



DENR
SOUTH DAKOTA

2020 Permit Summary

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Air Pollution Control Permit

Any facility that emits an air contaminant must obtain an air pollution control permit. The department must receive the application at least 180 days before construction or operation begins.

Duration: 5 years

Cost: An application fee of \$138 is required for a construction permit for a major source, an initial Title V air quality operating permit, a permit renewal for a Title V air quality operating permit, and a permit modification for a Title V air quality operating permit, except ethanol plants. Ethanol plants are required to pay a one-time application fee of \$1,000 for a new source.

In addition, there is an annual dollar per ton fee and administrative fee. The dollar per ton fee is \$8.30 per ton of actual air emissions, except ethanol plants, large coal-fired power plants, rock crushers, and asphalt plants. Ethanol plants pay a dollar per ton fee of \$40 per ton of actual air emissions. Large coal-fired power plants, rock crushers, and asphalt plants with a general permit do not pay a dollar per ton fee.

The annual administrative fee, except ethanol plants, coal-fired power plants, rock crushers, and asphalt plants, is \$138 for actual air emissions less than 50 tons per year; \$666 for actual air emissions of 50 tons per year or greater but less than 100 tons per year; and \$1,383 for actual air emissions of 100 tons per year or greater. Ethanol plants pay a flat administrative fee of \$1,000. Large coal-fired power plants pay a flat fee of \$244,000. Rock crushers under a general permit pay a flat fee of \$446. Asphalt plants under a general permit pay a flat fee of \$333.

Asbestos Licenses

Any person wishing to do asbestos related work in South Dakota needs to be certified by the state. Individuals can be certified as inspectors, management planners, abatement project designers, contractor/supervisors, and workers. One person can be certified in more than one discipline.

Duration: 1-year initial
1-year renewal

Cost: \$100 (initial fee)
\$50 (renewal fee)

Initial certification is valid for one year from the date of the training examination. Renewal fee requires the individual to take a refresher course within 90 days prior to or 90 days after the certificate's expiration date and apply for recertification within this 180-day time frame.

Concentrated Animal Feeding Operations General Permit

A producer needs a permit for:

- A large concentrated animal feeding operation;
- An operation, regardless of size, is required by a local government entity, such as a county commission, to obtain approval; or
- DENR determines an animal feeding operation is a medium or small concentrated animal feeding operation that needs permit coverage to ensure protection of the state's water resources.

Duration: The general permit is effective for 5 years. If a producer applies for coverage after the permit has been effective for 2 years, the duration would be 3 years.

Cost: The annual fee is \$250 for operations with 2,000 or more animal units, \$175 for operations with 1,000 to 1,999 animal units, and \$100 for operations with less than 1,000 animal units.

Dry Draw Location Notice

A location notice is needed for any proposed dam/dugout impounding 25-acre feet of water or less at the primary spillway elevation with water stored for in-place uses only. Any dam on a navigable stream requires obtaining a permit to appropriate water.

Duration: Permanent

Cost: \$50

Exploration Notice of Intent – Minerals

Any person desiring to conduct mineral exploration in the state must file an exploration notice of intent with the department. A fee, reclamation plan, and maps are required. A reclamation bond based on the cost to plug all the proposed test holes and reclamation of the affected land as determined by DENR is required. In lieu of submitting a bond for each exploration operation, a \$20,000 statewide reclamation surety can be submitted.

Duration: Life of exploration project

Cost: Application fee \$250

Exploration Permit – Uranium

Any person desiring to conduct exploration for uranium in the state must first submit a permit application to the department and must be granted a permit by the Board of Minerals and Environment. A fee, map, plan of operations, reclamation plan, and public hearing are required. A reclamation bond based on the cost to plug all the proposed test holes and reclamation of the affected land as determined by DENR is required.

Duration: 3 years

Cost: \$500

Flood Control Permit

Except for dry draws, a flood control permit is required for any operation diverting the flow or changing the stage of surface water for the purpose of flood control.

Duration: Permanent

Cost: \$500

Ground Water Discharge Plan

A ground water discharge plan may be required for any activity that may cause a discharge, directly or indirectly, to the ground water.

Duration: Generally 4 years, maximum of 5 years, every 2 years if a Water Quality Variance Permit is issued

Cost: None

Hazardous Waste Permit

Anyone who treats, stores, or disposes of hazardous waste must obtain a permit. Notice must be given to the department by anyone who generates, transports, stores, treats, or disposes of a hazardous waste. Although fees are required of companies applying for a hazardous waste permit, hazardous waste notifications do not require a fee.

Applications for hazardous waste permits must be submitted 180 days prior to construction.

Duration:	Initial permit valid for two years	Cost:	\$50,000 to \$175,000 (application fees apply only to hazardous waste disposal facilities)
	Permit renewal valid for five years		\$25,000
	Annual operating fee		\$25,000/year - facilities disposing of >500 tons/year
	Disposal fee		\$50.00/ton or part thereof – accrued at the time waste is disposed of at the facility and payable the following month

Inject Class II Fluids Permit

A permit to inject is required for any injection of fluids associated with oil and gas production into, above, or through underground sources of drinking water.

Duration: Set by Board of Minerals and Environment or Department Secretary – generally based on applicant’s request

Cost: None

Mining Permit – Large Scale

A large scale mine permit is required for any mining operation that:

- Affects more than ten acres or extracts more than 25,000 tons of ore or overburden per year;
- Employs in situ mining; or
- Uses cyanide, chemical, or biological leaching processes.

A reclamation bond based on the actual cost of reclamation determined by DENR is required. Operations that use chemical or biological leaching may be required to post an additional bond to respond to spills.

Duration: Life of mine

Cost: *Application fee:*
Precious metal, coal, or uranium: \$50,000
Other large scale: \$1,000

Annual renewal fee:
Precious metal, coal, or uranium: \$50,000
Other large scale: \$100

Mining Permit – Small Scale

Any mining operation that affects less than ten acres and extracts less than 25,000 tons of ore or overburden per year must obtain a permit. A reclamation bond of up to \$2,500 is required.

Duration: Life of mine

Cost: *Application fee:* \$100
Annual renewal: \$50

Oil or Gas – Permit to Drill

Any operation with the intent to drill for oil or gas must obtain a permit prior to drilling. On July 1, 2020, new plugging and performance bond requirements became effective. The bond amounts are \$50,000 per well or \$100,000 blanket amount. Operators may

also be required to post an additional \$20,000 per well for wells that have been inactive for over six months.

Duration: 1 year

Cost: \$100

Plans and Specifications

Plans and specifications for water and wastewater treatment, collection, and distribution must be submitted for review and approval at least 30 days prior to construction. Other than a conventional septic tank/drainfield on-site system for a home, plans and specifications for all on-site wastewater systems must receive department approval.

Duration: The approval is valid for two years

Cost: None

Pretreatment Industrial User Permit

Any industry that is discharging process wastewater to a municipal sanitary sewer system must contact the department to determine if a pretreatment industrial user permit is necessary. If the permit is needed, it will regulate the industrial discharge to ensure the industry does not overload the city's system. The application for a permit must be submitted at least 180 days prior to the anticipated discharge.

Duration: 5 years

Cost: \$600 per year

Radiation Source License

Any non-medical facility, be it public or private, using nuclear materials and/or equipment must be registered with the department.

Duration: None

Cost: None

SARA Title III – Section 311 Report

A business storing a hazardous material in an amount in excess of a federal threshold may be required to submit this report. Most substances that require an OSHA material safety data sheet have a designated threshold of 10,000 pounds.

However, some Extremely Hazardous Substances have lower reporting thresholds. The report must be submitted to the state of South Dakota, local emergency planners, and the local fire department within 90 days of beginning new storage.

Duration: One-time report

Cost: None

SARA Title III – Tier II Emergency and Hazardous Chemical Inventory Form

A business storing a hazardous material in an amount in excess of a federal threshold may be required to submit this annual report. Most substances that require an OSHA material safety data sheet have a designated threshold of 10,000 pounds.

However, some Extremely Hazardous Substances have lower reporting thresholds. The report must be submitted to the state of South Dakota, local emergency planners, and the local fire department by March 1. The report covers storage for the preceding calendar year.

Duration: Annual Report

Cost: \$50 to \$300 depending on the number of substances reported

SARA Title III – Toxics Release Inventory (TRI) Report

This annual report details releases and transfers of specific substances for the preceding calendar year. A business must report by July 1 if it meets all three reporting criteria: 1) Employ the equivalent of 10 full time employees; 2) Business activity type falls under one of the covered North American Industrial Classification Codes (NAICS Codes); and 3) Manufacture, process, or otherwise use an above threshold amount of a TRI reportable substance. Reports must be submitted to the federal Environmental Protection Agency (EPA) and the state (please note, reports filed with EPA are automatically forwarded to the state of South Dakota).

Duration: Annual Report

Cost: \$250 to \$3,000 depending on the number of substances and quality of releases

Sand, Gravel, or Rock License

A license is required for any person(s) or business that mines for:

- Sand, gravel, or rock to be crushed and used in construction.
- Pegmatite minerals.
- Iron ore, limestone, sand, gypsum, shale, pozzolan, or other materials used in the process of making cement or lime.
- Lake dredging spoils for sale or processing.

A reclamation bond of \$500 per acre or \$20,000 for statewide mining is required.

Duration: 1 year

Cost: \$100 for each privately operated mine site authorized under a mine license

Solid Waste Disposal Permit

Operators of solid waste treatment, temporary storage, land application, and disposal sites and facilities must obtain a permit prior to construction or operation of the facility or site.

Duration: 2-year initial
5-year renewal

Cost: \$250 to \$5,000

Application Fee schedule and type of facility:

- Type I – 150,000 tons or more of solid waste per year = \$5,000
- Type IIA – between 25,000 tons and 150,000 tons of solid waste per year = \$500
- Type IIB – between 5,000 tons and 24,999 tons of solid waste per year = \$500
- Type III – between 500 tons and 4,999 tons of solid waste per year = \$250
- Type IV – less than 500 tons of solid waste per year = no fee required

Stormwater Discharge Permit – Construction

Construction sites that disturb one or more acres must receive coverage under the general permit for stormwater discharges associated with construction activity. This general permit is required for any construction site that disturbs at least one acre across the state.

Duration: The state general permit is effective for 5 years. A construction site owner must maintain coverage under the general permit until the construction has been completed and the site has been stabilized.

Cost: *Annual Fee:*
<5 acres = \$100
5 to <40 acres = \$250
40 to <80 acres = \$500
80+ acres = \$750

Stormwater Discharge Permit – Industrial

Stormwater discharges associated with industrial activity, including but not limited to industrial plant yards, immediate access roads and railroad sidings, drainage ponds, material handling sites, refuse sites, process wastewater sites, equipment handling/maintenance areas, residual treatment areas, and loading/unloading areas, will be required to obtain a permit.

Duration: The state general permit is effective for 5 years. An industrial site operator must maintain coverage as long as the industrial activities continue.

Cost: None

Temporary Water Use Permit

The chief engineer may issue temporary permits for the use of public water for construction (e.g. highway construction/maintenance), testing, or drilling purposes. Issuance of a temporary permit is not a grant of a water right.

Duration: Up to end of calendar year

Cost: None

Underground and Aboveground Tanks Notification

Plans and specifications for installation or upgrade of a regulated underground or aboveground storage tank system must be submitted for review and approval at least 30 days prior to starting the installation or modification. All regulated underground or aboveground storage tank systems must receive department approval prior to installation.

Duration: None

Cost: None

Water Right Permit

Except for certain domestic uses, any person or business that wishes to appropriate water for any purpose must obtain a water right permit.

Duration: Permanent

Cost: *Application fee:* Minimum \$100 to \$500 or more depending on amount of water appropriated

License fee: \$200

Wastewater Discharge Permit

The owner of any facility that discharges wastewater to waters of the state must apply for a permit at least 180 days prior to the anticipated discharge.

Duration: 5 years

Cost: Typically, \$600 for many industrial facilities, but may be higher depending on the type of facility. Municipal facility fees vary depending on population.

Water and Wastewater Operator Certification

Many water and wastewater systems must be operated by personnel that are certified by the state as having the background and knowledge to run a certain type of system. An operator can obtain this certification by passing a DENR- proctored exam.

Duration: 1 year

Cost: Exam fee - \$10
Annual renewal of certificate - \$6

Well Driller License

Any well must be constructed by a licensed well driller. Any person(s) applying for a well driller's license must be experienced and knowledgeable in state well construction standards and complete a test in order to obtain a license. Individuals must have five years of experience and pay an annual fee. Continuing education is required annually for license renewal.

Duration: 1 year

Cost: Annual \$200 - resident
Annual \$300 - nonresident

Well Pump Installers License

The installation of well pumps or repair of wells for compensation must be by a licensed well pump installer or well driller. Individuals must have two years of experience and pay an annual fee. Continuing education is required annually for license renewal.

Duration: 1 year

Cost: Annual \$200 - resident
Annual \$300 – nonresident