

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

**PERMIT TO OPERATE A SOLID WASTE DISPOSAL
FACILITY UNDER THE SOUTH DAKOTA SOLID WASTE PROGRAM**

OPERATOR: Roberts County
411 2nd Ave East
Sisseton, SD 57262

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

GENERAL FACILITY DESCRIPTION: Municipal Solid Waste Landfill.

FACILITY

CLASSIFICATION: Type IIB – The facility may accept a maximum of 24,999 tons of waste per year.

LEGAL LOCATION: A portion of the NW ¼ and the W ½ NE ¼ of Section 8, T125N, R50W in Roberts County, South Dakota.

ACREAGE: Total permitted area is approximately 238 acres.

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 Roberts County to operate a municipal solid waste landfill. 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, rule 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 those representations made by Roberts County (hereinafter called operator) and its agents regarding plans, control measures, design, operations, and environmental impacts as contained in the permit application and 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 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.

1.04 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 of 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.

1.05 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 rules, laws or regulations. Any permit modification shall be in compliance with ARSD 74:27, SDCL 34A-6, and applicable federal regulations.

1.06 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.

1.07 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.

1.08 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.

1.09 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.

1.10 Variances Approved

DANR-WMP specifically recognizes and approves the variances listed in Attachments A, B, and C of this permit based on the reasons and documentation stated therein.

1.11 Site Characterization Requirement

This permit includes a portion of the NW ¼ of Section 8, T125N, R50W in the permitted area of the landfill. An adequate site characterization has not been performed on the entire area. Before municipal solid waste can be disposed of in the area not covered by the January 20, 2026 permit amendment application or leachate storage ponds constructed, a site characterization complying with ARSD 74:27:12:03 must be completed. This area is included in the permitted area of the landfill, but the type of activity that is allowed in this area is limited until a more thorough site characterization is done. The type of activity that will be allowed includes disposal of construction and demolition debris, composting of yard waste, petroleum contaminated soil treatment area, and other non-disposal landfill operations. Prior to any municipal solid waste disposal or leachate storage pond construction occurring in this area, the operator shall secure environmental comment letters from South Dakota Department of Game, Fish, and Parks, US Fish and Wildlife Service and the DANR-Surface Water Quality Program and provide this information to the DANR-WMP for review and approval.

2.0 DESIGN AND CONSTRUCTION REQUIREMENTS

2.01 Facility Design

The entire permitted area must be maintained in compliance with the facility design and construction requirements in ARSD 74:27:12.

2.02 Plans and Specifications

The operator shall submit plans and specifications (P&S) and secure approval in writing from DANR-WMP before the construction of:

- a. A waste disposal area;
- b. Any lateral expansion of a waste disposal area;
- c. Any liner and/or leachate collection and removal system;
- d. Any leachate containment system, pond or tank;
- e. A final cap over any closed waste disposal unit;
- f. Any building or structure where solid waste will be handled or processed; and
- g. Any other project that could release or is intended to prevent the release of any deleterious materials to the environment.

2.03 Duty to Notify on Revisions to P&S

The operator shall notify DANR-WMP, in writing, of all revisions to the P&S or constructed facility before implementation. Approval of modifications determined by DANR-WMP to be insignificant to the design, construction, or operation of the facility such as fencing, auxiliary operations, or gate locations will be acknowledged by DANR-WMP as appropriate. Modifications determined to be significant such as the liner, leachate collection system, or other design components specific to this facility shall require submittal of revisions to the P&S to DANR-WMP. These revisions must be approved by DANR-WMP, in writing, before implementation. All change orders associated with a P&S approval and DANR-WMP approved construction project shall be submitted to DANR-WMP for approval in writing.

2.04 Quality Assurance and Quality Control

The operator shall ensure that quality assurance and quality control practices are in place for all approved construction activities at the facility. The operator shall maintain documentation for all quality assurance and quality control activities.

2.05 Access Control

The operator shall prevent unauthorized access to the facility and to restricted portions of the facility with fences, locked gates/doors, and other appropriate means.

3.0 OPERATIONAL REQUIREMENTS

3.01 Facility Operations

Operation of this facility shall be as described in the facility operation section of the solid waste permit application. At a minimum, operational procedures at the facility shall be in accordance with ARSD 74:27:13.

3.02 Secured Loads

The operator shall require all incoming loads to be secured or covered.

3.03 Litter Control

The operator shall provide at least weekly litter cleanup at and around the facility in accordance with ARSD 74:27:13:06. The operator shall implement procedures to prevent litter from leaving the permitted landfill property. Litter that does escape the permitted landfill property shall be collected immediately.

3.04 Municipal Solid Waste Daily Cover

All exposed municipal solid waste disposed in the landfill must be covered at the end of each working day. The operator shall apply any approved alternative daily cover material at a sufficient thickness to control disease vectors, fires, odors, blowing litter, and scavenging. Soil must be used to cover municipal solid waste at least once per week. When soil is used, the operator shall compact a minimum of six inches of soil over all exposed municipal solid waste (see Attachment A).

3.05 Open Burning

The operator shall prohibit open burning of solid waste except as provided by ARSD 74:27:13:11 and the following. The operator may only accept trees, tree branches, and untreated (not painted or stained) wood debris for periodic open burning, subject to existing state, federal, and local laws, rules, and regulations. The operator shall notify the local fire department, local law enforcement, and DANR-WMP prior to open burning. The operator may open burn:

- a. Only when prevailing winds are away from adjacent residences;
- b. Only when smoke will not obscure visibility or create a traffic hazard on any public road; and
- c. Only when personnel are present during the open burning process.

3.06 Vector Control

The operator shall prevent on-site populations of disease vectors in all areas of the facility through safe and appropriate means.

3.07 Authorized Wastes

The operator shall only accept solid waste, as defined in SDCL 34A-6-1.3, for disposal. The operator may accept special wastes, as defined in ARSD 74:27:13:17, in accordance with the requirements of that section. However, in accordance with SDCL 34A-6-67, lead acid batteries, waste oil, and white good

appliances may only be accepted for temporary storage and future recycling. Yard waste may be accepted, but not for disposal.

3.08 Yard Waste Composting

Yard waste (leaves, grass clippings and similar wastes) may be accepted for composting. The operator shall place compost material in piles or windrows. The piles or windrows shall be turned or aerated to prevent the generation of odors and to promote the composting process. Moisture shall be added as necessary to promote the composting process. The composting area shall be bermed to limit surface water run-on and prohibit runoff. Any runoff from a compost pile is considered leachate and may be used as a moisture additive for the pile or windrow or must be managed as leachate in accordance with ARSD 74:27:13:24 or Section 3.19 of this permit.

3.09 Construction and Demolition Debris

Construction and demolition debris may be landfilled in a disposal area separate from the municipal solid waste disposal area. Construction and demolition debris is defined as concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, and similar wastes. This type of debris cannot be open burned. Construction and demolition debris disposal areas must be bermed to limit surface water run-on and prohibit runoff.

3.10 Soil Cover Required – Construction and Demolition Debris

Construction and demolition debris, furniture, 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.

3.11 Fill Progression

The operator shall perform a fill progression survey at the landfill every year to ensure that the operator is not exceeding the approved closure elevations as set forth in the permit application and in the approved closure plan.

3.12 Petroleum-Contaminated Soil (PCS) Acceptance

The operator may accept petroleum-contaminated soil (contaminated by diesel fuel, fuel oil, kerosene, jet fuel, or gasoline) for treatment or disposal. If treatment is chosen, the operator shall comply with the following requirements:

- a. The operator shall spread the soil in lifts not exceeding six inches in depth;
- b. The soil shall only be spread within a treatment area bermed to divert storm water run-on and contain runoff from a 25-year, 24-hour storm event;
- c. The soil shall be spread within 48 hours of receipt on-site. If weather conditions prevent the spreading of contaminated soil within 48 hours, the operator may temporarily store soil within the bermed treatment area. Stored soil must be spread as soon as possible;

- d. The operator shall treat (turn over, disk or aerate) the soil twice the first month after the initial application and at least monthly during the months of April through October, and
- e. After treatment, contaminated soil must be removed from the bermed treatment area and be disposed or used as daily cover in the landfill.

As an alternative to the treatment requirements identified herein, the operator may accept petroleum-contaminated soil for direct disposal or daily cover in accordance with the conditions outlined in Attachment C of this permit.

3.13 Petroleum-Contaminated Water Acceptance

Petroleum-contaminated water may not be directly disposed in the landfill. Petroleum-contaminated water (that does not contain free phase product) may be accepted for treatment within a bermed treatment site. 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 an existing treatment area 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. After treatment, soil impacted by petroleum-contaminated water must be removed from the bermed treatment area and be disposed or used as daily cover in the landfill.

3.14 Contaminated Soil (Non-PCS) Acceptance

The operator may accept soil contaminated with pesticides, solvents, transformer oil, motor oil, lubricants, grease, tar, or similar materials for use as daily cover or disposal in the municipal solid waste disposal area of the landfill provided that the contaminated soils are not a hazardous waste or regulated polychlorinated biphenyls (PCBs) contaminated soil.

3.15 Asbestos Disposal

The operator shall handle regulated asbestos-containing waste materials in accordance with ARSD 74:27:13:17 and ARSD 74:36:08:02. The operator must cover asbestos-containing waste materials with six inches of compacted soil or non-asbestos-containing material at the end of each working day or at least every 24 hours when the disposal site is in operation. For all asbestos-containing waste material received at the landfill for disposal, the operator needs to maintain waste shipment records that include the following information:

- a. Name, address, and telephone number of the waste generator;
- b. Name, address, and telephone number of the transporter(s);
- c. Quantity of the asbestos-containing waste material in cubic meters (cubic yards);

- d. The presence of improperly enclosed or uncovered wastes or any asbestos-containing waste material not sealed in leak-tight containers and report in writing to DANR-WMP by the following working day the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report; and
- e. The date of receipt.

As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator. If there is a discrepancy between the quantity of waste designated on the waste shipment logs and the quantity actually received, the operator shall attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report it in writing to DANR-WMP. Describe the discrepancy and attempts to reconcile it and submit a copy of the waste shipment record along with the report. The operator is also required to keep a copy of all records and reports for at least two years. The operator is also required to maintain, until closure, records of the location, depth, area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area. Asbestos is considered a special waste and is subject to the recordkeeping requirements found in Section 4.01(a) of this permit.

3.16 Waste Tires

Waste tires may be accepted for temporary storage and recycling or burial in a dedicated disposal area if first shredded or quartered. If waste tires are stored or processed, the operator shall adhere to the following requirements as described in ARSD 74:27:13:17.01:

- a. A waste tire pile may not have an area greater than 5,000 square feet or vertical height greater than 10 feet;
- b. Each waste tire pile must be surrounded by a 50-foot fire lane;
- c. Operations involving the use of open flames, blow torches, or highly flammable substances may not be conducted within 300 feet of a waste tire pile;
- d. Waste tire piles must be maintained free of mosquitoes and rodents; and
- e. Storage of waste tires may not exceed one year.

3.17 Waste Screening

The operator shall conduct random load inspections to detect and prevent the disposal of regulated hazardous wastes, regulated PCBs and other unauthorized waste as required by ARSD 74:27:13:19. The operator shall contact DANR-WMP if unauthorized wastes described in this section are detected during waste screening efforts.

3.18 Contingency Plan

The operator shall develop and update as necessary a contingency plan outlining procedures to be used during emergencies. The plan should include emergency situations that could arise at the facility, notification procedures to be used during an emergency, procedures to be used during emergency situations, procedures for cleanup and other items as required by ARSD 74:27:13:20.

3.19 Leachate Management

The operator shall handle and treat any water that has been in contact with municipal solid waste or yard waste/compost as leachate. The operator may dispose of any leachate by either surface application on areas underlain by both a liner system and a leachate collection system or disposal at a municipal wastewater treatment plant. The operator may use any leachate as makeup water for an alternative daily cover material. Runoff water (leachate) from the compost pile may be used as a moisture additive for the compost pile. Any other method for the disposal or use of any leachate must comply with ARSD 74:27:13:24 and shall be approved by DANR-WMP, in writing, prior to implementation.

3.20 Methane Gas Monitoring

The operator shall measure methane gas concentrations quarterly in all buildings and at the property boundaries in accordance with ARSD 74:27:13:26. Methane gas may not exceed 25 percent of the lower explosive limit (LEL) of the gas in facility structures, excluding methane gas system components and may not exceed the LEL of the gas in soils or air at the property boundary. Facilities which exceed these methane gas concentration levels shall take the following actions:

- a. Immediately take all necessary steps to ensure protection of human health and notify the DANR-WMP;
- b. Within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and
- c. Within 60 days of detection, implement a methane gas system which conforms to the requirements of ARSD 74:27:12:20.

4.0 RECORDKEEPING AND REPORTING REQUIREMENTS

4.01 Required Records

In accordance with ARSD 74:27:13:22, the operator shall maintain records at the facility which are available to DANR-WMP for review during normal operating hours. The records shall include, but are not limited to, the following:

- a. Sources, types, and amounts of solid waste received both monthly and annually, including special wastes;
- b. Recycling or source reduction efforts;

- c. Monitoring, testing, or analytical data required for air, ground water, surface water, methane gas, leachate, remediation of special wastes, and any other aspects of the facility design;
- d. Frequency of waste screening, including test methods and results;
- e. Filling progression, completion dates, and closure methods for each landfill unit;
- f. Details pertaining to open burning practices at the facility, including dates, types and amount of waste burned, length of time burning, complaints, and other pertinent details;
- g. Records of all inspections by landfill personnel and DANR-WMP;
- h. DANR-WMP approved P&S and as-built drawings for all completed construction;
- i. Data for any leachate discharged or transported to a sanitary sewer system or a municipal wastewater treatment plant (if applicable), including date, approximate volume and test results;
- j. Documentation of personnel training;
- k. Documentation of complaints received and resolution of the complaints;
- l. Solid waste permit application and permit, including the operational plan, contingency plan, closure plan, postclosure care plan, financial assurance information and other applicable permits or licenses;
- m. Records of emergency conditions, including the implementation of the contingency plan; and
- n. Closure certification and postclosure certification as necessary.

4.02 Contingency Plan Implementation – Notification Requirement

The operator shall notify DANR-WMP within one business day of any implementation of the contingency plan.

4.03 Ground Water Monitoring Annual Report

The operator shall submit an annual report for each calendar year summarizing and interpreting the ground water monitoring data. In addition, the ground water monitoring data needs to be statistically analyzed according to methods outlined in the Code of Federal Regulations, 40 CFR Part 258.53. This report shall be submitted to DANR-WMP by April 1 of the following year. If an annual report is used to request changes to a DANR-WMP approved ground water monitoring plan, then the report should be submitted to DANR-WMP by February 1.

5.0 MONITORING REQUIREMENTS

5.01 Monitoring

The operator shall monitor leachate, ground water, surface water, methane gas, and perform any other testing and/or monitoring required by ARSD 74:27:12, ARSD 74:27:13, and ARSD 74:27:15.

5.02 Ground Water Monitoring Plan

The operator shall monitor ground water quality and ground water levels throughout the active, closure, and postclosure phases of the facility. This shall be in accordance with ARSD 74:27:19 and the DANR-WMP approved ground water monitoring plan. The results of the required measurements, sampling and analysis shall be maintained in the facility's operating record and included in the annual ground water monitoring report.

5.03 Ground Water Monitoring – Qualified Ground Water Scientist Required

The DANR-WMP approved ground water monitoring plan and all associated ground water monitoring and reporting requirements must be developed and implemented by a qualified ground water scientist. As per the Code of Federal Regulations, 40 CFR Part 258.50, a qualified ground water scientist is defined as a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective action.

5.04 Ground Water Monitoring Change Procedure

The ground water monitoring system and monitoring program are considered adjustable and subject to revision as construction and operation of the facility progresses, as site conditions change, or as test results from the ground water monitoring dictate. In a timely manner, the operator shall submit to and receive written approval from DANR-WMP, for any proposed changes in the monitoring system prior to implementation. DANR-WMP reserves the right to require changes in the monitoring systems and programs as needed without public notice.

5.05 Methane Gas Monitoring

The operator shall measure methane gas concentrations quarterly in accordance with permit condition 3.20 and ARSD 74:27:13:26.

5.06 Monitoring Recordkeeping

All monitoring and sampling data, results, and measurements referenced in this section are subject to the recordkeeping requirements of Section 4.0 of this permit.

6.0 CLOSURE AND POSTCLOSURE REQUIREMENTS

6.01 Closure Requirements and Certification

Upon reaching design capacity represented in the permit application, the operator shall close the landfill or landfill unit in accordance with the closure requirements found in ARSD 74:27:15:03 and the submitted closure plan. Once the landfill or landfill unit has been closed, the operator shall provide DANR-WMP with a certification that the provisions of the closure plan have been carried out and that the landfill has been closed in accordance with the performance standard found in ARSD 74:27:15:02.

6.02 Postclosure Care

Once the landfill has been closed, the operator must provide postclosure care for 30 years. The postclosure care must conform to the postclosure plan as required in ARSD 74:27:15:09.

6.03 Notation on Deed Required

Following final closure of the landfill, the owner or 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 on the deed shall notify any potential purchaser of the property that the land has been used as a solid waste facility and its use is restricted under ARSD 74:27:15:02. The notation on the deed shall identify all lands or acreage used for solid waste disposal.

7.0 FINANCIAL ASSURANCE REQUIREMENTS

7.01 Financial Assurance Account

The operator shall develop and maintain a financial assurance account in accordance with Statement No. 18 of the Governmental Accounting Standards Board, entitled Accounting for Municipal Solid Waste Landfill Closure and Postclosure Care Costs or other appropriate methodologies. The financial assurance shall also comply with the requirements of SDCL 34A-6-1.12 and ARSD 74:27:16.

7.02 Financial Assurance Annual Report

The operator shall annually submit to DANR-WMP a report regarding the status and amount of money in the Closure and Postclosure Accounts (F/A Accounts).

7.03 Access to Financial Assurance Account

DANR-WMP shall have access to the financial assurance accounts for the purposes stated in ARSD 74:27:16.

ATTACHMENT A

Variance Approved for the Roberts County Municipal Solid Waste Facility

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

Alternative Daily Cover:

Regulatory Reference ARSD 74:27:13:09.

The Administrative Rules of South Dakota specify that a facility shall stockpile and protect for use during inclement weather sufficient cover material to ensure its availability for daily cover. A facility shall place a minimum of six inches of compacted cover material on all exposed solid waste at the end of each working day. Alternative daily cover materials may be approved by the secretary case by case.

Regulatory Reference ARSD 74:27:13:27

The board or secretary may grant a variance to the provisions of this chapter case by case. All demonstrations for variances for the facility must meet the requirements of 40 CFR Part 258, as published on 56 Fed. Reg. 51,016 to 51,039, inclusive (October 9, 1991).

The operator shall place a minimum of six inches of compacted cover material all over the exposed solid waste at the end of each day. The secretary of the Department of Agriculture and Natural Resources hereby grants a variance to the operator to use alternative daily cover in lieu of six inches of compacted cover material. This variance is contingent upon the operator's demonstration that the alternative daily cover has the ability to control disease vectors, fires, odors, blowing litter, and scavenging. The secretary must approve the use of any alternative daily cover on a case-by-case basis. Any approved alternative daily cover must be applied in a sufficient thickness to control disease vectors, fires, odors, blowing litter, and scavenging.

ATTACHMENT B

Variance Approved for the Roberts County Municipal Solid Waste Landfill

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

Distance to residences, other buildings, roads, and parks:

Regulatory Reference ARSD 74:27:11:05

The Administrative Rules of South Dakota specify that facilities may not be located within 1,000 feet of an occupied dwelling, school, hospital, interstate or primary highway right-of-way, or public park or recreation area. The location may not pose a potential safety hazard to the public.

Regulatory Reference ARSD 74:27:11:09

The board or secretary may grant variances subject to the terms of this section. The owner or operator of a facility shall make any demonstrations necessary to the board or secretary for the purpose of obtaining variances. Demonstrations for variances to location standards for Municipal Solid Waste Landfills (MSWLF) must meet the requirements of 40 CFR Part 258, as published on 56 Fed. Reg. 50,978 to 51,119 inclusive (October 9, 1991) subject to the following:

- a) The board or secretary may grant a variance to a MSWLF to the requirements of 74:27:11:02 and 74:27:11:05 to 74:27:11:07, inclusive, if the owner or operator demonstrates that the location will not pose a hazard to human health or degrade the environment; and
- b) The board or secretary may grant a variance to a new MSWLF or lateral expansion of an existing MSWLF to the requirements of 74:27:11:02 to 74:27:11:07, inclusive, providing that the owner or operator demonstrates that the location will not pose a hazard to human health or degrade the environment.

The permitted boundary of the landfill is located within 1,000 feet of an occupied dwelling. The operator has demonstrated an ability to operate the landfill in a manner that is acceptable. Further, the operational and design requirements of this permit are specifically designed to ensure that operation of the landfill will not pose a hazard to human health or degrade the environment. The operator shall comply with the conditions of this permit.

ATTACHMENT C

Variance Approved for the Roberts County Municipal Solid Waste Landfill

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

Special Wastes:

Regulatory Reference ARSD 74:27:13:17(3)

The Administrative Rules of South Dakota state petroleum-contaminated soils accepted for disposal at a MSWLF must be applied to land in a separate area and remediated to less than or equal to 100 parts per million as total petroleum hydrocarbons using techniques approved by the secretary.

Regulatory Reference ARSD 74:27:13:27

The board or secretary may grant variances for provisions of 74:27:13:02 to 74:27:13:26, inclusive, case by case. All demonstrations for variances for MSWLFs must meet the requirement of 40 CFR Part 258, as published in 56 Fed. Reg. 51,016 to 51,039, inclusive (October 9, 1991).

Current federal regulations do not specify the requirements for the disposal of petroleum-contaminated soil. The operator has proposed to accept petroleum-contaminated soils for direct disposal into the landfill. The Roberts County Municipal Solid Waste Landfill has been constructed with a liner and leachate collection system and has ground water monitoring wells around the landfill.

Based on the above information and the environmental protection features at the landfill, the DANR-WMP hereby grants a variance to the provisions in ARSD 74:27:13:17(3). Petroleum-contaminated soil can be directly disposed in the landfill without prior treatment or remediation.