



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

August 28, 2026

Dear City, County, or Tribal Official:

Enclosed you will find a copy of public notices recommending the renewal of three solid waste general permits. State law requires that our department notify every municipality, county, and tribal government in the state upon public notice of a proposed general permit. This notice is required regardless of whether you are authorized under a general permit or not. You are not obligated to respond.

The proposed general permits will be issued statewide, and are individually titled as follows:

1. General Permit to Treat Petroleum-Contaminated Soil by Land Application
2. General Permit for Yard Waste Compost Facilities
3. General Permit for Solid Waste Transfer Stations

Please refer to the enclosed public notices for specific information about the proposed permits and the approval process. This recommended action is for the renewal of existing general permits. The proposed general permits for yard waste compost facilities and solid waste transfer stations do not contain significant changes to the location, design, operating, recordkeeping, and closure requirements already stated in the existing general permits.

DANR is updating language in the general permit for petroleum-contaminated soil land application to reflect a remediation standard for contaminated soil of 100 ppm Total Petroleum Hydrocarbons (TPH).

Anyone operating a facility already authorized by one of these general permits will continue to operate under the existing general permit until the operator applies for and receives a new authorization.

If you would like to comment on any of the proposed general permits, please write to us or contact Nick Emme of the Waste Management Program at (605) 773-3153.

Sincerely,

Kayla Fawcett, P.E., Administrator  
Waste Management Program

Enclosures

**NOTICE OF REISSUANCE OF THE GENERAL PERMIT FOR YARD WASTE COMPOST FACILITIES**  
**Recommendation by the SD Department of Agriculture and Natural Resources**

The South Dakota Department of Agriculture and Natural Resources (department) recommends to the Board of Minerals and Environment (board) that the General Permit for Yard Waste Compost Facilities be reissued statewide. Solid waste general permits are authorized by South Dakota Codified Law (SDCL) 34A-6-58 and the Administrative Rules of South Dakota (ARSD) Chapter 74:27:10. Owners or operators of solid waste facilities authorized under a general permit must comply with all of the terms and conditions of the applicable general permit. If the owner or operator does not comply with all of the terms and conditions of a general permit, the owner or operator is subject to civil penalties as described in SDCL 34A-6-1.31.

The proposed general permit is potentially applicable to any operator proposing to operate a yard waste compost facility. The proposed general permit contains: procedures for obtaining coverage under the general permit, location requirements, design requirements, operational requirements, recordkeeping and reporting requirements, compliance requirements, closure requirements, and a financial assurance provision. Prior to obtaining coverage under a general permit, an applicant is required to: (1) publish a notice of intent to operate a solid waste facility in an official newspaper in the county in which the facility is located, and (2) submit a request for authorization to the department. The request for authorization is a detailed account of the site conditions and proposed methods of operation. The general permit outlines siting and location restrictions. Minimum separation distances are stipulated for wetlands, surface water, dwellings, drinking water wells, aquifers, floodplains, and property boundaries. Design requirements include acreage limitations, surface water control, fire control, and access control. Operational requirements include waste separation, routine inspections, vector control, open burning requirements, and composting requirements. Compliance requirements are stipulated and penalties for violations are outlined. The permit also contains general information and requirements, along with provisions for amendments, revocation, suspensions, and transfers.

In accordance, with SDCL 34A-6-1.14, thirty days after the publication of this notice, the department's recommendation for approval shall become the final decision and the general permit will be issued by the department unless a person affected or having an interest affected by the department's recommendation for approval petitions the board for a contested case hearing. The petition must comply with the requirements of ARSD 74:09:01:01. If a petition for such a hearing is not filed within thirty days of this publication date, the general permit will be formally and finally issued at that time. Mail deposited with the U.S. Postal Service may no longer be postmarked on the day it was dropped off. To establish that you have met a public-notice deadline, you may need to send mail by certified or registered mail, request a hand-stamped postmark at the time the mail is dropped off, or include an affidavit of mailing. The general permit will be valid until suspended, revoked, or modified by the board, as specified in SDCL 34A-6-58.

Copies of the proposed general permit are available from the department and may be obtained upon request from: Department of Agriculture and Natural Resources, Waste Management Program, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3182, Attn.: Nick Emme, telephone (605) 773-3153. Copies of the draft general permit are available at <https://danr.sd.gov/public>.



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Hunter Roberts, Secretary  
Department of Agriculture and Natural Resources

**NOTICE OF REISSUANCE OF THE GENERAL PERMIT FOR SOLID WASTE TRANSFER STATIONS**  
**Recommendation by the SD Department of Agriculture and Natural Resources**

The South Dakota Department of Agriculture and Natural Resources (department) recommends to the Board of Minerals and Environment (board) that the General Permit for Solid Waste Transfer Stations be reissued statewide. Solid waste general permits are authorized by South Dakota Codified Law (SDCL) 34A-6-58 and the Administrative Rules of South Dakota (ARSD) Chapter 74:27:10. Owners or operators of solid waste facilities authorized under a general permit must comply with all of the terms and conditions of the applicable general permit. If the owner or operator does not comply with all of the terms and conditions of a general permit, the owner or operator is subject to civil penalties as described in SDCL 34A-6-1.31.

The proposed general permit is potentially applicable to any operator proposing to operate a solid waste transfer station. The proposed general permit contains: procedures for obtaining coverage under the general permit, location requirements, design requirements, operational requirements, recordkeeping and reporting requirements, compliance requirements, closure requirements, and a financial assurance provision. Prior to obtaining coverage under a general permit, an applicant is required to: (1) publish a notice of intent to operate a solid waste facility in an official newspaper in the county in which the facility is located, and (2) submit a request for authorization to the department. The request for authorization is a detailed account of the site conditions and proposed methods of operation. The general permit outlines siting and location restrictions. Minimum separation distances are stipulated for wetlands, dwellings, floodplains, and property boundaries. Design requirements include acreage limitations, fire control, access control, container requirements, and the submission of plans and specifications for any construction activity involving transfer station buildings or leachate collection systems prior to construction. Operational requirements include waste acceptance and transfer, waste handling and storage limitations, routine inspections, vector control, leachate management, litter control, and salvaging. Compliance requirements are stipulated and penalties for violations are outlined. The permit also contains general information and requirements, along with provisions for amendments, revocation, suspensions, and transfers.

In accordance with SDCL 34A-6-1.14, thirty days after the publication of this notice, the department's recommendation for approval shall become the final decision and the general permit will be issued by the department unless a person affected or having an interest affected by the department's recommendation for approval petitions the board for a contested case hearing. The petition must comply with the requirements of ARSD 74:09:01:01. If a petition for such a hearing is not filed within thirty days of this publication date, the general permit will be formally and finally issued at that time. Mail deposited with the U.S. Postal Service may no longer be postmarked on the day it was dropped off. To establish that you have met a public-notice deadline, you may need to send mail by certified or registered mail, request a hand-stamped postmark at the time the mail is dropped off, or include an affidavit of mailing. The general permit will be valid until suspended, revoked, or modified by the board, as specified in SDCL 34A-6-58.

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Hunter Roberts, Secretary  
Department of Agriculture and Natural Resources

**NOTICE OF REISSUANCE OF THE GENERAL PERMIT TO TREAT PETROLEUM-  
CONTAMINATED SOIL BY LAND APPLICATION**  
**Recommendation by the SD Department of Agriculture and Natural Resources**

The South Dakota Department of Agriculture and Natural Resources (department) recommends to the Board of Minerals and Environment (board) that the General Permit to Treat Petroleum-Contaminated Soil by Land Application be reissued statewide. Solid waste general permits are authorized by South Dakota Codified Law (SDCL) 34A-6-58 and the Administrative Rules of South Dakota (ARSD) Chapter 74:27:10. Owners or operators of solid waste facilities authorized under a general permit must comply with all of the terms and conditions of the applicable general permit. If the owner or operator does not comply with all of the terms and conditions of a general permit, the owner or operator is subject to civil penalties as described in SDCL 34A-6-1.31.

The proposed general permit is potentially applicable to any operator proposing to operate a petroleum-contaminated soil remediation facility. The proposed general permit contains: procedures for obtaining coverage under the general permit, location requirements, design requirements, operational requirements, recordkeeping and reporting requirements, compliance requirements, closure requirements, and a financial assurance provision. Prior to obtaining coverage under a general permit, an applicant is required to: (1) publish a notice of intent to operate a solid waste facility in an official newspaper in the county in which the facility is located, and (2) submit a request for authorization to the department. The request for authorization is a detailed account of the site conditions and proposed methods of operation. The general permit outlines siting and location restrictions. Location restrictions are stipulated for distances to wetlands, surface water, dwellings, drinking water wells, aquifers, floodplains, property boundaries, wellhead protection areas, within incorporated limits of municipalities, and where slopes are greater than five percent. Design requirements include acreage limitations, surface water control, and access control. Operational requirements include routine inspections, stockpiling limitations, and requirements for spreading, treatment, testing, and removal. Compliance requirements are stipulated and penalties for violations are outlined. The permit also contains general information and requirements, along with provisions for amendments, revocation, suspensions, and transfers.

DANR is updating language in the permit to reflect a remediation standard for contaminated soil of 100 ppm Total Petroleum Hydrocarbons (TPH). This standard follows guidance in the *DANR Handbook for Investigation and Corrective Action Requirements for Discharges from Storage Tanks, Piping Systems, and Other Releases* (Petroleum Handbook), and Administrative Rules of South Dakota (ARSD) 74:27:13:17(3).

In accordance with SDCL 34A-6-1.14, thirty days after the publication of this notice, the department's recommendation for approval shall become the final decision and the general permit will be issued by the department unless a person affected or having an interest affected by the department's recommendation for approval petitions the board for a contested case hearing. The petition must comply with the requirements of ARSD 74:09:01:01. If a petition for such a hearing is not filed within thirty days of this publication date, the general permit will be formally and finally issued at that time. Mail deposited with the U.S. Postal Service may no longer be postmarked on the day it was dropped off. To establish that you have met a public-notice deadline, you may need to send mail by certified or registered mail, request a hand-stamped postmark at the time the mail is dropped off, or include an affidavit of mailing. The general permit will be valid until suspended, revoked, or modified by the board, as specified in SDCL 34A-6-58.

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A handwritten signature in blue ink, appearing to read "Hunter Roberts", with a long horizontal flourish extending to the right.

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Hunter Roberts, Secretary  
Department of Agriculture and Natural Resources

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