

BOARD OF MINERALS AND ENVIRONMENT
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Permit Number: GPTS 98-04

**GENERAL PERMIT FOR MUNICIPAL SOLID WASTE
TRANSFER STATIONS 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 transfer station that accepts waste for short-term storage and subsequent transfer to a permitted municipal solid waste facility. The transfer station must be located within the State of South Dakota and must operate in 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.

Signed this 14th day of April, 1998.

Richard C. Sweetman, Chairman
Board of Minerals and Environment

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<u>1.0 GENERAL STATEMENTS OF LAW AND OPERATOR'S RESPONSIBILITIES</u>	

1.01 Applicability of General Permit

This general permit is only applicable to municipal solid waste transfer stations that receive more than 500 tons and less than 25,000 tons of municipal solid waste per year.

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 provisions 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, Revocation, and Suspension of General Permit

DENR may recommend to the Board that this general permit be amended as provided by SDCL 34A-6-58. The Board may suspend or revoke this general permit as provided by ARSD 34A-6-58.

1.05 Procedure for Requesting Authorization

To obtain either initial or renewal authorization for operation of the facility, under the terms and conditions of this general permit, the operator must:

- A. Submit an application to DENR at least 20 calendar days before the first anticipated use of the site. The application form is available from DENR upon request.
- B. Publish a notice of intent in an official newspaper in the county in which the proposed facility will be located. The notice 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 general description of the type of wastes to be accepted.

Twenty days after the notice has been published, if DENR determines the application is complete, and agrees that the facility meets the terms of this general permit, an authorization letter approving construction and operation of the site will be issued.

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. Sites that are applying for a renewal, or have been permitted, may be authorized for periods of up to five years.

1.07 Changes to the Request for Authorization

The operator must notify DENR at least 20 calendar days prior to changing the site location, design, operation, etc. DENR will identify the steps you need to take, including the information you need to submit. You must receive written approval from DENR prior to implementing the change.

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. A Certification of Applicant form that has been notarized and signed by the new operator is submitted to DENR;
- C. A signed and notarized agreement between the current operator and the new operator identifying the date for transfer of the permit, and outlining responsibility, coverage, and liability for the facility is submitted to DENR; and
- D. The new operator is qualified to operate the facility.

1.09 Individual Permit Required

DENR or an interested party may petition the board and/or secretary to require any person requesting coverage or currently operating under this general permit, to apply for and obtain an individual solid waste permit if:

- A. The facility is located in an area that does not meet the location requirements of this permit;
- B. The facility is operated in a manner that is legal, but does not meet the conditions set forth in this permit; or
- C. The conditions or standards change such that transfer stations 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 action.

1.12 Proper Maintenance and Operation

The operator shall at all times properly operate and maintain the 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;
- C. To sample or monitor any substances or parameters; and
- D. Access to any records or documents necessary to determine compliance.

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 the conditions of this permit, DENR will not consider, as a defense, that it would have been necessary to halt or reduce an 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 to human health or the environment.

2.0 LOCATION AND DESIGN REQUIREMENTS

2.01 Facility Siting

The operator **shall not** locate the transfer station or temporary storage area(s):

- A. In a wetland as defined in section ARSD 74:27:07:01(78);
- B. Within 300 feet of any occupied dwellings;
- C. Within a 100 year floodplain;
- D. Within 200 feet of property boundaries without written permission from the adjacent property owner(s); or
- E. In an area that adversely affects wildlife, recreation, aesthetic value of an area, or any threatened or endangered species as determined by United States Fish and Wildlife, Game Fish and Parks, and Department of Environment and Natural Resources Surface Water Quality Program.

2.02 Access Control

The operator 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, hours of operation, and acceptable wastes.

2.03 Fire Control

The operator shall maintain an unobstructed 25 foot fire lane around the transfer station at all times.

2.04 Design

The operator shall submit plans and specifications for any construction activity at the facility. The operator must receive DENR approval prior to implementation of the construction plans.

3.0 OPERATIONAL REQUIREMENTS

3.01 Wastes Accepted

The operator shall not accept regulated asbestos containing materials as defined in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61.

The operator may accept all other materials that legally may be disposed of at the destination municipal solid waste landfill or will be legally recycled.

3.02 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.

3.03 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.

The operator shall inspect storage containers to detect and stop leaks. If liquid waste is observed to be draining from the container, the container must be repaired/steps must be taken to prevent future leaks.

3.04 Waste Handling Requirements

The operator shall:

- A. Not sort, separate, or unload any municipal solid waste outdoors;
- B. Transport all putrescible waste to a permitted municipal solid waste facility; and
- C. Immediately contact DENR if unauthorized materials are detected at the facility.

3.05 Storage Requirements

- A. The operator shall use only leak resistant and covered containers for outside storage of municipal solid waste;
- B. The operator shall not allow putrescible wastes to be on the premises for more than seven days; and
- C. If stored outside, recyclables must be baled or placed in leak resistant and covered containers.

3.06 Recycling/Salvaging

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

- A. Recycling/salvaging is conducted in a planned manner which does not interfere with normal operation of the facility;
- B. A destination facility and transportation agreements are arranged in advance; and
- C. Recycling/salvaging does not pose a direct or deleterious threat to public health or the quality of the environment.

3.07 Leachate

The operator shall properly treat and/or dispose of all leachate that is generated at the facility in a manner approved of by DENR.

Leachate must be disposed of on a yearly basis, or as necessary to prevent overflow of leachate storage tanks/containers or sumps.

4.0 CLOSURE REQUIREMENTS

4.01 Final Closure Requirements

The operator shall notify DENR of the intent to close the facility at least 90 calendar days prior to closure. Upon closure of a transfer station, the operator shall:

- A. Transfer all stored 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 for temporary storage of municipal solid waste;
- C. Inspect the closed facility periodically to detect unauthorized use; and
- D. 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. Source, type, and quantity of waste accepted;
- B. Salvaging or separation efforts at the site;
- C. Final destination of all waste and all recycleable material;
- D. Records of any testing of any material;
- E. Records of leachate disposal;
- F. Written documentation from recyclers and waste haulers stating that materials are being handled in a legal manner;
- G. Copies of the request for authorization (application) and certificate of authorization received from DENR; and

H. Records of all inspections conducted as per section 3.03 of this permit.

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.

5.03 Availability of Records

The operator shall make available to DENR, during normal working hours, all records and data required by the terms and conditions of this permit.

6.0 FINANCIAL ASSURANCE

6.01 Financial Assurance Required

DENR may require the operator of a transfer station to provide financial assurance at any time, to ensure the availability of funds for required closure activities and/or for environmental remediation. Financial assurance may be required if the operator violates any term or condition of this permit or if any state or federal regulations are violated.

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