

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

**RENEWAL APPLICATION TO STORE AND/OR LAND APPLY DAIRY PROCESSING BY-PRODUCTS
OR
REQUEST FOR RENEWAL OF AUTHORIZATION UNDER THE GENERAL PERMIT
TO STORE AND/OR LAND APPLY DAIRY PROCESSING BY-PRODUCTS (GPWA 23-04)**

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: (All lands used for storage and/or land application must have the landowner identified and must have the signature of the landowner in Section 4.0 of this application. Attach additional pages if necessary.)
Name: _____
Mailing Address: _____
City, Zip Code: _____
Telephone: _____
Email Address (optional): _____
- 1.03 Operator Information:
Name: _____
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 storage and/or land application site(s) from the nearest municipality:

1.06 Legal description of storage site(s) (quarter-quarter, section, township, range, county):

Legal description of land application site(s) (quarter-quarter, section, township, range, county):

1.07 Size of storage lagoon(s) (acres): _____
Size of land application area(s) (acres): _____

1.08 This site will be used for (check all that apply):
_____ Storage of dairy processing by-products
_____ Land application of dairy processing by-products

1.09 Estimated annual tonnage of dairy processing by-products to be stored and/or land applied:

1.10	Are the storage and/or land application site(s) located:	Yes	No
	within 1,000 feet of an occupied dwelling, without written permission from owner(s)?	_____	_____
	within 200 feet of surface water, including wetlands, as defined by ARSD 74:51:01:01?	_____	_____
	within 50 feet of any natural or manmade drainage?	_____	_____
	within 1,000 feet of any private or public well that supplies drinking water for human consumption?	_____	_____
	within 200 feet of a property boundary, without written permission from the adjacent landowner(s)?	_____	_____
	where the depth to an aquifer, as defined by ARSD 74:54:02:01, is less than 10 feet?	_____	_____
	within 100 feet of a quarry or gravel pit?	_____	_____
	within a wetland as defined by ARSD 74:27:07:01?	_____	_____
	within a 100-year floodplain?	_____	_____
	on land that has an average slope greater than six percent?	_____	_____

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

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

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

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

1.14 Methods/measures used to control access to the storage and/or land application site(s):

1.15 Previous history of waste disposal or land application activities at the site(s):

1.16 Depth to nearest aquifer and ground water at the site(s):

2.0 Document Submittals Required

Attach documents as indicated by the following key:

[A] For your renewal application to continue operation under the **general permit**.

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

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

2.01 **[A]** Affidavit of Publication of the notice of intent (see condition 1.06 of the general permit). Since the notice of intent does not have to be published until at least 20 days prior to the anticipated use of the site(s), this document can be submitted at a later date.

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

2.03 **[ALL]** Nutrient Management Plan (NMP). The NMP must be developed by a County Extension Agent, qualified soil scientist, or consultant. At a minimum, the NMP must consider and discuss the following:

- A. waste characteristics (laboratory analysis) including:
 - total nitrogen compounds (total kjeldahl nitrogen and nitrates)
 - phosphorous
 - sodium
 - chlorides
- B. waste volumes (daily and annual generation);
- C. storage requirements and plan;
- D. site (topography) and soil characteristics;
- E. land use (crop or vegetative growth);
- F. loading rate analysis;
- G. nutrient uptake;
- H. maximum volume criteria;
- I. application methods;
- J. soil monitoring; and
- K. wintertime operation.

Submit a new NMP if any changes have been made to the plan or indicate, in writing, that no changes have been made.

2.04 **[ALL]** An updated aerial photograph with the site(s) boundaries clearly marked. If the boundaries have not changed, indicate this in writing.

2.05 **[ALL]** An updated United States Geological Survey (USGS) topographic map of the site(s) with the site(s) boundaries clearly marked. If the boundaries have not changed, indicate this in writing.

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

2.07 **[B]** If the site(s) does not meet the siting criteria stated in condition 2.01 of the general permit or section 1.10 of this application, document efforts made to minimize potential environmental impacts.

3.0 Permit Fee

Each application to be authorized under the general permit or individual permit application must be accompanied by a fee based on the annual tonnage of waste to be stored and/or land applied 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

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

Note: Additional landowner signatures can be included below or attached separately if necessary.

Department of Agriculture and Natural Resources
 Waste Management Program
 Joe Foss Building
 523 E. Capitol Avenue
 Pierre, SD 57501-3182
 Telephone: 605-773-3153

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

IN THE MATTER OF THE)	
APPLICATION OF)	
_____)	CERTIFICATION OF
)	
STATE OF _____)	APPLICANT
)	
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**