

**BOARD OF MINERALS AND ENVIRONMENT
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

Permit Number: GPCD 97-22

**GENERAL PERMIT FOR CONSTRUCTION AND DEMOLITION DEBRIS
(C&D) DISPOSAL FACILITIES
UNDER THE SOUTH DAKOTA WASTE MANAGEMENT PROGRAM**

South Dakota Solid Waste Law, SDCL 34A-6-1.6, authorizes the Board of Minerals and Environment (Board) to adopt rules relating to the issuance, renewal, revocation or suspension of solid waste facility permits. South Dakota Solid Waste Law, SDCL 34A-6-58, authorizes the Secretary of the Department of Environment and Natural Resources (DENR) to recommend that the Board issue general permits for certain categories of solid waste facilities.

This general permit authorizes the construction and operation of a construction and demolition debris disposal facility within the State of South Dakota, subject to compliance with all conditions set forth in this general permit. If any of the conditions of this general permit are not met, the operator may be required to apply for and obtain an individual solid waste permit as specified in SDCL 34A-6-58 and ARSD 74:27:10:06. In addition, the operator may be subject to civil penalties set forth in SDCL 34A-6-1.31.

Pursuant to SDCL 34A-6-58, this general permit is valid until suspended, revoked or modified by the Board.

This permit shall become effective as of August 25, 1997.

Signed this 25th day of August, 1997.

Richard C. Sweetman, Chairman
Board of Minerals and Environment

IMPORTANT NOTICE – POSSESSION OF THIS DOCUMENT DOES NOT PROVE THE HOLDER IS LEGALLY AUTHORIZED TO OPERATE A CONSTRUCTION AND DEMOLITION DEBRIS SOLID WASTE FACILITY.

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ISSUES A CERTIFICATE AND LETTER OF AUTHORIZATION TO EACH LEGALLY AUTHORIZED OWNER/OPERATOR. THE CERTIFICATE AND LETTER OF AUTHORIZATION ARE LEGAL PROOF OF AUTHORIZATION TO OPERATE A CONSTRUCTION AND DEMOLITION DEBRIS SOLID WASTE FACILITY.

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1.0 GENERAL STATEMENTS OF LAW AND OPERATOR'S RESPONSIBILITIES

1.01 Applicability of General Permit

This general permit is potentially applicable to all operators of construction and demolition debris (C&D) disposal facilities in the State of South Dakota.

The operator may accept for disposal the materials listed in Table 1, in accordance with the specified requirements. The operator shall not accept for disposal or temporary storage any of the unauthorized wastes listed in Table 2. The operator may accept other waste types similar in characteristics to those listed in Table 1 with prior written approval from DENR.

1.02 Severability

The provisions of this general permit are severable. If any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this general permit, shall not be affected thereby.

1.03 Property Rights

This general permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws and ordinances.

1.04 Amendments, Revocations, and Suspensions of General Permit

DENR may recommend to the Board that this general permit be amended as provided by ARSD 74:27:10:05. The Board may suspend or revoke this general permit as provided by SDCL 34A-6-1.21 to 34A-6-1.27, inclusive.

1.05 Procedure for Requesting Authorization

To obtain authorization to operate under the terms and conditions of this general permit, the operator must:

- A. publish a notice of intent in an official newspaper in the county in which the proposed facility will be located. The notice shall be published at least 20 calendar days before the first anticipated use of the site and shall include:
 - 1) the name, address and phone number of both the landowner and operator of the site;
 - 2) the number of acres comprising the site;
 - 3) the general location of the site;
 - 4) the legal description of the site, including quarter, section, township, range and county; and
 - 5) a description of the wastes to be accepted at the site.
- B. submit a request for authorization to DENR at least 20 calendar days before the first anticipated use of the site. The request for authorization shall be made on a form provided by DENR.

If DENR determines the request for authorization is complete and meets the terms of this general permit, DENR will issue an authorization letter approving the construction and operation of the site. The operator must submit a renewal request for authorization to DENR at least 20 calendar days before the letter of authorization expires.

1.06 Duration of Authorization

Initial authorization to operate under this general permit shall be valid for up to two years from the date of issuance and may be renewed for periods of up to five years.

1.07 Changes to Request for Authorization

The operator must notify DENR at least 20 calendar days prior to implementing any change in the site location, design, or operation that would change the request for authorization initially submitted to DENR. All changes must be approved by DENR prior to implementation.

1.08 Transfers

The authorization may be transferred to a new operator provided:

- A. the current operator notifies DENR at least 20 calendar days prior to the proposed transfer date;
- B. the notification to DENR includes a written agreement between the authorized and new operator containing the date for transfer of permit responsibility, coverage and liability;
- C. the new operator is qualified to operate the facility; and
- D. the new operator provides a financial assurance instrument, if applicable, equal to that of the former operator.

1.09 Individual Permit Required

DENR may require any person requesting coverage under this general permit to apply for and obtain an individual solid waste permit if:

- A. the operator is not or cannot operate in compliance with the conditions of this general permit; or
- B. the conditions or standards change such that restricted use disposal facilities no longer qualify for a general permit.

1.10 Individual Permit Requested

Any operator covered under this general permit may request to be excluded from the coverage by applying for an individual solid waste permit.

1.11 Duty to Comply

The operator must comply with all of the conditions of this general permit. Any permit noncompliance constitutes a violation of South Dakota's Solid Waste Laws, SDCL 34A-6 and is grounds for initiation of enforcement actions.

1.12 Proper Maintenance and Operation

The operator shall at all times properly operate and maintain the waste disposal facility.

1.13 Duty to Provide Information

The operator shall furnish DENR, within 14 calendar days, any information which DENR may request to determine compliance with this general permit.

1.14 Emergency Procedures

The operator must notify DENR, within one business day, of any emergency situation that arises at the facility.

1.15 Penalties for Violations of Permit Conditions

South Dakota Solid Waste Law, SDCL 34A-6-1.31, states that any person who violates a solid waste permit condition is subject to a civil penalty of up to \$10,000 per day per violation.

1.16 Duty to Provide Access to Facility

The operator shall allow DENR:

- A. access to the site where a regulated activity is located or conducted;
- B. to inspect any facilities, equipment, practices or operations regulated or required under this general permit; and
- C. to sample or monitor any substances or parameters.

1.17 Administrative Changes Authorized

DENR reserves the right to incorporate administrative changes and/or modifications to this permit. Administrative changes are authorized for the purposes of changing or correcting:

- A. typographical errors;
- B. regulatory references;
- C. titles of organizations or regulatory agencies; and
- D. similar items which do not substantially change the requirements of this general permit.

1.18 Need to Halt or Reduce Activity not a Defense

In enforcing violations of this permit, DENR will not consider that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

1.19 Duty to Mitigate

The operator shall take all reasonable steps to minimize or prevent any adverse effect on human health or the environment.

2.0 LOCATION AND DESIGN REQUIREMENTS

2.01 Facility Siting

The operator **shall not** locate the site:

- A. in a wetland as defined in ARSD 74:27:07:01;
- B. within 200 feet of surface water, excluding wetlands, as defined by ARSD 74:03:02:01;
- C. within 1,000 feet of any occupied dwellings;
- D. within 1,000 feet of any private or public well which supplies drinking water for human consumption;
- E. where the depth to an aquifer, as defined by ARSD 74:03:16:01(1), is less than 10 feet;
- F. within a 100 year floodplain; or
- G. in an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species.

A C&D site may be located in a gravel pit or quarry, with the restriction that disposal of waste is restricted to materials that are free of regulated asbestos-containing waste materials, asphalt containing materials, petroleum products or other materials that may pollute groundwater.

In addition, the operator shall not locate the active disposal area within 100 feet of the property boundaries without written approval of the adjacent property owner(s)

2.02 Storm Water Control

The operator shall construct and maintain dikes or diversion structures around the active disposal areas, storage and handling areas for salvageable materials, and open burning areas to divert run-on and contain run-off from the 25-year, 24-hour storm event. The operator shall adequately compact the dikes.

2.03 Access Control

The operator of any facility open to the public shall:

- A. control access to the site through the use of fences and gates; and
- B. post a sign or signs at the entrance to the site stating the operator's name, phone number, type of facility, hours of operation, and acceptable wastes.

The operator of any facility not open to the public shall:

- A. control access to the site through the use of fences and gates; and
- B. post a sign or signs at the entrance to the site stating the operator's name and phone number.

2.04 Fire Control

The operator shall maintain a minimum 25 foot fire lane around areas used for open burning.

3.0 OPERATIONAL REQUIREMENTS

3.01 Vector Control

The operator shall prevent or control on-site populations of disease vectors by using techniques appropriate for the protection of human health and for preventing degradation of the environment.

3.02 Routine Inspection Requirements

The operator shall inspect the facility at least weekly to prevent and/or detect the disposal of unauthorized wastes, and shall promptly remove and dispose of any unauthorized waste at a properly permitted facility.

3.03 Waste Handling Requirements

The operator shall handle and temporarily store or dispose of waste accepted at the facility in accordance with the requirements listed in Table 1.

3.04 Open Burning Requirements

The operator shall notify the local fire department and county sheriff prior to open burning. Materials allowed to be open burned are specified in Table 1. Open burning is subject to existing state, federal, and local laws and regulations. The operator may open burn approved waste materials only when:

- A. the prevailing winds are away from adjacent residences; and
- B. smoke will not obscure visibility or create a traffic hazard on any public road.

3.05 Salvaging Allowed

The operator may salvage materials for reuse, recycling, or resale, provided:

- A. salvaging is conducted in a planned manner which does not interfere with normal operation of the facility; and
- B. salvaging does not pose a direct or deleterious threat to public health or the quality of the environment.

4.0 CLOSURE REQUIREMENTS

4.01 Final Closure Requirements

The operator shall notify DENR of the intent to close the site at least 30 calendar days prior to closure. Upon closure of a C&D facility, the operator shall:

- A. transfer all stored materials and salvageable materials to a permitted site or recycler;
- B. record a notation on the deed or other instrument that is normally examined during a property title search that the site has been used as a solid waste disposal facility;
- C. construct a final cover over disposal area(s) consisting of not less than two feet of soil capable of sustaining perennial vegetation;
- D. incorporate the contours of the closed site into the contours of the surrounding area;
- E. grade the site to prevent ponding of water over disposal areas;
- F. seed and revegetate the site in accordance with Natural Resources Conservation Service recommendations;
- G. inspect the closed facility periodically to detect unauthorized use and until it has settled and no further filling or draining problems exist; and
- H. post a sign stating that the site is closed.

5.0 RECORDKEEPING AND REPORTING REQUIREMENTS

5.01 Required Records

The operator must maintain the following records, at a minimum:

- A. sources, types, and estimated amounts of waste accepted annually;
- B. salvaging or separation efforts at the site; and
- C. copies of the request for authorization and letter of authorization received from DENR.

5.02 Maintenance of Records

The operator shall maintain all records and data required by the terms and conditions of this general permit for a period of one year following the closure of the site.

6.0 FINANCIAL ASSURANCE

6.01 Financial Assurance Required

DENR may require the operator of a C&D to provide financial assurance to ensure the availability of funds for required closure and postclosure activities and/or for environmental remediation, if:

- A. the operator of the site accepts more than 25,000 tons per year at the facility; or
- B. the operator violates terms and conditions of this permit.

Any financial assurance required will comply with SDCL 34A-6-1.11.

Construction and Demolition Debris Disposal Facility

Under South Dakota law, local ordinances may further restrict some of the items listed below. Some facilities may have restrictions or may choose not to accept some of the materials listed. If in doubt, check with the facility operator.

Table 1 -- Authorized Wastes

Type of Waste	Handling Procedures / Requirements
<u>Construction and Demolition Debris (non-burnable):</u> Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, and similar wastes, excluding cardboard, plastic, Styrofoam, foam rubber, other packaging material, containerized paints, sealants, adhesives and similar wastes. ¹	Burial of these materials must be in a trench completely separate from any other wood debris. These wastes may not be open burned. Concrete, brick, stonework, asphaltic concrete, and concrete block may be temporarily stored for subsequent recycling and reuse.
<u>Construction and Demolition (C&D) Debris (burnable):</u> Scrap lumber, untreated wood, trees and tree branches	These wastes may be burned or buried. Waste to be burned must be isolated in a separate area of the site. Contact the local fire department prior to open burning.
<u>Treated wood</u> ²	Old creosol or creosote treated wood products may be buried with non-burnable C&D debris.
Rubble -- Concrete, asphalt, bricks and similar inorganic material	Must be buried periodically.
Trees and branches	Trees and branches generated in the process of construction or demolition may be accepted and buried or burned periodically.
Ash -	Ash from authorized on-site open burning may be buried.

1..... Cardboard, plastic, Styrofoam, foam rubber, packaging materials, containerized paints, sealants, and adhesives may not be accepted at a C&D site. These wastes must go to a municipal solid waste landfill.

2. Wood treated with copper chromium arsenate (also known as CCA or 'green treated'), pentachlorophenol (PCP or 'brown treated') wood must go to a permitted municipal solid waste landfill.

Other wastes not specifically listed above may be approved by DENR Waste Management Program on a case-by-case basis. Waste not specifically listed here or DENR approved must be disposed of at a properly permitted municipal solid waste landfill.

Table 2 -- Unauthorized Wastes

Type of Waste	Handling Procedures / Requirements
Hazardous waste, including conditionally exempt small quantity generator (CESQG) waste	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
Pesticide containers	Isolate waste. Waste must be taken to a properly permitted solid waste facility or contact Department of Agriculture for recycling options.
Petroleum contaminated soil	Isolate waste and contact DENR within one business day. Waste must be taken to properly permitted solid waste facility.
Regulated asbestos containing materials	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
Car batteries	Isolate waste. Waste should be taken to a recycler that accepts car batteries.
Putrescible wastes	Isolate waste. Waste must be taken to a properly permitted solid waste facility.
Ash	Ash other than from wood burning stoves is not acceptable at the site. Isolate waste and contact DENR within one business day.
Furniture and mattresses	Waste must be taken to a properly permitted solid waste facility.
White goods and salvageable metal	Waste must be taken to a properly permitted solid waste facility.
Scrap tires	Waste must be taken to a properly permitted solid waste facility.
Yard Waste - Leaves, grass clippings and similar vegetation	Waste must be taken to a properly permitted solid waste facility.