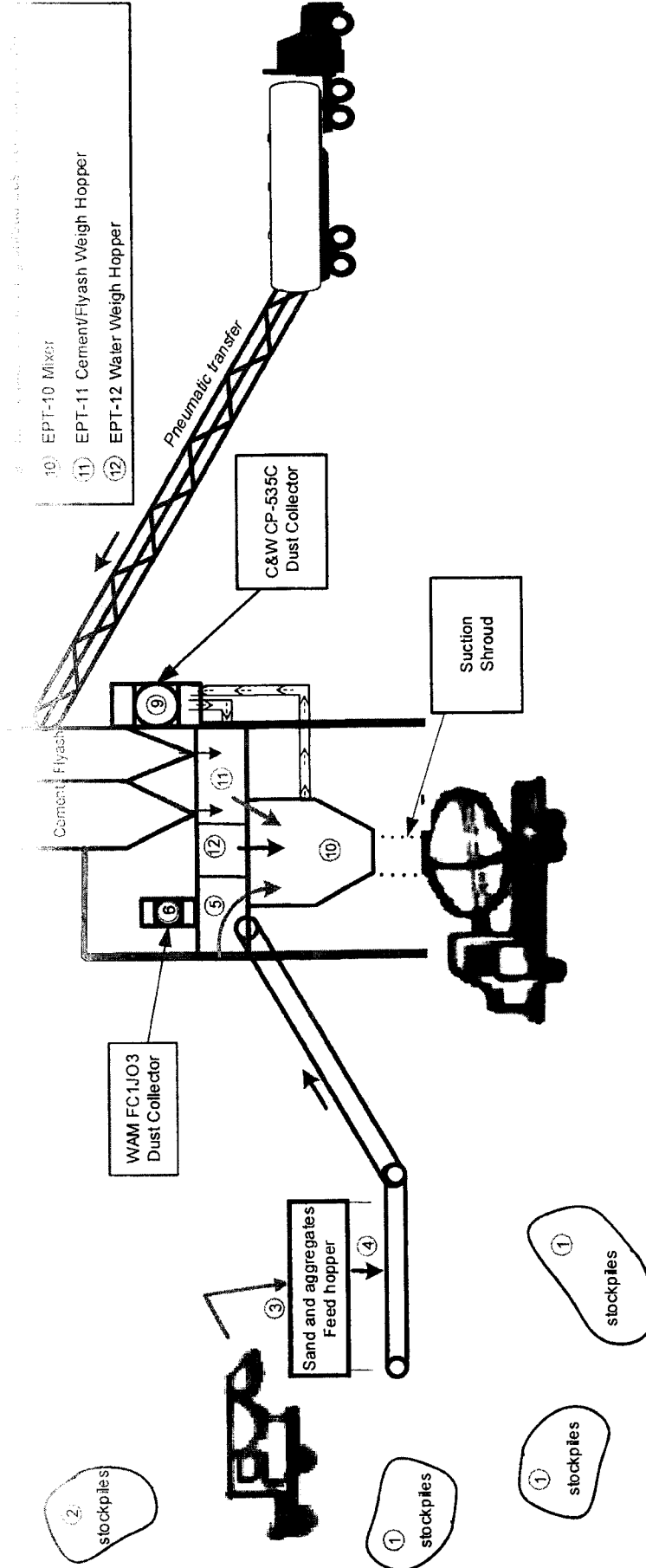
stockpiles

EPT-5 Conveyor belt design for New Truck loading chime

10 EPT-10 Mixer

11 EPT-11 Cement/Flyash Weigh Hopper

12 EPT-12 Water Weigh Hopper





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**VAN EATON**  
 READY MIX

**Process Flow Diagram**  
 Van Eaton Ready Mix Inc.  
 Facility: Cemco 275 Concrete Batch Plant  
 Project: Triple H Wind Farm  
 LAT: 44.45444 LON: -99.52250

DESIGNED BY: FI	DETAILED BY: FI	CHECKED BY: Tom Blachly
FILE NAME: Y:\Clients\Van Eaton Ready Mix\South Dakota\Triple H-625 19AIR\Figures		
DATE: 6/28/2019	PROJECT NO.: 433686-01	PLOT SCALE: Undefined
DRAWING NO.: 01	REVISION NO.: 00	FIGURE: 03