

**SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
PERMIT TO OPERATE A RESTRICTED USE SOLID WASTE FACILITY
UNDER THE SOUTH DAKOTA SOLID WASTE PROGRAM**

OPERATOR: City of Presho
P.O. Box 100
Presho, South Dakota 57568-0100

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

CLASSIFICATION OF FACILITY: Type IV Restricted Use Facility – The facility may accept a maximum of 499 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.

ACREAGE: 6.50 acres

LEGAL DESCRIPTION: NW¹/₄ NW¹/₄ NW¹/₄ of Section 10, T105N, R77W, Lyman County, South Dakota

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 Presho to operate a restricted use solid waste facility. 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 Presho (hereinafter called the operator) and its agents regarding plans, controls, designs, operations, and environmental impacts contained in the permit application dated March 3, 2026, 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.

1.10 Variance Approved

DANR-WMP specifically recognizes and approves the variance listed in Attachment A of this permit, based on the reasons and documentation stated therein.

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 6.50 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 and composting pads/areas. The berms or containment structures should be designed to divert run-on and contain runoff from a 25-year, 24-hour storm event (4.2 inches). The berms shall be adequately compacted.

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, 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, and the recycling piles

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 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.

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; and
- (j) documentation identifying the quantity and destination of all material removed from the site (tires, white goods/metals, compost, municipal solid waste, leachate, etc.);

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-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.

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 into the contours of the surrounding area;
- (c) grading to prevent ponding of water; and
- (d) seeding and revegetating the waste disposal area and yard waste 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.

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
Presho Restricted Use Solid Waste Facility

Under South Dakota law, local ordinances may further restrict some of the items listed below. The city of Presho 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>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>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>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
Presho Restricted Use Solid Waste Facility

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>Putrescible wastes:</u> Municipal solid waste and household garbage.	Waste must be removed from the site and taken to a permitted municipal solid waste facility.
<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 diesel fuel, fuel oil, kerosene, jet fuel, gasoline, 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.

Attachment A Variance Approved Presho Restricted Use Site

The DANR-WMP specifically recognizes and approves the following variances with the conditions as listed below:

Regulatory Reference ARSD 74:27:11:03 – Floodplains.

Facilities shall not be located within the boundaries of a 100-year floodplain.

State solid waste rules (ARSD 74:27:11:09) allow a variance to the floodplain location criteria if the owner or operator demonstrates that the facility location will not pose a hazard to human health or degrade the environment.

Farm Services Administration geographic information data (circa 2008) does not delineate any 100-year floodplain in the vicinity of the restricted use facility at this time. However, the low-lying area between Stony Butte Creek to the north and Medicine Creek to the south of the restricted use facility could be susceptible to potential flooding. The restricted use facility has been constructed with berms to control storm water run-on and run-off at the facility. The operational and design requirements of this permit are specifically designed to ensure that operation of the facility will not pose a threat either to or from the low-lying area between Stony Butte Creek and Medicine Creek.

The operator shall comply with the conditions of this permit.

Regulatory Reference ARSD 74:27:11:06 – Distance to surface water.

Facilities containing putrescible waste or other facilities disposing of materials that may pollute surface water may not be located within 1,000 feet of streams, creeks, lakes, reservoirs, or other bodies of water classified for fish life propagation.

State solid waste rules (ARSD 74:27:11:09) allow a variance to the surface water location criteria if the owner or operator demonstrates that the facility location will not pose a hazard to human health or degrade the environment.

Stony Butte Creek is immediately north-northeast and adjacent to the restricted use facility. Medicine Creek is located about 1,400 feet south of the restricted use facility. At a minimum, Stony Butte Creek is designated for the beneficial uses of irrigation and fish and wildlife propagation, recreation, and stock watering. Medicine Creek is classified as warmwater marginal fish life propagation waters and immersion recreation waters. The operation of the restricted use solid waste facility is not expected to impact surface waters or pose a hazard to human health or the environment.

The operator shall comply with the conditions of this permit.