

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

**RENEWAL APPLICATION TO CONSTRUCT AND OPERATE  
A PETROLEUM CONTAMINATED SOIL LAND APPLICATION FACILITY**

or

**REQUEST FOR RENEWAL OF AUTHORIZATION UNDER THE GENERAL PERMIT  
FOR PETROLEUM CONTAMINATED SOIL LAND APPLICATION (GPPCS 21-24)**

**Return to:** SD Department of Agriculture and Natural Resources  
Waste Management Program  
523 East Capitol Avenue - Joe Foss Building  
Pierre, South Dakota 57501-3182  
Telephone (605) 773-3153

**1.0 General Information**

PROCESS RENEWAL APPLICATION AS (please check one):

INDIVIDUAL PERMIT APPLICATION \_\_\_\_\_

GENERAL PERMIT REQUEST \_\_\_\_\_

- 1.01 Applicant Information:  
Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address (optional): \_\_\_\_\_
- 1.02 Landowner Information:  
Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address (optional): \_\_\_\_\_
- 1.03 Operator Information:  
Name of operator: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address (optional): \_\_\_\_\_
- 1.04 Lienholder of Public Record:  
Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address (optional): \_\_\_\_\_

1.05 Location of site from nearest municipality:  
 \_\_\_\_\_

1.06 Legal description (quarter-quarter, section, township, range, county):

1.07 Size of site (acres): \_\_\_\_\_

1.08 Estimated annual tonnage to be accepted at facility (if you plan to accept 25,000 or more tons per year your application will be processed as an individual permit):  
 \_\_\_\_\_

1.09 Is the site located:

	Yes	No
In a wetland, as defined in ARSD 74:27:07:01?	_____	_____
Within 200 feet of surface water (excluding wetlands) as defined by ARSD 74:51:01:01?	_____	_____
Within 500 feet of any occupied dwellings, without written permission from owner(s)?	_____	_____
Within 100 feet of a property boundary, without written permission from adjacent property owner(s)?	_____	_____
Where the depth to an aquifer, as defined by ARSD 74:54:02:01 is less than 20 feet?	_____	_____
Within a 100 year floodplain?	_____	_____
Where the primary subsurface material is sand or gravel, as determined by the Unified Soil Classification System, within 20 feet of the ground surface?	_____	_____
In an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species?	_____	_____
Within 1000 feet of any private or public well which supplies drinking water for human consumption?	_____	_____
Within a wellhead protection area?	_____	_____
Within the incorporated limits of any municipality?	_____	_____
On land with a slope of greater than 5%?	_____	_____

**If any of the above answers are yes, this application will be processed as an individual permit.**

1.10 Distances to surface waters, including wetlands and floodplains (1/2 mile radius):

1.11 Distances to occupied buildings and names of the building owners (1/2 mile radius):

1.12 Description of the soil types at the land application site, based on the Unified Soil Classification System (NOTE: This information is usually found in the county soil survey. Contact the local NRCS office):

1.13 Distances to domestic wells, depth of wells, and names of the landowners (1/2 mile radius):

1.14 Methods/measures proposed to divert surface water run-on and retain runoff at the facility:  
 \_\_\_\_\_

1.15 Methods/measures used to control access to the facility:  
 \_\_\_\_\_

1.16 Previous history of waste disposal activities at the facility:

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1.17 Depth to nearest aquifer and ground water at the facility:

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1.18 Indicate the land slope of the site:

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## 2.0 Document Submittals Required

**Attach documents as indicated by the following key.**

**[A]** For a renewal application to operate under the **general permit**.

**[B]** For an application to renew an **individual permit**.

**[ALL]** For **all** applications.

2.01 **[A]** Affidavit of Publication of the notice of intent. (See condition 1.06, general permit).

2.02 **[ALL]** A signed Certification of Applicant form required by SDCL 1-41-20 and SDCL 34A-6-1.10 (attached).

2.03 **[B]** If the site does not meet any of the siting criteria stated in condition 2.01 of the general permit or section 1.09 of this application, document efforts that will be made to minimize potential environmental impact(s).

2.04 **[ALL]** A sketch of the site showing gates, fences, roads, surface water within 1,000 feet, wells within 1,000 feet, homes within 1,000 feet, and other pertinent structures. Also label all adjacent land showing who owns it.

2.05 **[ALL]** A copy of this completed application must be sent to the county and the nearest municipality for their records. Indicate in writing that you have done this.

## 3.0 Permit Fee

Each request for authorization or application for an individual permit must be accompanied by a fee based on the annual tonnage of soil accepted in accordance with the following fee schedule:

Type I	Facilities receiving more than 150,000 tons per year	\$ 5,000
Type II	Facilities receiving between 5,000 and 149,999 tons per year	\$ 500
Type III	Facilities receiving between 500 and 4,999 tons per year	\$ 250
Type IV	Facilities receiving less than 500 tons per year	No fee

Notes:

1. The general permit is applicable only to Type IIB, III, and IV facilities. Type I and Type IIA facilities must obtain an individual permit.
2. One cubic yard of soil is approximately equal to one ton.

**4.0 Signatures**

South Dakota Codified Law Section 34A-6-1.10 provides:

***“Responsibility and liability of owner or operator.** The owner or operator of a solid waste disposal facility that is regulated under §§ 34A-6-1.1 to 34A-6-1.38, inclusive, is responsible in perpetuity for the solid waste and liable in perpetuity for any pollution or other detrimental effect caused by the solid waste. No person may dispose of solid waste other than mine wastes in this state until the owner or operator of the solid waste disposal facility executes an agreement with the board acknowledging such perpetual responsibility and liability for the solid waste.”*

By signing this permit application, the signatory acknowledges that they have read and understand the information contained in the foregoing application and attachments, and to the best of their knowledge, the information is true and accurate. In addition, pursuant to SDCL 34A-6-1.10, I hereby agree to and accept perpetual responsibility and liability for the solid waste disposal at this facility.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Landowner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lienholder's Signature

\_\_\_\_\_  
Date

**STATE OF SOUTH DAKOTA  
BEFORE THE SECRETARY OF  
THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

**IN THE MATTER OF THE** )  
**APPLICATION OF** )  
 ) **CERTIFICATION OF**  
\_\_\_\_\_) )  
 ) **APPLICANT**  
**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:

I have read and understand South Dakota Codified Law Section 1-41-20 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.”

I certify pursuant to 1-41-20, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Applicant (print)

\_\_\_\_\_  
Applicant (signature)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Notary Public (signature)

My commission expires: \_\_\_\_\_

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL  
FACTS AND DOCUMENTS 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**