

**BOARD OF MINERALS AND ENVIRONMENT
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

Permit Number: GPTS 21-25

**GENERAL PERMIT FOR SOLID WASTE TRANSFER STATIONS
UNDER THE SOUTH DAKOTA WASTE MANAGEMENT PROGRAM**

South Dakota Codified Law (SDCL) 34A-6-1.6 authorizes the Board of Minerals and Environment (Board) to adopt rules relating to the issuance, renewal, revocation or suspension of solid waste facility permits. SDCL 34A-6-58 authorizes the Secretary of the Department of Agriculture and Natural Resources (DANR) to recommend that the Board issue general permits for certain categories of solid waste facilities.

This general permit authorizes the construction and operation of a solid waste transfer station within the State of South Dakota, subject to compliance with all conditions set forth in this general permit. If any of the conditions of this general permit are not met, the operator may be required to apply for and obtain an individual solid waste permit as specified in SDCL 34A-6-58 and the Administrative Rules of South Dakota (ARSD) 74:27:10:06. In addition, the operator may be subject to civil penalties set forth in SDCL 34A-6-1.4 and 34A-6-1.31.

Pursuant to SDCL 34A-6-58, this general permit is valid until suspended, revoked or modified by the Board.

This permit is effective as of November 2, 2021, and shall expire on November 2, 2026.

Signed this 2nd day of November, 2021.



Hunter Roberts, Secretary
Department of Agriculture and Natural Resources

IMPORTANT NOTICE: POSSESSION OF THIS DOCUMENT **DOES NOT** PROVE THE HOLDER IS LEGALLY AUTHORIZED TO OPERATE A SOLID WASTE TRANSFER STATION.

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES ISSUES A CERTIFICATE AND LETTER OF AUTHORIZATION TO EACH LEGALLY AUTHORIZED OPERATOR. THE CERTIFICATE AND LETTER OF AUTHORIZATION ARE LEGAL PROOF OF AUTHORIZATION TO OPERATE.

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1.0 GENERAL STATEMENTS OF LAW AND OWNER/OPERATOR RESPONSIBILITIES

1.01 Definitions

Definitions used in this permit are as follows:

- A. "ARSD," the Administrative Rules of South Dakota.
- B. "Board," the Board of Minerals and Environment.
- C. "DANR," the South Dakota Department of Agriculture and Natural Resources.
- D. "Emergency," a condition that the secretary finds deleterious to the public health, safety, and welfare and that requires immediate action.
- E. "Occupied Dwelling," a house or building normally occupied as a residence.
- F. "Operator," a person responsible for the overall operation of a facility or part of a facility.
- G. "SDCL," South Dakota Codified Laws.
- H. "Secretary," the secretary of the South Dakota Department of Agriculture and Natural Resources, or authorized representative.

1.02 Applicability of General Permit

This general permit is potentially applicable to operators of solid waste transfer stations in the State of South Dakota that accept more than 500 tons and less than 25,000 tons of solid waste per year.

1.03 Severability

The provisions of this general permit are severable. If any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of such provisions to other circumstances and the remainder of this general permit, shall not be affected thereby.

1.04 Property Rights

This general permit does not convey any property rights of any kind, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws and ordinances.

1.05 Amendments, Revocation, and Suspension of General Permit

DANR may recommend to the Board that this general permit be amended as provided by ARSD 74:27:10:05. The Board may suspend or revoke this general permit as provided by SDCL 34A-6-1.21 and 34A-6-58.

1.06 Procedure for Requesting Authorization

To obtain authorization to operate a solid waste transfer station under the terms and conditions of this general permit, the operator must submit a request for authorization and publish a notice of intent in an official newspaper in the county in which the proposed transfer station will be located. The request for authorization must be submitted to DANR at least 60 calendar days before the first anticipated use of the transfer station. The notice of intent must be published at least 20 calendar days before the first anticipated use of the transfer station. The notice of intent shall include:

- A. the name, address, and phone number of both the landowner and operator of the proposed transfer station;
- B. the number of acres comprising the proposed transfer station;
- C. the general location of the proposed transfer station;
- D. the legal description (quarter, section, township, range, and county) of the proposed facility;
- E. a description of the authorized wastes to be accepted and managed at the proposed transfer station; and
- F. the estimated annual tonnage of waste materials to be accepted and transferred.

If the DANR determines the request for authorization is complete and meets the terms of this general permit, DANR will issue an authorization letter and certificate approving the development and operation of the transfer station.

1.07 Duration of Authorization

Initial authorization to operate under this general permit shall be valid for up to two years from the date of issuance and may be renewed for periods up to five years.

1.08 Renewal of Authorization

If the operator wishes to continue an activity regulated by this general permit after the expiration date of the letter of authorization, the operator must submit a renewal request for authorization to DANR at least 60 calendar days before the letter of authorization expires.

1.09 Changes to Request for Authorization

The operator must notify DANR prior to implementing any proposed change to a transfer station site location, acreage, authorized waste acceptance, tonnage, or operational practice that would be different from the request for authorization initially submitted to DANR. All changes must be approved by DANR and be public noticed for at least 20 days prior to implementation.

1.10 Transfers

The authorization may be transferred to a new operator provided:

- A. the current authorized operator notifies DANR in writing at least 20 calendar days prior to the proposed transfer date;
- B. the notification to DANR includes a written agreement between the authorized and new operator containing the date of transfer of permit responsibility, coverage and liability;
- C. the notification to DANR includes written documentation demonstrating that the new operator is qualified to comply with the terms and conditions of this general permit;
- D. the new operator provides a financial assurance mechanism, if applicable, equal to that of the former operator;
- E. the new operator provides a Certification of Applicant required by SDCL 1-41-20;
- F. the transfer of site ownership/operation is public noticed for at least 20 calendar days prior to the proposed transfer date; and
- G. DANR provides written approval of the transfer.

1.11 DANR Limitation of Liability

Any letter of authorization is specifically conditioned on the truth and accuracy of the statements made by the operator in the application to operate under this general permit. DANR assumes no liability for the truth and accuracy of the statements made by the operator in the application and any other submitted documents.

1.12 Individual Permit Required

DANR may require any operator requesting coverage under this general permit to apply for and obtain an individual solid waste permit if:

- A. the operator is not or cannot operate in compliance with the conditions of this general permit;
- B. the conditions or standards change such that transfer station facilities no longer qualify for a general permit; or
- C. an operator is removed from the jurisdiction of this general permit as a result of a complaint and Board action according to SDCL 34A-6-58.

When an individual permit is issued to an operator otherwise authorized under this general permit, the applicability of this general permit to that operator is automatically terminated upon the effective date of the individual permit.

1.13 Individual Permit Requested

Any operator authorized under this general permit may request to be excluded from the authorization by applying for an individual solid waste permit.

1.14 Duty to Comply – Penalties for Violations

The operator shall construct, operate and maintain the solid waste transfer station in accordance with SDCL 34A-6, ARSD 74:27, and the conditions of this general permit. If the provisions of the

laws, rules, or any conditions of this general permit are violated, DANR may take action to suspend or revoke a general permit authorization as provided for by SDCL 34A-6-1.21; may assess a civil penalty pursuant to SDCL 34A-6-1.4 and 34A-6-1.31; or issue a notice of violation with penalties pursuant to SDCL 34A-6-1.22.

1.15 Stipulated Penalties

In the event an authorized operator fails to comply with the provisions of this general permit, DANR reserves the right to develop and pursue an agreement with the operator for the assessment of stipulated penalties.

1.16 Related Laws, Regulations and Permits

No provision of this general permit exempts the operator from the requirements of any local, state, or federal laws, regulations, or rules in existence or promulgated after this general permit or an authorization becomes effective. It is the responsibility of the operator to obtain any other required permits and licenses.

1.17 Duty to Provide Information

The operator shall furnish DANR, within 10 business days, any information which DANR may request to determine compliance with this general permit.

1.18 Duty to Provide Access

The owner/operator shall allow DANR:

- A. to inspect or access the entire transfer station facility area authorized under this general permit and identified in the request for authorization;
- B. to inspect any facilities, equipment, records, practices or operations regulated or required by this general permit; and
- C. to sample or monitor any substances for any parameter.

1.19 Emergency Procedures

The operator must notify DANR, within one business day, of any emergency situation that arises at a transfer station facility.

1.20 Need to Halt or Reduce Activity not a Defense

DANR will not consider that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this general permit, when enforcing the conditions of this general permit.

1.21 Duty to Mitigate

The operator shall take all reasonable steps to minimize or prevent any adverse effect on human health or the environment.

1.22 Responsibility and Liability of Owner or Operator

In accordance with SDCL 34A-6-1.10, the owner or operator of a solid waste transfer station authorized under this general permit is responsible in perpetuity for the solid waste and liable in perpetuity for any pollution or other detrimental effect caused by the solid waste.

1.23 Administrative Changes Authorized

DANR reserves the right to incorporate administrative changes and/or modifications to this general permit. Administrative changes are authorized for the purposes of changing or correcting:

- A. typographical errors;
- B. regulatory references;
- C. titles of organizations or regulatory agencies; or
- D. similar items that do not substantially change the requirements of this general permit.

2.0 LOCATION AND DESIGN REQUIREMENTS

2.01 Facility Siting

The operator **shall not** locate the transfer station or temporary storage areas:

- A. within a wetland as defined by ARSD 74:27:07:01;
- B. within 300 feet of an occupied dwelling, unless the owner(s) provides written permission;
- C. within 100 feet of a property boundary, unless the adjacent property owner(s) provides written permission;
- D. within a 100-year floodplain; or
- E. in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species.

Occupied dwelling exception: Any occupied dwelling constructed less than 300 feet from a transfer station after an initial general permit authorization has been granted will not be grounds to prevent future authorization renewals under this general permit.

2.02 Access Control

The operator shall control access to the transfer station through the use of fences and locked gates. In addition, the operator shall post a sign or signs at the site entrance stating the operator's name, phone number, type of facility, days/hours of operation, and acceptable waste materials.

2.03 Facility Design – Plans and Specifications Required

The operator shall submit plans and/or specifications for any construction activity involving a transfer station building or leachate collection/storage system. The operator must receive DANR approval prior to implementation of the construction plans.

2.04 Container Requirements

The operator shall ensure that roll-offs or other acceptable containers are provided for storage of municipal solid waste. The operator shall only use roll-offs or containers that are leak resistant and covered to prevent blowing of litter.

2.05 Fire Control

The operator shall maintain an unobstructed 25-foot fire lane around the transfer station at all times.

3.0 OPERATIONAL REQUIREMENTS

3.01 Waste Acceptance and Transfer

The operator may accept all waste materials that can be legally disposed at municipal solid waste landfills or inert waste (construction debris) disposal sites. Waste materials accepted for disposal must be transferred to disposal facilities that are permitted or approved by local and/or state regulatory authorities.

The operator may also accept and store waste materials that will be legally recycled.

The operator shall not accept the following waste materials: regulated hazardous waste, regulated PCBs (polychlorinated biphenyls), and regulated asbestos-containing materials as defined in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61. The operator should immediately contact DANR if these unauthorized waste materials are detected at the facility.

3.02 Routine Inspections Required

The operator shall inspect the facility at least weekly and on all days the facility is open to the public to evaluate permit compliance and to prevent and/or detect the acceptance of unauthorized

wastes. Unauthorized wastes must be promptly removed from the facility and sent to disposal facilities permitted to accept the unauthorized waste material. The operator's site inspections shall be documented as required by Section 4.01 of this general permit.

3.03 Vector Control

The operator shall prevent or control on-site populations of disease vectors (rats, rodents, mosquitoes, etc.) by using techniques appropriate for the protection of public health and for preventing degradation of the environment.

3.04 Waste Handling and Storage

- A. The operator shall only use leak resistant and covered containers for storage of municipal solid waste. Municipal solid waste may not be stored on the ground.
- B. Municipal solid waste / putrescible waste may not be stored on the premises for more than seven (7) days.
- C. Municipal solid waste may not be sorted or separated outdoors. If outdoor loading or unloading of municipal solid waste is necessary, it must be conducted in a manner that prevents blowing litter and the release of waste materials to the environment.
- D. If stored outside, recyclable materials must be baled or placed in covered containers.

3.05 Leachate Management

For the purposes of this permit, leachate is defined as any water or fluid that comes into contact with municipal solid waste / putrescible waste or is generated from municipal solid waste. The operator shall ensure that leachate is collected, stored, and disposed in a manner that is approved by DANR or that complies with ARSD 74:27:13:24. Records of leachate disposal and testing are subject to the recordkeeping and reporting requirements in Section 4.01 of this permit.

3.06 Litter

The operator shall implement procedures to prevent litter from leaving the transfer station property. Any litter occurring or existing outside of a transfer station building must be collected immediately.

3.07 Recycling/Salvaging

The operator may salvage waste materials for recycling, reuse or resale, provided:

- A. recycling/salvaging is conducted in a planned manner that does not interfere with normal operation of the transfer station facility; and
- B. recycling/salvaging does not pose a direct or deleterious threat to public health or the quality of the environment.

4.0 RECORDKEEPING AND REPORTING REQUIREMENTS

4.01 Required Records

The operator shall maintain all records required by this general permit and shall make records available to DANR as stated in ARSD 74:27:13:22. At a minimum, the records shall include:

- A. the amounts, sources, types, and dates for wastes received;
- B. documentation identifying the quantity and destination of all material (municipal solid waste, inert waste materials, leachate, recyclables, etc.) removed from the facility;
- C. documentation of the daily and/or weekly site inspections;
- D. documentation of unauthorized waste found on-site and the steps taken in response;
- E. records of any emergency conditions at the transfer station facility;
- F. documentation of complaints received and responses to complaints; and
- G. copies of the current general permit, request for authorization, authorization letter, certificate to operate, and any other permits or licenses required by state, local, or federal laws, rules, and regulations.

4.02 Maintenance of Records

The operator shall maintain all required records for a period of three years from the date the records were generated.

5.0 CLOSURE REQUIREMENTS

5.01 Closure Notification

The operator shall notify DANR of the intent to close the transfer station facility at least 90 days prior to closure.

5.02 Startup of Closure Activities

The operator shall begin closure activities for the transfer station facility within 30 days of receipt of the last load of waste.

5.03 Removal of Stored Wastes and Recyclables

The operator shall remove all waste materials, recyclables, and leachate prior to closing the facility.

5.04 Completion of Final Closure

The operator shall complete closure activities for the facility within 180 days of receipt of the last load of waste. The operator shall place a sign stating that the transfer station facility is closed.

5.05 Certification of Closure

Upon completion of closure of the transfer station facility, the operator shall provide DANR with a certification confirming that the provisions of the closure plan (if applicable) have been carried out, and that the facility has been closed in accordance with Section 5.0 of this general permit and the applicable performance standards of ARSD 74:27:15.

6.0 FINANCIAL ASSURANCE

DANR will not typically require financial assurance for a facility authorized under this general permit as long as the operator complies with the environmental laws and rules of the state and the conditions of this general permit. However, DANR reserves the right to require financial assurance if violations occur or if unique circumstances dictate the need for financial assurance. If required, financial assurance shall comply with SDCL 34A-6-1.11 and 34A-6-1.12, and ARSD 74:27:16.