



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

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

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

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

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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

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

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

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## 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**):

*Leslie Petersen  
Department of Game, Fish and Parks  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, South Dakota 57501  
(605) 773-3387*

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

*Pete Gober or Scott Larson  
U.S. Department of the Interior - Fish and Wildlife Service  
420 South Garfield  
Pierre, South Dakota 57501  
(605) 224-8693*

- 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)
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- 3.07 List the occupied dwellings within a one-mile radius. (ARSD 74:27:12:03)
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- 3.08 Describe the water usage, including sources of water and well depths, within a one-mile radius. (ARSD 74:27:12:03)
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- 3.09 List surface waters and their classifications, including wetlands, within a one-mile radius. (ARSD 74:27:12:03)
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- 3.10 Describe the general topography and drainage patterns within a two-mile radius. (ARSD 74:27:12:03)
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- 3.11 Describe the existing site information, its source, reliability, and extent. (ARSD 74:27:12:03)
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- 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**

This application is submitted in accordance with the provisions of the South Dakota Solid Waste Rules, ARSD 74:27:09. 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.

\_\_\_\_\_  
Landowner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervising Engineer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lien Holder's Signature

\_\_\_\_\_  
Date

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

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

|   |                            |  |
|---|----------------------------|--|
| IN THE MATTER OF THE<br>APPLICATION OF<br><br>STATE OF _____<br><br>COUNTY OF _____ | )<br>)<br>)<br>)<br>)<br>) | <b>CERTIFICATION OF<br/>         APPLICANT</b><br><br><br>SS |
|---|----------------------------|--|

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

**(A) South Dakota Codified Laws Section 1-40-27 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.

**(B) 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.”

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made. 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.

Dated this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Applicant

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

**PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO  
SDCL 1-40-27 (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 ENVIRONMENT AND NATURAL RESOURCES**

IN THE MATTER OF THE SOLID WASTE )  
APPLICATION OF )  
\_\_\_\_\_) **CERTIFICATION OF**  
STATE OF \_\_\_\_\_) **APPLICANT (SDCL 34A-6-74)**  
COUNTY OF \_\_\_\_\_) SS

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 Environment 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 DENR.
- (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 (November 2001)**

### **A. Flood Plain Information**

1. U.S. Army Corps of Engineers  
106 S. 15<sup>th</sup> Street  
Omaha, NE 68102-1618  
Randall Behm, Chief (402) 221-4596
2. Federal Emergency Management Agency (FEMA)  
Flood Map Service Center  
PO Box 1038  
Jessup, MD 20794-1038 1-800-358-9616
3. Contact County Government where located.
4. Division of Emergency Management (605) 773-3231
5. Planning & Development Districts:  
Watertown (605) 882-5115  
Aberdeen (605) 626-2595  
Sioux Falls (605) 367-5390  
Yankton (605) 665-4408  
Rapid City (605) 394-2681

### **B. Wetlands Information**

- \*
1. U.S. Department of the Interior  
Fish & Wildlife Service  
420 S. Garfield  
Pierre, SD 57501 Scott Larson (605) 224-8693
  2. Contact local NRCS office

### **C. USGS Topographic Map Information**

1. Contact local NRCS office
2. USGS Map Sales 1-888-275-8747  
Box 25286  
Denver, CO 80225
3. Planning & Development Districts

### **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 Broadway Avenue East  
Pierre, SD 57501-2568  
Phone: (605) 773-5037  
Fax: (605) 773-3921

### **E. Geological & Ground Water Information**

1. Contact local NRCS office
2. SD Geological Survey  
USD Science Center  
Vermillion, SD 57069-2390  
Phone: (605) 677-5227
3. US Geological Survey  
Water Resources Division  
1608 Mountain View Road  
Rapid City, SD 57702
4. Contact local well driller(s)

### **F. Soil Classification Information**

1. Contact local NRCS office

### **G. Surface Water/Wetlands**

- \*
1. Dept. of Environment and Natural Resources  
523 East Capitol - Joe Foss Bldg.  
Pierre, SD 57501-3182  
John Miller - (605) 773-3351  
Also for 401 Certification
  2. Resource Conservation and Forestry Division  
Phone: (605) 773-3623  
Note: **For informational purposes only.**
  3. Game, Fish & Parks  
523 East Capitol - Joe Foss Bldg.  
Pierre, SD 57501-3182  
Leslie Petersen - (605) 773-3387
  4. Bureau of Reclamation  
PO Box 226  
Newell, South Dakota 57760  
(605) 456-2695  
For Black Hills area
  5. US Army Corps of Engineers  
Pierre Regulatory Office  
Oahe Dam Admin Building  
P.O. Box 1117  
Pierre, South Dakota 57501  
Phone: (605) 224-8531 Fax: (605) 224-5945  
For 404 Permitting

**\*These people must be contacted for all permits.**

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 Environment and Natural Resources (DENR); and

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

**WHEREAS**, DENR 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