

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
INITIAL APPLICATION TO CONSTRUCT AND OPERATE
A SOLID WASTE DISPOSAL FACILITY

Return to: SD Department of Agriculture and Natural Resources
Waste Management Program
523 East Capitol - Joe Foss Building
Pierre, South Dakota 57501-3182
Telephone: (605) 773-3153

1.0 General Information:

1.01 Landowner Information: (ARSD 74:27:09:03)

Name: _____
Mailing Address: _____
City, Zip Code: _____
Telephone Number: _____

1.02 Operator Information: (ARSD 74:27:09:03)

Name: _____
Mailing Address: _____
City, Zip Code: _____
Telephone Number: _____

1.03 Applicant/Permit Holder Information: (ARSD 74:27:09:03)

Name: _____
Mailing Address: _____
City, Zip Code: _____
Telephone Number: _____

1.04 Lien Holder of Public Record: (ARSD 74:27:09:03)

Name: _____
Mailing Address: _____
City, Zip Code: _____
Telephone Number: _____

1.05 Legal description of facility (quarter-quarter, section, township, range, county; if subdivided, indicate lots and subdivision): (ARSD 74:27:09:03).

1.06 Location from nearest municipality: (ARSD 74:27:09:03)

1.07 Type of facility (ARSD 74:27:09:03): _____ Landfill _____ Industrial
_____ Monofill (specify) _____
_____ Other (specify) _____

1.08 Estimated annual tonnage: (ARSD 74:27:09:03) _____

1.09 Type(s) of waste: (check all that apply) (ARSD 74:27:09:03)

☐ Rubble	☐ Waste tires
☐ Construction/demolition debris	☐ Noninfectious medical waste
☐ Household waste	☐ Sludge
☐ Industrial waste	☐ Liquid waste
☐ Petroleum contaminated soil	☐ Ash
☐ Pesticide containers	☐ Yard waste
☐ Regulated asbestos-containing material	☐ Animal wastes
☐ Lead-acid batteries	☐ White goods/salvageable metal
☐ Waste oil	
☐ Household or conditionally exempt small quantity generator hazardous waste	
☐ Other _____	

1.10 Sources of waste: (ARSD 74:27:09:03)

1.11 Population served by facility: (ARSD 74:27:09:03)

1.12 Are there specific applicable local zoning ordinances which restrict the proposed activity? (ARSD 74:27:08:04)
yes_____ no_____

(Attach letter of zoning approval or letter stating there are no ordinances or conditional use permits required.)

1.13 Attach statement of resolution by county for approval of this facility. (ARSD 74:27:09:03)

1.14 Attach documentation that all adjacent landowners to the proposed facility, according to tax records, have been notified by a certified letter that a solid waste application has been filed. (ARSD 74:27:09:02)

1.15 Attach a description of local concerns including summaries of general comments, questions, proceedings of public meetings, and any other environmental reviews. (ARSD 74:27:09:03)

1.16 Are other state/local permits required? (ARSD 74:27:08:04 & 74:27:09:03) yes_____ no_____

If yes, describe permits and their status

1.17 Anticipated start-up date of construction: (ARSD 74:27:09:03)

1.18 Anticipated start-up date of operation: (ARSD 74:27:09:03)

2.0 Design Information

2.01 Attach a general description of the type of design, including ground water and surface water protection features, leachate minimization features, and estimated impacts to surface waters and ground waters. (ARSD 74:27:09:03)

2.02 Describe in an attachment how the facility meets the design and construction requirements of ARSD 74:27:12, including a copy of the construction quality assurance plan. (ARSD 74:27:09:03 & 74:27:12:22)

- 2.03 Describe in an attachment the design methods, design assumptions, data, calculations, and descriptions addressing: (ARSD 74:27:09:03)
- a) Sources, types, and amounts by weight and volume of solid waste received both monthly and annually
 - b) Projected life of facility
 - c) Life expectancy of landfill units, special waste management areas, and a timetable for fill progression
 - d) Volume of cover required for liner, daily cover and closure
 - e) Water usage and source
 - f) Sedimentation and erosion control plan
 - g) Sizing for pumps, piping, ditches, culverts, ponds, etc.
- 2.04 Describe the technical details for all aspects of the facility design, including: (ARSD 74:27:09:03 & 74:27:12)
- a) Existing grade, excavation grade, and final grade
 - b) Surface and subsurface drainage controls
 - c) Well logs and ground water monitoring well completion details
 - d) Progressive development of trenches or area fills
 - e) Cover material stockpile locations
 - f) Surface water quality monitoring system
 - g) Trenches and fill areas including special waste areas
 - h) Borrow and fill areas
 - i) Cross-sections of the lowest point in the lowest cell relating to ground water elevation
 - j) Roads
 - k) Perimeter fencing
 - l) Access control
 - m) Litter fence placements
 - n) Facility boundary and buffer zone
 - o) Facility buildings for equipment and personnel
 - p) Liners
 - q) Ground water monitoring locations
 - r) Leachate collection, removal and treatment systems
 - s) Methane gas monitoring system
- 2.05 Describe in an attachment miscellaneous information, including a table of the capacity and purpose for each piece of equipment required to operate the facility as designed. (ARSD 74:27:09:03 & 74:27:13:12)
- 2.06 Include the calculations performed to determine the potential for leachate generation at the site. (ARSD 74:27:12:18)

3.0 Site Information

- 3.01 Attach copies of written correspondence received from contacts on the enclosed permit information sources sheet. This must include environmental statements from the following agencies stating that the establishment of a solid waste disposal facility will not adversely impact threatened or endangered species or wetlands **(provide them with a map showing exactly where the site is located):**

*John Kanta
Department of Game, Fish and Parks
4130 Adventure Trail
Rapid City, South Dakota 57002
(605) 394-2310
<https://ert.gfp.sd.gov/>*

*Department of Agriculture and Natural Resources - Water Quality Program
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501
(605) 773-3351*

*Luke Toso
U.S. Department of the Interior - Fish and Wildlife Service
luke_toso@fws.gov
(720) 793-6797*

- 3.02 Is the facility within 5,000 feet of any airport runway end used by piston-type aircraft only, or within 10,000 feet of any airport runway end used by turbojet aircraft? (ARSD 74:27:11:04)
yes_____ no_____

Attach copy of written correspondence sent to the Federal Aviation Administration if the facility is within five miles of a public airport. (ARSD 74:27:11:04)

- 3.03 Is the site within 1,000 feet of: (ARSD 74:27:11:05 & 74:27:11:06)
- | | | |
|---------------------------------------|----------|---------|
| a) Any occupied dwelling? | yes_____ | no_____ |
| b) Any interstate or primary highway? | yes_____ | no_____ |
| c) Any park/recreation area? | yes_____ | no_____ |
| d) Any classified surface water? | yes_____ | no_____ |

If yes, describe distance(s) and direction(s) from the boundaries of the facility. Attach additional sheet if necessary.

Is the site located in: (ARSD 74:27:11:03, 74:27:11:07, & 74:27:11:08)

- | | | |
|----------------------------|----------|---------|
| a) A wetland? | yes_____ | no_____ |
| b) A gravel pit or quarry? | yes_____ | no_____ |
| c) An unstable area? | yes_____ | no_____ |
| d) A seismic impact zone? | yes_____ | no_____ |
| e) A fault area? | yes_____ | no_____ |
| f) A 100-year floodplain? | yes_____ | no_____ |

- 3.04 Facility size (acres):
- | | | |
|--------------------|----------------------------|-------|
| (ARSD 74:27:12:03) | a) Permitted area | _____ |
| | b) Active disposal area | _____ |
| | c) Other operational areas | _____ |

- 3.05 Describe the average climactic data and local wind patterns, including the source and location of the data. (ARSD 74:27:12:03)
- 3.06 Describe the current land use and zoning within a one-mile radius. (ARSD 74:27:12:03)
- 3.07 List the occupied dwellings within a one-mile radius. (ARSD 74:27:12:03)
- 3.08 Describe the water usage, including sources of water and well depths, within a one-mile radius. (ARSD 74:27:12:03)
- 3.09 List surface waters and their classifications, including wetlands, within a one-mile radius. (ARSD 74:27:12:03)
- 3.10 Describe the general topography and drainage patterns within a two-mile radius. (ARSD 74:27:12:03)
- 3.11 Describe the existing site information, its source, reliability, and extent. (ARSD 74:27:12:03)
- 3.12 Describe in an attachment the soil and geologic conditions at the site, including soil types and characteristics, thickness of unconsolidated material, lithologic profile, fracture patterns, unstable areas, seismic impact zones and fault areas. (ARSD 74:27:12:03)
- 3.13 Describe in an attachment the hydrogeologic conditions at the site including depth of ground water; saturated extent of potentially impacted aquifers; potential for ground water use for domestic water supplies, livestock watering, and irrigation purposes; and horizontal and vertical flow rate, flow gradient, and ambient quality of ground water. (ARSD 74:27:12:03)

4.0 Maps

- 4.01 Attach a United States Geological Survey 7.5 minute quadrangle topographical map of the site area with the facility boundary indicated. (ARSD 74:27:09:03)
- 4.02 Attach an existing conditions map(s) of the area showing: (ARSD 74:27:09:03)
- a) Section, township, and range (PLAT)
 - b) Land use and zoning within one mile from all boundaries of the site
 - c) Land and mineral ownership of permitted site
 - d) All occupied dwellings within one mile from all boundaries of the site
 - e) Roads
 - f) Surface water
 - g) Ground water wells
 - h) All other existing and man-made features
 - i) Facility layout and boundaries
 - j) 100-year floodplain
 - k) Wetlands
- 4.03 Attach a contour map of the shallowest occurrences of ground water, and of any other ground water surface of concern, showing the ground water monitoring locations and disposal areas. (ARSD 74:27:09:03)
- 4.04 Attach site maps showing the locations of soil borings, piezometers, soil tests, existing wells, monitoring wells, and other information completed or obtained for the site characterization required by ARSD 74:27:12:03.

5.0 Operational Information

- 5.01 Attach an operations plan that addresses each of the requirements in ARSD 74:27:13, including the sources and amounts of special wastes to be handled. A copy of the recordkeeping log to be used, a copy of the emergency response and remedial action plan, a description of waste screening methods, a description of the personnel training plan, and a description of leachate management practices must be included with the operational plan.
- 5.02 Describe miscellaneous information including: (ARSD 74:27:09:03)
- a) Fees and collection methods
 - b) Volume reduction methods used at the site
 - c) Dust control methods
- 5.03 Attach a ground water monitoring plan as required by ARSD 74:27:19.

6.0 Describe in an attachment the closure/postclosure plans required by ARSD 74:27:15.

7.0 Include financial assurance information required by ARSD 74:27:16.

- 8.0 **Application Fees:** Attach the appropriate fee with the application. The application fee is based on the tonnage of solid waste received by the facility per year. (ARSD 74:27:08:02 & 74:27:08:03)

_____Type I - More than 150,000 tons per year	\$5,000.
_____Type IIA - 25,000 to 149,999 tons per year	\$ 500.
_____Type IIB - 5,000 to 24,999 tons per year	\$ 500.
_____Type III - 500 to 4,999 tons per year	\$ 250.
_____Type IV - Less than 500 tons per year	.No fee.

9.0 Signatures

South Dakota Codified Law Section 34A-6-1.10 provides:

“Responsibility and liability of owner or operator. The owner or operator of a solid waste disposal facility that is regulated under §§ 34A-6-1.1 to 34A-6-1.38, inclusive, is responsible in perpetuity for the solid waste and liable in perpetuity for any pollution or other detrimental effect caused by the solid waste. No person may dispose of solid waste other than mine wastes in this state until the owner or operator of the solid waste disposal facility executes an agreement with the board acknowledging such perpetual responsibility and liability for the solid waste.”

By signing this permit application, the signatory acknowledges that they have read and understand the information contained in the foregoing application and attachments, and to the best of their knowledge, the information is true and accurate. In addition, pursuant to SDCL 34A-6-1.10, I hereby agree to and accept perpetual responsibility and liability for the solid waste disposal at this facility.

Landowner's Signature

Date

Operator's Signature

Date

Supervising Engineer's Signature

Date

Lien Holder's Signature

Date

Department of Agriculture and Natural Resources
Waste Management Program
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3182
Telephone: 605-773-3153

**STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF
THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

**IN THE MATTER OF THE
APPLICATION OF**

STATE OF

COUNTY OF

**CERTIFICATION OF
APPLICANT**

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-41-20 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26.”

I certify pursuant to 1-41-20, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

“I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.”

Dated this _____ day of _____, 20_____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20_____.

Notary Public (signature)

My commission expires: _____

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL
FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-41-20 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

**STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF THE
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES**

IN THE MATTER OF THE SOLID WASTE)
APPLICATION OF)

**CERTIFICATION OF
APPLICANT (SDCL 34A-6-74)**

_____))
STATE OF _____) SS
COUNTY OF _____)

I, _____ (authorized signatory) for the _____ of _____ in the above matter, hereby certify to the following requirements in regard to this application:

A.) The applicant has completed or is otherwise included in a solid waste source reduction and recycling plan prepared pursuant to SDCL 34A-6-74, and

B.) The applicant has documented compliance with the source reduction and recycling plan pursuant to SDCL 34A-6-76.

Pursuant to SDCL 34A-6-76, I hereby certify that I have read SDCL 34A-6-74 and 34A-6-76 and I am in compliance with both sections.

Dated this _____ day of _____ 20_____.

Applicant

ADJACENT LANDOWNERS NOTIFICATION

ARSD 74:27:09:02 states "... the applicant must notify by certified mail all adjacent landowners of record, according to property tax roles, that an application has been filed." This is an example form letter that you may use to comply with this section of the regulations. You will need to submit a copy of the return receipt and the letter with your application.

Date

Contact Name

Address

City, State Zip Code

CERTIFIED

Return Receipt Requested

Re: (1) solid waste permit application

Dear Contact Name:

This letter is to inform you that the (1) is filing a solid waste permit application with the South Dakota Department of Agriculture and Natural Resources on or before (2). This application is for the construction and operation of a (3) facility located in the (4). Notification is being given to all landowners whose properties are adjacent to the proposed facility location in accordance with ARSD 74:27:09:02.

If you have any questions, please contact me at (5).

Sincerely

(6)

- (1) The name of the city, district, association, or entity for which the application is being made.
- (2) The estimated date the application will be submitted to the DANR.
- (3) The type of proposed facility for which you need a permit. *Example:* restricted use, landfarm, municipal solid waste.
- (4) The legal description of the proposed solid waste facility. *Example:* NW 1/4 NE 1/4 of Section 12, Township 7 North, Range 2 West, Haakon County
- (5) A telephone number at which you can be reached for more information.
- (6) Your name (title).

INFORMATION SOURCES

A. Flood Plain Information

1. Federal Emergency Management Agency (FEMA)
Flood Map Service Center
PO Box 1038
Jessup, MD 20794-1038
Phone: (877) 336-2627
2. US Army Corps of Engineers
1616 Capitol Avenue
Omaha, NE 68102-4901
Phone: (402) 995-2322 or (402) 995-2328
3. Contact County Government
4. Division of Emergency Management
Phone: (605) 773-3231

B. Wetlands Information

1. US Department of the Interior
Fish & Wildlife Service
420 S. Garfield, Suite 400
Pierre, SD 57501
Phone: (605) 224-8693
2. Contact local NRCS office

C. USGS Topographic Map Information

1. SD Geological Survey
USD Science Center
414 E. Clark St.
Vermillion, SD 57069-2390
Phone: (605) 677-5227
2. USGS Information Services
Box 25286
Denver, CO 80225
Phone: (888) 275-8747
3. Contact local NRCS office

D. Airport Safety Information

1. Federal Aviation Administration
Bismarck Airports District Office
2301 University Drive Bldg 23B
Bismarck, ND 58504
Phone: (701) 323-7380
Fax: (701) 323-7399
2. SD Department of Transportation
Office of Aeronautics
700 E. Broadway Ave.
Pierre, SD 57501
Phone: (605) 773-3265

E. Geological & Ground Water Information

1. SD Geological Survey
USD Science Center
414 E. Clark St.
Vermillion, SD 57069
Phone: (605) 677-5227
2. US Geological Survey
SD Water Science Center
1608 Mountain View Road
Rapid City, SD 57702
Phone: (605) 394-3220
3. Contact local NRCS office

F. Soil Classification Information

1. Contact local NRCS office

G. Surface Water/Wetlands

1. Department of Agriculture and Natural Resources
523 East Capitol – Joe Foss Bldg.
Pierre, SD 57501-3182
Phone: (605) 773-3351
Also for 401 Certification
2. Game, Fish & Parks
523 East Capitol – Joe Foss Bldg.
Pierre, SD 57501
Phone: (605) 773-3387
3. US Army Corps of Engineers
South Dakota Regulatory Office
28563 Powerhouse Road
Pierre, SD 57501
Phone: (605) 224-8531
Fax: (605) 224-5945
For 404 Permitting

H. General Assistance

1. Black Hills Council of Local Governments
Rapid City, SD – (605) 394-2681
2. Central South Dakota Enhancement District
Pierre, SD – (605) 773-2780
3. First District Association of Local Governments
Watertown, SD – (605) 882-5115
4. Northeast Council of Government
Aberdeen, SD – (605) 626-2595
5. Planning & Development District III
Yankton, SD – (605) 665-4408
6. South Eastern Council of Governments
Sioux Falls, SD – (605) 367-5390

For additional information call the Waste Management Program at (605) 773-3153

ENVIRONMENTAL CONTACTS

This is an example form letter which you may want to use when contacting the agencies marked with an asterisk on the PERMIT INFORMATION SOURCES sheet. These contacts must be made for all solid waste permits.

Date

Contact Name

Contact Agency

Address

City, State Zip Code

Dear Contact Name:

The (1) is applying for a solid waste permit to construct and operate a (2) facility. This facility will be located on the (3) , South Dakota.

A National Wetlands Inventory map, if available, and your comments regarding endangered species, their habitat, wetlands, and general impacts to fish and wildlife resources are requested for the above referenced site.

Thank you for your prompt response. If you have any questions, please contact (4) at (5) .

Sincerely,

__(4)__

(1) - The name of the City, District, Association or entity for which the application is being made.

Example: City of Edgemont

(2) - The type of facility for which you need a permit. *Example:* restricted use

(3) - The legal description of the proposed solid waste facility. *Example:* NW 1/4 NE 1/4 of Section 12, Township 7 North, Range 2 West, Haakon County

(4) - Your name

(5) - A telephone number at which you can be reached for more information.

EXAMPLE OF COUNTY RESOLUTION

Resolution No. _____

_____ County Commission

WHEREAS, (Company or City) desires to establish a (type & kind) facility for the purpose of solid waste management; and

WHEREAS, the (City, if applicable) has approved siting the proposed facility; and

WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, (Company or City) has (or will) file(d) a solid waste application with the South Dakota Department of Agriculture and Natural Resources (DANR); and

WHEREAS, DANR has (or will) review(ed) that application to determine that the facility can be operated within the South Dakota laws and regulations; and

WHEREAS, DANR has (or will or may) recommended the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of _____ County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

IT IS THEREFORE RESOLVED that the County Commission of _____ County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

APPROVED this _____ day of _____, 20____ by the _____
County Commission in regular session at _____.

Signed _____
County Clerk