

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

255B0405

HOUSE BILL NO. 1174

Introduced by: Representatives Hagg, Brown (Gary), Derby, Fitzgerald, Madden, and Pederson
(Gordon) and Senators Rounds, Ham, Shoener, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain solid waste reduction goals and landfill
2 bans.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34A-6-60 be amended to read as follows:

5 34A-6-60. The Legislature intends by §§ 34A-6-59 to 34A-6-92, inclusive, to establish
6 programs and regulations that reduce the ~~amount of solid waste~~ waste stream disposed of in
7 landfills in this state and thus protect the public health, safety, and welfare ~~and of all South~~
8 Dakotans, protect the environment, and return resources back to industry for reuse. The goal of
9 the state is to reduce the amount of materials in the waste stream being landfilled. The amount
10 of materials being landfilled shall be reduced using appropriate methods and technology through
11 the practice of solid waste reduction, waste diversion, reuse, recycling, composting, and waste-
12 to-energy. The goal of the state is to reduce the amount of materials in the waste stream, existing
13 as of July 1, 1992, twenty-five percent by July 1, 1996, and fifty percent by July 1, 2001, through
14 the practice of solid waste source reduction, recycling, reuse and composting waste stream
15 disposed in landfills by fifty percent by July 1, 2001. For the purposes of this section, the term,

1 waste stream, means the disposal of solid waste as defined in § 34A-6-1.3. ~~In determining the~~
2 ~~reduction level of the waste stream, it shall be assumed that each person currently generates three~~
3 ~~and one-half pounds of waste per day and that this amount shall be reduced by the percentages~~
4 ~~indicated in order to preserve the health and safety of all South Dakotans.~~

5 The base year for establishing the amount of materials in the waste stream is the calendar
6 year 1992. Total tonnage of solid waste landfilled in the calendar year 1992 is the basis for all
7 waste reduction calculations. In the absence of scale data and cubic yardage data of waste
8 materials landfilled, the base tonnage is calculated as one ton per year per person, in residence,
9 serviced by the landfill. Tonnage may be estimated by equating one cubic yard of solid waste
10 received at the landfill gate to seven hundred pounds of solid waste. In determining the reduction
11 level of the waste stream, it is assumed that each person in 1992 generated one ton per year of
12 solid waste.

13 Any landfill that conducted waste reduction or recycling programs before the 1992 base
14 calendar year and increased its ability to reduce waste stream volume may receive credit for prior
15 recycled tonnage in the landfill's solid waste source reduction and recycling plan required by
16 § 34A-6-74. Similarly, any landfill that has experienced or will experience a growth in its
17 population served may submit justification for increased tonnage, even after waste reduction or
18 recycling programs have been implemented.

19 Section 2. That § 34A-6-67 be amended to read as follows:

20 34A-6-67. ~~In achieving the waste reduction goals provided for under § 34A-6-60, every~~
21 ~~municipality or other political subdivision responsible for solid waste management shall~~
22 ~~implement the following landfill waste reduction targets in accordance with the following~~
23 ~~implementation dates:~~

24 ~~(1) Beginning on January 1, 1995, all yard wastes shall be eliminated from landfilled~~
25 ~~wastes;~~

1 ~~—(2)— Beginning July 1, 1995, all lead acid batteries and waste motor oil shall be eliminated~~
2 ~~from landfilled wastes;~~

3 ~~—(3)— Beginning on January 1, 1996, all white good appliances shall be eliminated from~~
4 ~~landfilled wastes;~~

5 ~~—(4)— Beginning on July 1, 1996, all office and computer paper shall be eliminated from~~
6 ~~landfill wastes;~~

7 ~~—(5)— Beginning on January 1, 1997, all printed paper products and corrugated cardboard~~
8 ~~shall be eliminated from landfill wastes, and~~

9 ~~—(6)— Beginning on July 1, 1997, all containers made from glass, plastic, aluminum or steel~~
10 ~~shall be eliminated from landfill wastes.~~

11 ~~— Every municipality or other political subdivision responsible for solid waste management shall~~
12 ~~comply with each of these landfill waste reduction targets. However, if the governing body, after~~
13 ~~open meeting and allowing public input, makes a resolution finding that recycling of the solid~~
14 ~~waste in a manner consistent with the reduction targets provided by this section is unavailable,~~
15 ~~the governing body may by ordinance exempt the political subdivision from any of the waste~~
16 ~~reduction targets provided by this section. The term, unavailable, means that recycling is~~
17 ~~determined by the governing body to cost more than the true and total cost of unsubsidized~~
18 ~~landfilling, including long-term costs of all options analyzed in the waste evaluation.~~

19 ~~— The governing body shall review any determination made under this section at least once~~
20 ~~every two years if it determines that recycling is unavailable. The determination required by this~~
21 ~~section regarding recycling shall be made separately for each subdivision of this section.~~

22 ~~— Any resolution exempting a political subdivision from a landfill waste reduction target shall~~
23 ~~be subject to a referendum of the voters of the municipality or political subdivision. Referendum~~
24 ~~procedures shall conform to the provisions of chapter 9-20.~~

25 In order to achieve the waste reduction goals provided for under § 34A-6-60, no landfill in

1 the state may accept the following materials for disposal:

2 (1) All yard waste, lead acid batteries, waste motor oil, and white good appliances;

3 (2) Sixty-five percent, cumulatively, of office and computer paper, old newspapers,
4 magazines, telephone books, corrugated cardboard, other marketable paper products,
5 and containers made from plastic, aluminum, and steel.

6 Other municipal solid waste materials that are diverted from landfilling using appropriate
7 methods and technology count toward the waste reduction goal.

8 Every landfill shall comply with these waste acceptance criteria. However, the governing
9 body of the landfill, after an open meeting allowing public input, may pass a resolution exempting
10 the service region from the waste acceptance criteria, if the governing body of the landfill
11 determines that recycling is not feasible.

12 For any landfill owned by a governmental entity that seeks and receives an exemption from
13 the waste acceptance criteria, the exemption may be removed by a referendum of the voters of
14 the political subdivisions that use the landfill under agreement with the landfill owner.

15 Beginning July 1, 1998, any landfill that annually reduces the tonnage of solid waste landfilled
16 by more than twenty-five percent of the tonnage landfilled in the base year of 1992 may reduce
17 the landfill's disposal fee paid pursuant to § 34A-6-81. The reduction in the landfill's disposal fee
18 equals one cent for each percent of solid waste reduction achieved and documented for the
19 previous year. The landfilled tonnage and service population shall be certified by the landfill.
20 Certification shall accompany the disposal fee submitted to the Department of Environment and
21 Natural Resources. If a landfill has not reached the fifty percent goal as set forth in § 34A-6-60
22 by July 1, 2001, the landfill is not eligible for the disposal fee reduction.