

74:27:07:01. Definitions. The terms defined in SDCL 34A-6-1.3 have the same meanings for the purpose of this article. In addition, terms used in this article mean:

(1) "Active fill area," that portion of a disposal site that is currently in use for the disposal of wastes;

(2) "Active life," the period of operation of a disposal site beginning with the initial receipt of solid waste and ending upon completion of closure activities;

(3) "Ambient," as defined in subdivision 74:54:02:01(2);

(4) "Applicant," a person submitting an application to the secretary for a permit for a solid waste facility;

(5) "Aquifer," as defined in subdivision 74:54:02:01(1);

(6) "Ash," residue from the combustion of solid waste or any solid or liquid materials;

(7) "Assessment monitoring," groundwater monitoring resulting from the detection of a statistically significant increase above the ambient groundwater quality;

(8) "Balefill," a facility that disposes of solid waste that has been compressed and bound;

(9) "Baling," a volume reduction technique that compresses solid waste into bales for final disposal;

(10) "Bulky items," large items such as white goods or furniture;

(11) "Collection," the gathering of solid waste from public and private places for recycling or disposal;

(12) "Commercial solid waste," solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other nonmanufacturing, nonhousehold sources;

(13) "Composite liner system," as defined by 40 C.F.R. Part 258.40(a)(2)(b), as published on 56 Fed. Reg. 51,021 (October 9, 1991);

(14) "Composting," the controlled biological decomposition of the organic portion of solid waste in a manner resulting in an innocuous final product that may be applied to land for the purposes of soil conditioning;

(15) "Construction," the excavation of lands, the erection of new structures, and the replacement, expansion, remodeling, or other alteration of existing solid waste facilities;

(16) "Construction and demolition debris," waste building materials resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures, excluding regulated asbestos-containing waste material or ash;

(17) "Contract incineration facility," a facility incinerating solid wastes for financial gain;

(18) "Cover material," soil or other suitable material that is approved by the secretary through the permitting process and that is used to cover compacted solid wastes;

(19) "Detection monitoring," groundwater monitoring at a solid waste disposal facility that has not detected a statistically significant increase above ambient groundwater quality;

(20) "Disease vectors," organisms that are capable of carrying and transmitting disease to humans or other mammals;

(21) "Disposal," the discharge, deposit, injection, dumping, spilling, leaking, or placing of solid waste into or on the land so that the solid waste or any of its constituents may enter the environment, be discharged to any waters, including groundwater, or be emitted into the air;

(22) "Emergency," a condition that the secretary finds deleterious to the public health, safety, and welfare and that requires immediate action;

(23) "Existing facility," any facility receiving solid waste before October 9, 1991, that is in compliance with past design and operational regulations and practices;

(24) "Facility," a solid waste facility as defined by SDCL 34A-6-1.3(18);

(25) "Fault," a fracture or fracture zone along which there has been displacement of the sides relative to one another;

(26) "Floodplain," the lowland and relatively flat areas adjoining inland waters which may be inundated by a base flood, which is a flood that has one percent or greater chance of occurring in any year or that has a chance of occurring once in 100 years on the average over a long period;

(27) "Garbage," solid and semisolid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food

or of material intended for use as food, and all offal, excluding useful industrial by-products, from all public and private establishments and from all residences;

(28) "General permit," a written authorization issued by the board allowing a specific category of solid waste storage, collection, processing, or disposal;

(29) "Groundwater," as defined in subdivision 74:54:02:01(8);

(30) "Groundwater protection standards," standards for groundwaters as defined by § 74:54:01:04;

(31) "Hazardous waste," as defined in SDCL 34A-11-2(4);

(32) "Household waste," solid waste derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas, but not waste from commercial activities, that is generated, stored, or present in a household;

(33) "Incinerator," a furnace used to burn solid waste to reduce the volume of the waste by removing its combustible waste;

(34) "Industrial waste," solid waste generated by manufacturing or industrial processes;

(35) "Land application system," an operation that places solid wastes onto or incorporates solid wastes into the soil surface;

(36) "Landfill unit," a discrete area of land used for the disposal of solid waste;

(37) "Lateral expansion," a horizontal expansion of the waste boundaries of an existing unit;

(38) "Leachate collection system," any combination of landfill base slopes, liners, permeable zones, pipes, sumps, pumps, or retention structures that are designed, constructed, operated, and maintained to monitor, collect, and remove leachate generated in a solid waste landfill;

(39) "Liner," a continuous layer of natural or synthetic materials beneath and on the sides of a surface impoundment, landfill, or landfill unit, which prohibits the downward or lateral escape of wastes, waste constituents, or leachate;

(40) "Liquid waste," any waste which produces measurable liquids when the Paint Filter Liquids Test, Method 9095, EPA publication Number SW-846, 1986, is used (U. S. Government Printing Office; 1984 0-461-218/549);

(41) "Lower explosive limit," the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celcius and atmospheric pressure;

(42) "Medical/Infectious waste," as defined by 40 CFR §60.51c (July 1, 2010);

(42) "Monofill," a landfill unit into which only one type of waste is placed;

(43) "Municipal solid waste landfill facility," "MSWLF," a facility that receives any household waste for land disposal;

(44) "New facility," a facility constructed after October 8, 1991;

(45) "Open burning," the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passage through a stack, a duct, or chimney;

(46) "Operator," the person responsible for the overall operation of a facility or part of a facility;

(47) "Owner," the person who owns a facility or part of a facility;

(48) "Permit," a written authorization issued by the board or secretary allowing the construction or operation, or both, of a solid waste facility;

(49) "Phase I application," a permit application for preliminary review of new Type I and IIA facilities which contains information required by the secretary;

(50) "Processing," an operation designed to transfer, shred, grind, bale, compact, salvage, separate, incinerate, reclaim, or provide other treatment of solid waste;

(51) "Regulated asbestos-containing waste materials," as defined in § 74:36:08:02;

~~(52) "Regulated medical waste," as defined by § 74:35:01:06;~~

(53) "Relevant point of compliance," a point or points at which contamination triggers the corrective action requirements of chapter 74:27:21. This point is a vertical surface located no more than 150 meters from the landfill unit and on land owned by the owner or operator. This vertical surface extends down to the uppermost occurrence of groundwater as defined by § 74:54:01:03;

(54) "Rubble," stone, brick, concrete, or similar inorganic material, excluding ash, waste tires, trees, yard waste, and regulated asbestos-containing waste materials;

(55) "Run-off," any rainwater, snow-melt, or other precipitation, leachate, or other liquid that drains over land from any part of a facility;

(56) "Run-on," any rainwater, snow-melt, or other precipitation, leachate, or other liquid that drains over land onto any part of a facility;

(57) "Salvaging," the controlled reclamation of solid waste at a facility;

(58) "Scavenging," the uncontrolled and unauthorized removal of solid waste from a facility;

(59) "Seismic impact zone," an area that has a 10 percent or greater probability, within a 250-year period, that the maximum expected horizontal acceleration in the lithified earth material will equal or exceed 10 percent of the acceleration of gravity (0.1g);

(60) "Shredding," the process of reducing the particle size of solid wastes through the use of a grinding, shredding, milling, or rasping machine;

(61) "Sludge," the accumulated semisolid mixture of solid wastes and water, oils, or other liquids;

(62) "Small-town exemption," an exemption from the liner requirements of § 74:27:12:17 and the leachate collection and removal system requirements of § 74:27:12:18 for a MSWLF that complies with § 74:27:12:25;

(63) "Special wastes," those solid wastes that require special handling as described in § 74:27:13:17;

(64) "Statistically significant increase," one of the statistical methods to evaluate groundwater monitoring data allowed by 40 C.F.R. Part 258.53(g)-(i), inclusive, as published on 56 Fed. Reg. 51,023 and 51,024 (October 9, 1991);

(65) "Storage," the interim containment of solid waste after generation and before recycling or disposal;

(66) "Surface impoundment," a natural topographic depression, artificial excavation, or dike arrangement that is used primarily for containment, treatment, or disposal of liquid waste and is constructed above, below, or partially in the ground;

(67) "Surface water," as defined in subdivision 74:51:01:01(54);

(68) "Transfer station," a portable or fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a facility;

(69) "Treatment," a process designed to alter the physical, chemical, or biological character of solid waste so as to neutralize or render the waste suitable for transport, recovery, storage, or disposal in a safe and environmentally sound manner;

(70) "Trees," trunks, limbs, stumps, or branches from trees or shrubs;

(71) "Type I facility," a facility that receives more than 150,000 tons of solid waste each year;

(72) "Type IIA facility," a facility that receives between 25,000 tons and 150,000 tons of solid waste each year;

(73) "Type IIB facility," a facility that receives between 5,000 tons and 24,999 tons of solid waste each year;

(74) "Type III facility," a facility that receives between 500 tons and 4,999 tons of solid waste each year;

(75) "Type IV facility," a facility that receives less than 500 tons of solid waste each year;

(76) "Unstable area," a location that is susceptible to events or forces induced by nature or by humans that are capable of impairing the integrity of some or all of a MSWLF's structural components that are responsible for preventing releases from the MSWLF;

(77) "Waste tires," tires that are no longer suitable for their original intended purpose because of wear, damage, or defect; parts of tires;

(78) "Wetlands," those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas;

(79) "White goods," discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances;

(80) "Working face," the active surface of a landfill upon which solid wastes are deposited during the landfill operation.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.2, 34A-6-1.4, 34A-6-1.6.

Reference: Paint Filter Liquids Test, Method 9095, EPA Publication Number SW-846, September, 1986; Government Printing Office number: 1984 0-461-218/549. Copies may be obtained from the Division of Environmental Regulation, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501; phone number (605) 773-3153.

74:27:13:17. Special wastes. The special wastes listed in this section must be handled as follows:

(1) Hazardous waste. The operator may accept conditionally exempt small-quantity-generator hazardous waste for disposal at a MSWLF if procedures for acceptance and disposal are outlined in the operational plan required by § 74:27:09:03 and approved by the secretary through the permitting process;

(2) Pesticide containers. Pesticide containers may be disposed of at a MSWLF in accordance with § 12:56:02:05. At a minimum, they must be triple rinsed and punctured or crushed;

(3) Petroleum-contaminated soils. 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;

(4) Asbestos restrictions. Regulated asbestos-containing waste materials that are accepted for disposal must comply with the disposal requirements found in § 74:36:08:02. Regulated asbestos-containing waste materials may not be open-burned;

(5) ~~Regulated—medical~~ Medical/Infectious wastes. ~~Regulated—medical~~ Medical/Infectious waste must be rendered noninfectious, by incineration in accordance with ~~chapter 74:35:01~~ article 74:36, or treated by steam sterilization, chemical disinfectant, or an equally effective treatment method, prior to disposal in a MSWLF. A permit issued under 34A-6 is required for any off-site treatment of medical/infectious waste;

(6) Dead animals. A facility shall cover dead animals, animal body parts, and viscera accepted for disposal with a minimum of six inches of soil within 24 hours after receipt;

(7) Bulky waste. A facility may accept large items, including white goods, for disposal. They may be incorporated into the fill or be accumulated in a separate area until they are removed periodically for salvaging;

(8) Waste tires. Handling, storage, and disposal of waste tires must comply with § 74:27:13:17.01;

(9) Used lead-acid batteries. Used lead-acid batteries found in household waste may be accepted at a MSWLF for disposal;

(10) Waste oil. Waste oil found in household waste may be accepted at a MSWLF for disposal;

(11) Liquids restrictions. Bulk or containerized liquid waste may not be accepted at a MSWLF for disposal unless:

(a) The waste is household waste;

(b) The container is a small container similar in size to that normally found in household wastes and the container is designed to hold liquids for use other than storage;

(c) The waste is leachate or gas condensate derived from the landfill unit and is applied on daily or interim cover; or

(d) The waste is sludge as described in subdivision (13) of this section;

(12) Ash. A MSWLF may accept ash for disposal if the proposed methods of ash handling are outlined in the operational plan required by § 74:27:09:03 and approved by the secretary through the permitting process;

(13) Sludge. A MSWLF may accept sludges for disposal if the proposed methods of sludge handling are outlined in the operational plan required by § 74:27:09:03 and approved by the secretary through the permitting process;

(14) Industrial waste. A MSWLF may accept industrial waste for disposal if the waste constituents are identified and the proposed methods of industrial waste handling are outlined in the operational plan required by § 74:27:09:03 and approved by the secretary through the permitting process;

(15) Air conditioning and refrigeration equipment. Equipment containing ozone-depleting compounds must be emptied of the ozone-depleting compounds in compliance with Pub. L. No. 101-549, November 15, 1990, before disposal.

In addition to the methods outlined in this section, the board or secretary may impose the terms and conditions on the handling of special wastes that it finds necessary to protect human health and prevent degradation of the environment.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-64, 34A-6-65, 34A-6-66.

Law Implemented: SDCL 34A-6-1.6.

Cross-Reference: Regulated medical waste restrictions, ch 74:35:01.