

SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
PERMIT TO OPERATE A COMBINATION RESTRICTED USE SOLID WASTE FACILITY,
MUNICIPAL SOLID WASTE TRANSFER STATION, AND PETROLEUM-CONTAMINATED
SOIL TREATMENT SITE
UNDER THE SOUTH DAKOTA SOLID WASTE PROGRAM

OPERATOR: City of Lemmon
303 1st Avenue West
Lemmon, South Dakota 57638

PERMIT NUMBER: 26-XX
ISSUE DATE: May XX, 2026
EXPIRATION DATE: May XX, 2031

CLASSIFICATION OF FACILITY: Type III Combination Restricted Use Facility, Municipal Solid Waste Transfer Station, and Petroleum-Contaminated Soil Treatment Site – The facility may accept a maximum of 4,999 tons of waste per year.

GENERAL FACILITY DESCRIPTION: The restricted use site may accept construction and demolition debris for burial. Furniture, carpeting, and similar nonputrescible wastes may be accepted for burial. Trees, branches, and untreated wood may be accepted for burning or burial. Yard waste may be accepted for composting. White goods, scrap metal and waste tires may be accepted for temporary storage and recycling. Animal carcasses may be accepted for burial. Petroleum-contaminated soil may be accepted for treatment. The transfer station may accept municipal solid waste for temporary storage and shipment to a permitted municipal solid waste landfill.

ACREAGE: 83.3 acres

LEGAL DESCRIPTION: W½ NE¼ SE¼ & SW¼ SE¼ NE¼ of Section 29, T23N, R16E, Perkins County

In consideration of information contained in the application and supplements, the Secretary of the South Dakota Department of Agriculture and Natural Resources hereby renews this permit for the city of Lemmon to operate a combination restricted use solid waste facility, municipal solid waste transfer station, and petroleum-contaminated soil treatment site. The renewal of this permit is pursuant to SDCL 34A-6-1.13 and ARSD 74:27. In addition to any provisions included herein by operation under state or federal law or regulation, this permit and all rights under it are subject to, defined by and limited by the conditions set forth herein. This permit shall be valid for a period of five years from the issuance date.

Hunter Roberts, Secretary
Department of Agriculture and Natural Resources

1.0 GENERAL REQUIREMENTS

1.01 Operator Representations Incorporated

This permit incorporates by reference all representations made by the city of Lemmon (hereinafter called the operator) and its agents regarding plans, controls, designs, operations, and environmental impacts contained in the permit application dated October 28, 2025, and in supplemental documents.

1.02 DANR Limitation of Liability

This permit and all rights under it are expressly conditioned on the truth and accuracy of the representations made by the operator in the application and documents cited above. The Department of Agriculture and Natural Resources - Waste Management Program (DANR-WMP) assumes no liability for the accuracy and truth of such representations made by the operator.

1.03 Duty to Comply

The operator shall construct, operate, and maintain this facility in accordance with South Dakota Codified Laws and the Administrative Rules of South Dakota: SDCL 34A-6 and ARSD 74:27. If the provisions of the laws, rules, or any conditions of this permit are violated, DANR-WMP may take action to suspend or revoke this permit 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.

1.04 Related Laws, Regulations and Permits

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

1.05 Procedure for Requesting Amendments

The operator must contact DANR-WMP to request a permit amendment prior to any significant deviation in the design or operation of the facility, and before any expansion beyond the permitted site boundaries. This permit may be reopened and amended, following proper administrative procedures, to include the appropriate requirements of ARSD 74:27, SDCL 34A-6, and promulgated federal or state laws, rules, or regulations. Any permit modification shall be in compliance with ARSD 74:27, SDCL 34A-6, and applicable federal regulations.

1.06 Administrative Changes Authorized

DANR-WMP reserves the right to incorporate administrative changes and/or modifications to this permit at any time. When an administrative change is made to this permit, DANR-WMP shall notify the operator, in writing, within 10 business days of instituting the change. 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) items which do not substantially change the requirements of this permit.

1.07 Severability

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

1.08 Duty to Provide Access

The operator shall allow DANR-WMP unrestricted entry during regular business hours for site inspections, waste sampling, and reviewing facility records.

1.09 Duty to Provide Information

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

2.0 DESIGN AND CONSTRUCTION REQUIREMENTS

2.01 Access Control

The operator shall maintain access controls at the site. These shall include a fence around the entire facility, locked gate(s), and sign(s) stating the operator's name and phone number, hours of operation, acceptable waste types, and directions for disposal.

2.02 Acreage Limitation

The operator shall not exceed the 83.3 acre total operational area identified in the permit.

2.03 Storm Water Control

The operator shall construct and maintain soil berms or containment structures around disposal areas, composting pads/areas, and petroleum-contaminated soil treatment sites. The berms or containment structures should be designed to divert run-on and contain runoff from a 25-year, 24-hour storm event (3.8 inches). The berms shall be adequately compacted.

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 Municipal Solid Waste Storage Limitations

The operator shall not store municipal solid waste outside of the transfer station building or inside the building for more than four days.

2.06 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-WMP approval prior to implementation of the construction plans.

3.0 OPERATIONAL REQUIREMENTS

3.01 Emergency Requirements

The operator shall notify DANR-WMP, within one business day, of any emergency situation at the facility. For the purposes of this section, an emergency is defined as any unplanned event that could be a threat to personnel, the general public, or the environment.

3.02 Authorized and Unauthorized Wastes

The operator may accept the materials listed in Table 1 for disposal, burning, treatment, storage, or composting as indicated in column 2 of Table 1. The operator may not accept the materials listed in Table 2. Any unauthorized waste found on-site must be handled according to Table 2 procedures. The operator shall contact DANR-WMP to determine how to handle any waste that is not clearly identified in Table 1 or Table 2.

3.03 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 disposal of unauthorized wastes. Any unauthorized wastes shall be removed and properly disposed of at a facility permitted to accept such materials. The site inspections shall be documented as required by Section 4.01(c) of this permit.

3.04 Vector Control

The operator shall take any steps necessary to ensure the site is reasonably free of mosquitoes, rats, or other disease vectors.

3.05 Waste Separation Required

The operator shall place materials that are to be buried in a pile or piles that are well separated from the burn pile, composting pile, the recycling piles, the petroleum-contaminated soil treatment area, and the animal carcass burial area.

3.06 Soil Cover Required

Construction and demolition debris and other inert wastes intended for burial must be covered with six inches of soil cover at least monthly. Monthly placement of six inches of soil cover is necessary to prevent blowing debris and minimize fire potential.

3.07 Open Burning Requirements

The operator may periodically open burn trees, branches, brush, and untreated wood, subject to existing state, federal, and local laws, rules, and regulations. The operator is responsible for removing materials other than trees, branches, brush, and untreated wood from the burn pile prior to burning. The local fire department, local law enforcement, and DANR-WMP shall be notified prior to open burning.

Open burning shall occur only:

- (a) when the prevailing winds are away from adjacent residences;
- (b) when smoke will not obscure visibility or create a traffic hazard on any public road; and
- (c) during daylight hours.

The operator shall not burn within 300 feet of a waste tire pile.

3.08 Waste Tire Storage

The operator shall store tires as follows:

- (a) each tire pile shall be surrounded by a 50-foot fire lane;
- (b) all tire piles shall be maintained free of mosquitoes and rodents;
- (c) tires may not be located within 300 feet of the tree pile or an open flame;
- (d) waste tire piles may not have an area greater than 5,000 square feet or a vertical height greater than 10 feet; and
- (e) waste tires may not be stored on-site for more than one year from the date of receipt.

3.09 Refrigerant Removal

The operator shall ensure that refrigerants (Freon) are properly removed from appliances prior to recycling/crushing by a metals recycler. Refrigerant removal shall comply with Environmental Protection Agency (EPA) regulations (40 CFR Part 82, Subpart F).

3.10 Animal Carcass Burial

The operator shall bury animal carcasses within 24 hours of receipt and shall cover the waste with a minimum of six inches of soil. Larger animals or volumes of waste may require more than six inches of cover soil. The operator must ensure that sufficient soil cover is used to control the presence of odors, insects, and scavengers.

3.11 Yard Waste Composting Requirements

The operator shall place yard waste to be composted in piles or windrows. The piles or windrows of yard waste shall be turned as needed to provide the material sufficient air for composting and to prevent the generation of an unpleasant odor. Moisture levels in yard waste piles or windrows shall be maintained to promote biological decomposition. Precipitation that collects within the bermed area may be used to maintain moisture levels.

Reminder: Permit condition 2.03 requires the operator to divert storm water run-on around the composting pad and contain runoff from the composting pad.

3.12 Petroleum-Contaminated Soil (PCS) Load Inspections

The operator may accept petroleum-contaminated soil for treatment. The operator shall inspect all loads of petroleum-contaminated soil to ensure that foreign objects such as metal, plastic, and other unauthorized wastes are not delivered to the treatment area. If the operator fails to inspect the loads, all unauthorized wastes present in the soil must be collected and disposed of properly within seven days after the initial application of the soil.

3.13 PCS Separation

The operator shall keep soil from different sources separated during treatment and during stockpiling if necessary.

3.14 PCS Stockpiling Limitations

Stockpiling of petroleum-contaminated soil shall not be conducted unless ground or weather conditions prevent spreading of the soil. The operator shall ensure that any contaminated soil stockpiled on-site is placed inside the bermed area.

3.15 PCS Spreading Requirements

Petroleum-contaminated soil shall be spread as soon as physically possible. The operator shall spread soil within the bermed treatment area in lifts of six inches or less in depth.

3.16 Petroleum-Contaminated Water Acceptance

Petroleum-contaminated water (that does not contain free phase product) may be accepted for land application within the bermed treatment area. The contaminated water shall be uniformly land applied at a rate of one-quarter inch (approximately 6,500 gallons) or less per acre. The contaminated water shall be applied over previously treated soil or untreated soil accepted from the same site.

The application of petroleum-contaminated water is limited to once per month during April through October. The application of petroleum-contaminated water during November through March must be approved in writing by DANR-WMP prior to application.

3.17 PCS Treatment

The operator shall treat (disk or aerate) the petroleum-contaminated soil twice within the first 30 days following the application and at least monthly from April through October. The operator shall treat the soil until it meets the post-treatment standard specified in permit condition 3.18.

3.18 PCS Testing and Sampling Requirements

The operator shall treat petroleum-contaminated soil until it meets a post-treatment standard of 10 parts per million (ppm) or less Total Petroleum Hydrocarbons (TPH). Soil analysis must be conducted by the methods specified in ARSD 74:56:05:05.

For post-treatment testing, the operator shall collect a minimum of one composite sample per acre. If soil from more than one source (or remedial site) has been spread in any one-acre area, at least one composite sample per source is required. Each composite sample must consist of a minimum of four representative samples taken from a depth of four inches.

3.19 PCS Land Application Frequency

The operator shall not apply a second layer of petroleum-contaminated soil to any area of the facility until soil analysis demonstrates that the first application of soil has met the post-treatment soil standard of 10 ppm TPH.

3.20 Removal of Treated PCS

The operator shall not remove any soil from the site until soil analysis demonstrates that the soil meets the post-treatment standard of 10 ppm TPH.

3.21 Municipal Solid Waste Storage Requirements

The operator shall ensure that municipal solid waste/putrescible waste accepted for transfer is placed into roll-offs or other acceptable containers, and is not stored on the ground. Municipal solid waste/putrescible waste shall not be stored on the premises of the transfer station for more than four days.

3.22 Municipal Solid Waste Transfer

The operator shall transfer all municipal solid waste/putrescible waste to a permitted municipal solid waste landfill for disposal.

3.23 Salvaging Allowed

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

- (a) recycling/salvaging is conducted in a planned manner which does not interfere with normal operation of the facility;
- (b) recycling/salvaging does not pose a direct or deleterious threat to public health or the quality of the environment; and
- (c) if stored outside, recyclable materials must be baled or placed in leak resistant and covered containers.

3.24 Leachate Handling

For purposes of this permit, leachate is defined as any water or fluid that comes into contact with the municipal solid waste/putrescible waste or is generated from the municipal solid waste. The operator shall ensure that any leachate generated is collected and properly disposed of according to ARSD 74:27:13:24. Records of leachate disposal and testing shall be subject to the reporting and recordkeeping requirements included in Section 4.0 of this permit.

4.0 RECORDKEEPING AND REPORTING REQUIREMENTS

4.01 Required Records

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

- (a) the amounts, sources, types, and dates for the wastes received;
- (b) documentation of any unauthorized waste found on-site and the steps taken in response;
- (c) documentation of the daily and/or weekly site inspections;
- (d) records of any employee training;
- (e) copies of the current solid waste permit, permit application, and any other permits required by state, local, or federal laws, rules, and regulations;
- (f) records of any emergency conditions at the facility;
- (g) documentation of complaints received and responses to complaints;
- (h) data on open burning activities at the site (including dates, weather conditions, and an estimate of the quantity of wood in the pile);
- (i) documentation to verify that refrigerant (for example Freon) has been properly removed from all refrigerant-containing appliances;
- (j) documentation identifying the quantity and destination of all material removed from the site (tires, white goods/metals, compost, municipal solid waste, leachate, etc.);
- (k) post-treatment soil analysis data for the petroleum-contaminated soil treatment area;
- (l) an estimate of the number of acres at the treatment site that contaminated soil has been applied to;
- (m) a record of where petroleum-contaminated soil from different sources was spread; and
- (n) the dates when petroleum-contaminated soil was treated (disked or aerated).

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.

4.03 Annual Reporting for PCS Treatment Site

The operator shall submit to DANR-WMP, by January 31 of each year, an annual report for the previous year's petroleum contaminated soil treatment site activities. The report shall be submitted on a form provided by the DANR-WMP and shall include the following information:

- (a) the origin of all soil received;
- (b) the date soil was received;
- (c) the date soil was spread;
- (d) the type of petroleum-contamination in the soil;
- (e) the quantity of soil;
- (f) the area of land soil was spread on;
- (g) the dates soil was treated (disked or aerated); and
- (h) the post-treatment soil analysis data.

5.0 CLOSURE REQUIREMENTS

5.01 Closure Notification

The operator shall notify DANR-WMP of the intent to close any portion of the site at least 90 days prior to closure.

5.02 Startup of Closure Activities

The operator shall begin closure activities for all waste disposal areas of the facility within 30 days of receipt of the last load of waste. Closure of the petroleum-contaminated soil treatment area may not be conducted until all soil meets the post-treatment standard of 10 ppm TPH.

5.03 Removal of Stored Wastes and Recyclables

The operator shall remove all white goods, metals, tires, compost, and/or leachate prior to closing the site.

5.04 Final Closure Requirements

The final cover and closure activities for the site shall meet the requirements of ARSD 74:27:15:03 and include:

- (a) covering the restricted use waste disposal areas/trenches upon completion/filling. The final cover for the waste disposal area shall consist of a minimum of two feet of earthen material capable of maintaining perennial vegetation;
- (b) incorporating contours of the waste disposal area and the petroleum-contaminated soil treatment area into the contours of the surrounding area;
- (c) grading to prevent ponding of water; and
- (d) seeding and revegetating the waste disposal area, yard waste area, and the petroleum-contaminated soil treatment area in consultation with the County Extension Agent or local Natural Resources Conservation Service representative.

5.05 Completion of Final Closure

The operator shall complete closure activities for all waste disposal areas within 180 days of receipt of the last load of waste. Closure of the petroleum-contaminated soil treatment area must be completed within 180 days of final treatment of the contaminated soil.

5.06 Certification of Closure

Upon completion of closure of a waste disposal area or the facility, the owner or operator shall provide the DANR-WMP with a certification confirming that the provisions of the closure plan (if applicable) have been carried out, and the facility has been closed in accordance with this permit and the applicable performance standards of ARSD 74:27:15.

5.07 Notation on Deed Required

The operator shall record a notation on the deed to the property or on some other instrument that is normally examined during a title search. The notation shall state that the land has been used as a solid waste facility.

6.0 FINANCIAL ASSURANCE

6.01 Financial Assurance Requirement

DANR-WMP will not require financial assurance for the permitted facility as long as the operator complies with the environmental laws and rules of the state and the conditions of this permit.

Table 1

Authorized Wastes

Lemmon Combination Restricted Use Solid Waste Facility, Municipal Solid Waste Transfer Station, and Petroleum-Contaminated Soil Treatment Site

Under South Dakota law, local ordinances may further restrict some of the items listed below. The city of Lemmon may choose not to accept some of the items listed below.

Type of Waste	Handling Procedures / Requirements
<u>Construction and demolition debris:</u> Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, pipe, and similar wastes.	These wastes must be buried. These wastes may not be burned . Concrete, brick, stonework, asphaltic concrete, and concrete block may be buried or temporarily stored for subsequent recycling and reuse.
<u>Trees and untreated wood:</u> Scrap lumber, trees, tree branches, and brush. Painted, stained, glued, or chemically treated wood is considered treated and cannot be open burned.	These wastes may be burned or buried. Wastes to be burned must be isolated in a separate area of the site. Contact the local fire department, DANR-WMP, and local law enforcement prior to open burning.
<u>Petroleum-contaminated soil:</u> Soil contaminated with diesel fuel, fuel oil, kerosene, jet fuel, or gasoline.	The soil must be thin spread (6 inches) and aerated in the bermed petroleum-contaminated soil treatment area.
<u>White goods/metals:</u> Refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals, excluding petroleum fuel tanks unless they have been cleaned and can be recycled.	These materials may be accepted for temporary storage only. Refrigerant (Freon) removal from appliances must comply with EPA regulations prior to recycling.
<u>Waste tires</u>	Waste tires may be accepted for temporary storage only. Keep tires at least 300 feet away from any open flame. Waste tires may not be burned or buried. Storage is not to exceed one year.
<u>Animal carcasses</u>	Animal carcasses may be accepted for burial. Carcasses must be buried within 24 hours and covered with at least 6 inches of soil.
<u>Miscellaneous wastes:</u> Carpets, chairs, couches, mattresses, linoleum, glass, and similar items.	These wastes may not be burned. These materials must be buried.
<u>Ash</u>	Only ash from wood burning stoves or other household sources and authorized on-site open burning may be accepted for burial.
<u>Municipal solid waste:</u> Household garbage.	Municipal solid waste may be accepted for temporary storage only. It must be placed in an acceptable container, and must be transferred to a permitted municipal solid waste landfill for disposal within four days of receipt. Discuss requirements for sorting of this material with your municipal solid waste hauler.
<u>Yard waste:</u> Leaves, grass clippings and similar vegetation.	Yard waste may not be burned. Yard waste must be composted. Reuse of compost shall be in compliance with applicable federal, state and local laws.

Table 2
Examples of Unauthorized Wastes
Lemmon Combination Restricted Use Solid Waste Facility, Municipal Solid Waste Transfer Station,
and Petroleum-Contaminated Soil Treatment Site

The following wastes **are not allowed** to be accepted at this facility. If these substances/materials are found at the site, proper specific handling procedures and requirements are stated here for operator use. The DANR-WMP can be contacted at (605) 773-3153.

Type of waste	Handling Procedures / Requirements
<u>Hazardous waste:</u> Waste oil, solvents, PCBs, ash, or similar wastes.	Isolate waste and contact DANR-WMP as soon as possible.
<u>Pesticide containers</u>	Waste must be removed from the site and taken to a permitted solid waste facility or contact the DANR-WMP for recycling options.
<u>Regulated asbestos-containing materials</u>	Isolate waste and contact DANR-WMP as soon as possible. Waste must be taken to a permitted solid waste facility.
<u>Lead-acid batteries</u>	Waste must be removed from the site and taken to a recycler that accepts lead-acid batteries.
<u>Liquid waste:</u> Petroleum products, sludges, tar, paint, used motor oil, contaminated water, or other liquid wastes.	Isolate waste and contact DANR-WMP as soon as possible to determine appropriate disposal methods.
<u>Treated wood:</u> Wood treated with inorganic chemicals, chromated copper arsenate (CCA), pentachlorophenol (PCP), or creosote. CCA and PCP treated wood is commonly referred to as green or brown treated.	Waste must be removed from the site and taken to a permitted municipal solid waste landfill for disposal.
<u>Miscellaneous wastes:</u> Cardboard, plastic, plastic containers, Styrofoam, foam rubber, packaging materials, containerized paints, sealants, adhesives, and similar materials.	Waste must be removed and taken to a permitted municipal solid waste facility for disposal or recycled.
<u>Contaminated soil:</u> Soil contaminated with pesticides, solvents, transformer oil, motor oil, lubricants, grease, tar, or similar materials.	Isolate waste and contact DANR-WMP as soon as possible to determine appropriate disposal methods.
<u>Electronic wastes:</u> Televisions, computers, monitors, cell phones, VCRs/DVDs, and similar electronic waste materials	Electronic wastes must be removed from the site and taken to a recycler or permitted municipal solid waste landfill.