



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

August 30, 2021

Dear City, County, or Tribal Official:

Enclosed you will find a copy of a public notice recommending the renewal of three solid waste general permits. State law requires that our department notify every municipality, county, and tribal government in the state upon public notice of a proposed general permit. This notice is required regardless of whether you are authorized under a general permit or not. You are not obligated to respond.

The proposed general permits will be issued statewide, and are individually titled as follows:

1. General Permit to Treat Petroleum-Contaminated Soil by Land Application
  - Petroleum-contaminated soil treatment sites are allowed to spread soil contaminated with gasoline, diesel fuel, or fuel oil on the land and then disk or aerate the soil to reduce contamination levels to a permitted level.
2. General Permit for Yard Waste Compost Facilities
  - Yard waste compost facilities are allowed to accumulate grass clippings, leaves and garden waste in piles or windrows which must be composted until the mature compost can be beneficially used or recycled. Compost facilities are also allowed to open burn tree branches and untreated wood wastes.
3. General Permit for Solid Waste Transfer Stations
  - Transfer stations are allowed to collect and temporarily store household garbage, commercial garbage and other waste materials prior to hauling the garbage and waste materials to other permitted solid waste facilities for final disposal.

Please refer to the enclosed public notice for specific information about the proposed permits and the approval process. This recommended action is for the renewal of existing general permits. The proposed general permits do not contain significant changes to the location, design, operating, recordkeeping, and closure requirements already stated in the existing general permits.

Anyone operating a facility already authorized by one of these general permits will continue to operate under the existing general permit until the operator applies for and receives a new authorization.

If you would like to comment on any of the proposed general permits, please write us or contact Kalyndi Martin of the Waste Management Program at (605) 773-3153.

Sincerely,

Jim Wendte, P.E.  
Waste Management Program

Enclosure

**NOTICE OF REISSUANCE OF SOLID WASTE GENERAL PERMITS**  
**Recommendation by the SD Department of Agriculture and Natural Resources**

The South Dakota Department of Agriculture and Natural Resources (department) recommends to the Board of Minerals and Environment (board) that three different general permits be reissued statewide for three different types of solid waste facilities. Solid waste general permits are authorized by South Dakota Codified Law (SDCL) 34A-6-58 and the Administrative Rules of South Dakota (ARSD) Chapter 74:27:10. Owners or operators of solid waste facilities authorized under a general permit must comply with all of the terms and conditions of the applicable general permit. If the owner or operator does not comply with all of the terms and conditions of a general permit, the owner or operator is subject to civil penalties as described in SDCL 34A-6-1.31.

The three general permits recommended for reissuance and their individual titles are as follows:

1. General Permit to Treat Petroleum-Contaminated Soil by Land Application
2. General Permit for Yard Waste Compost Facilities
3. General Permit for Solid Waste Transfer Stations

The proposed general permits are potentially applicable to any operator proposing to operate any of the three facilities described above. The proposed general permits contain: procedures for obtaining coverage under the general permit, location requirements, design requirements, operational requirements, recordkeeping and reporting requirements, compliance requirements, closure requirements, and a financial assurance provision. Prior to obtaining coverage under a general permit, an applicant is required to: (1) publish a notice of intent to operate a solid waste facility in an official newspaper in the county in which the facility is located, and (2) submit a request for authorization to the department. The request for authorization is a detailed account of the site conditions and proposed methods of operation. The general permits outline siting and location restrictions. Minimum separation distances are stipulated for wetlands, surface water, dwellings, drinking water wells, aquifers, floodplains, and property boundaries. Design requirements include acreage limitations, surface water control, fire control, and access control. Operational requirements may include waste handling, waste separation, routine inspections, vector control, open burning requirements, composting requirements, and salvaging. Compliance requirements are stipulated and penalties for violations are outlined. The permits also contain general information and requirements, along with provisions for amendments, revocation, suspensions, and transfers.

In accordance with SDCL 34A-6-1.14, thirty days after the publication of this notice, the department's recommendation for approval shall become the final decision and the general permits will be issued by the department unless a person adversely affected or having an interest adversely affected by the department's recommendation for approval petitions the board for a contested case hearing. The petition must comply with the requirements of ARSD 74:09:01:01. If a petition for such a hearing is not filed within thirty days of this publication date, the general permits will be formally and finally issued at that time. The general permits will be valid until suspended, revoked, or modified by the board, as specified in SDCL 34A-6-58.