

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

914C0184

HOUSE BILL NO. 1111

Introduced by: Representatives Napoli, Apa, Brown (Jarvis), Duenwald, Engbrecht, Fryslie, Hagen, Kooistra, Koskan, McCoy, McNenny, Monroe, Sutton (Daniel), Weber, and Wetz and Senators Staggers, Benson, Flowers, Kleven, Madden, Moore, and Vitter

1 FOR AN ACT ENTITLED, An Act to repeal certain recycling requirements.

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

3 Section 1. That § 34A-6-67 be amended to read as follows:

4 34A-6-67. ~~In order to achieve the waste reduction goals provided for under § 34A-6-60, no~~
5 No landfill in the state may accept yard waste, lead acid batteries, waste motor oil, or white good
6 appliances for disposal.

7 ~~Office~~ Any county or municipality may require the recycling of office and computer paper,
8 old newspaper, magazines, telephone books, corrugated cardboard, other marketable paper
9 products, containers made from plastic, aluminum and steel, and other municipal solid waste
10 materials ~~that are diverted from landfilling using appropriate methods and technology count~~
11 ~~toward the waste reduction goal. Appropriate methods and technology includes recycling~~
12 facilities to divert these materials from landfilling.

13 Section 2. That § 34A-6-71 be amended to read as follows:

14 34A-6-71. Regionalization of recycling and solid waste planning, management, operations
15 and disposal are encouraged whenever possible. ~~Any two or more responsible units of~~

1 ~~government may prepare a single solid waste evaluation as provided in § 34A-6-70 for the~~
2 ~~analysis of the solid waste needs within the combined area of the responsible units of government~~
3 ~~as provided in the joint powers provisions of chapter 1-24. The department shall prepare model~~
4 ~~joint solid waste planning, management, recycling, operations, and disposal agreements and shall~~
5 ~~provide them to responsible units for the purpose of promoting regional planning and developing~~
6 ~~the regional recycling and waste management districts provided for under the statewide~~
7 ~~comprehensive solid waste management plan. Every regional landfill shall make provisions for~~
8 ~~municipalities and other political subdivisions responsible for solid waste management to exercise~~
9 ~~the powers provided for under § 34A-6-67. However, each regional landfill may establish special~~
10 ~~rates commensurate with additional costs incurred by the landfill for waste containing materials~~
11 ~~not excluded from the waste stream as provided for under § 34A-6-67.~~

12 Section 3. That § 34A-6-59 be repealed.

13 ~~—34A-6-59. The Legislature finds that the implementation of federal regulations under subtitle~~
14 ~~D of the Resource Conservation and Recovery Act, P.L. 94-580, as amended to January 1, 1992,~~
15 ~~will reduce the available landfill capacity in the state for the disposal of municipal solid waste.~~
16 ~~The Legislature further finds:~~

17 ~~—(1)— That maximum solid waste source reduction, reuse, recycling and composting are~~
18 ~~preferable to land disposal, are the most economically sound and environmentally safe~~
19 ~~methods of solid waste management and are in the best interest of the state in order~~
20 ~~to protect public health and the environment and to conserve resources, energy and~~
21 ~~tax dollars; and~~

22 ~~—(2)— That education, research, development and innovation in the design, management and~~
23 ~~operation of source reduction, reuse, recycling and composting are essential in~~
24 ~~reducing operating costs and providing incentives for the use of these systems and~~
25 ~~operations and their products.~~

1 Section 4. That § 34A-6-60 be repealed.

2 ~~— 34A-6-60. The Legislature intends by §§ 34A-6-59 to 34A-6-92, inclusive, to establish~~
3 ~~programs and regulations that reduce the waste stream disposed of in landfills in this state and~~
4 ~~thus protect the public health, safety, and welfare of all South Dakotans, protect the~~
5 ~~environment, and return resources back to industry for reuse. The goal of the state is to reduce~~
6 ~~the amount of materials in the waste stream being landfilled. The amount of materials being~~
7 ~~landfilled shall be reduced using appropriate methods and technology through the practice of~~
8 ~~solid waste reduction, waste diversion, reuse, recycling, composting, and waste-to-energy. The~~
9 ~~goal of the state is to reduce the waste stream disposed in landfills by fifty percent by July 1,~~
10 ~~2001. For the purposes of this section, the term, waste stream, means the disposal of solid waste~~
11 ~~as defined in § 34A-6-1.3.~~

12 ~~— The base year for establishing the amount of materials in the waste stream is the calendar~~
13 ~~year 1990. Total tonnage of solid waste landfilled in the calendar year 1990 is the basis for all~~
14 ~~waste reduction calculations. In the absence of scale data and cubic yardage data of waste~~
15 ~~materials landfilled, the base tonnage is calculated as eight-tenths of a ton per year per person,~~
16 ~~in residence, serviced by the landfill. Tonnage may be estimated by equating one cubic yard of~~
17 ~~solid waste received at the landfill gate to seven hundred pounds of solid waste. In determining~~
18 ~~the reduction level of the waste stream, it is assumed that each person in 1990 generated eight-~~
19 ~~tenths of a ton per year of municipal solid waste.~~

20 ~~— Any landfill that conducted waste reduction or recycling programs before the 1990 base~~
21 ~~calendar year and increased its ability to reduce waste stream volume may receive credit for prior~~
22 ~~recycled tonnage in the solid waste source reduction and recycling plan required by § 34A-6-74.~~
23 ~~Similarly, any landfill that has experienced or will experience a growth in its population served~~
24 ~~may submit justification for increased tonnage, even after waste reduction or recycling programs~~
25 ~~have been implemented.~~

1 Section 5. That § 34A-6-62 be repealed.

2 ~~34A-6-62. The department shall establish a statewide waste reduction and recycling program~~
3 ~~to promote the waste management policy contained in § 34A-6-59 and 34A-6-60 and the waste~~
4 ~~management hierarchy contained in § 34A-6-1.2. The program shall encourage waste generators~~
5 ~~to reduce the volume of waste generated and to recycle the waste that is generated. The program~~
6 ~~shall utilize financial and legal incentives, education, technical assistance, regulation and other~~
7 ~~implementation methods. The program shall involve the development of public and private sector~~
8 ~~initiatives, the development of markets and other opportunities for waste reduction and recycling,~~
9 ~~and other related efforts.~~

10 Section 6. That § 34A-6-63 be repealed.

11 ~~34A-6-63. The elements of the program required in § 34A-6-62 shall include promotion of:~~

12 ~~(1) Efforts to increase the purchase and use of recycled products by government, business~~
13 ~~and the public;~~

14 ~~(2) Efforts to recover recyclable materials from the waste stream;~~

15 ~~(3) Local efforts to implement recycling collection centers;~~

16 ~~(4) Local efforts for curbside collection of separated recyclable waste materials and local~~
17 ~~efforts for drop-off sites or programs for rural areas;~~

18 ~~(5) Public education programs that promote public awareness of waste volume reduction~~
19 ~~and the use of recyclable materials;~~

20 ~~(6) Markets for recyclable materials;~~

21 ~~(7) Research, manufacturing processes and product development that provide for source~~
22 ~~reduction through use of alternative materials and through decreased material input~~
23 ~~and resource consumption; and~~

24 ~~(8) Information-sharing and coordination of efforts among state governments in such~~
25 ~~areas as recycling education, technical assistance, market analysis and related topics.~~

1 Section 7. That § 34A-6-70 be repealed.

2 ~~—34A-6-70. Each county and first class municipality shall prepare or have prepared, on or~~
3 ~~before January 1, 1993, a solid waste evaluation coordinated with the state solid waste~~
4 ~~management plan provided for in § 34A-6-1.5. The evaluation shall cover a fifteen-year time~~
5 ~~period, shall serve as the basis for county and municipal decisions on the need for facilities, and~~
6 ~~shall be provided to the board for its consideration in determining whether to issue facility~~
7 ~~permits under § 34A-6-1.13. The evaluation shall include an analysis of the current and projected~~
8 ~~volume of solid waste, disposal capacity including all existing and planned facilities, the potential~~
9 ~~for source reduction, reuse, recycling, resource recovery and shared and regional recycling and~~
10 ~~waste management facilities. The evaluation shall include a full accounting of the true and total~~
11 ~~cost, including the long-term costs, of all options analyzed in the evaluation. Counties and~~
12 ~~municipalities subject to this section shall consider in their solid waste evaluation, 40 CFR parts~~
13 ~~257 and 258 of the environmental protection agency solid waste disposal criteria commonly~~
14 ~~known as "RCRA subtitle D regulations," as finally adopted and published in the federal register~~
15 ~~on October 9, 1991, and as amended to January 1, 1992, the statewide comprehensive solid~~
16 ~~waste management plan and all rules adopted by the board.~~

17 Section 8. That § 34A-6-73 be repealed.

18 ~~—34A-6-73. Each county and first class municipality shall be the responsible unit of~~
19 ~~government for preparing the solid waste evaluation required under § 34A-6-70. The responsible~~
20 ~~unit shall evaluate capacity to meet the solid waste management needs of the unit for a period~~
21 ~~of at least fifteen years. Capacity shall be sufficient to meet the requirements of state law and all~~
22 ~~applicable requirements of the United States Environmental Protection Agency. The evaluation~~
23 ~~shall be submitted to the department on or before January 1, 1993, and shall provide details of~~
24 ~~a local recycling program which shall contain a methodology for meeting the state source~~
25 ~~reduction and recycling goal pursuant to § 34A-6-20 and a methodology for implementing a~~

1 program of separation of wastes including yard waste, glass, plastic, paper and metal.

2 Section 9. That § 34A-6-74 be repealed.

3 ~~—34A-6-74. Every municipality or other political subdivision responsible for solid waste~~
4 ~~management shall file with the department by January 1, 1994, a comprehensive solid waste~~
5 ~~source reduction and recycling plan detailing the method by which the municipality or other~~
6 ~~political subdivision responsible for solid waste management will comply with the requirements~~
7 ~~of § 34A-6-67 to establish and implement a comprehensive solid waste source reduction and~~
8 ~~recycling program for its residents. For the purposes of this section, any public or private entity~~
9 ~~managing the solid waste stream for a municipality or county shall file one comprehensive plan~~
10 ~~on behalf of its members with the filing requirements of this section. The department shall review~~
11 ~~each comprehensive plan submitted and may reject, suggest modifications to or approve the~~
12 ~~proposed plan. The department shall aid in the development of comprehensive plans for~~
13 ~~compliance with this section and shall make available appropriate forms for the submission of~~
14 ~~comprehensive plans. The department may hold hearings for the purpose of implementing this~~
15 ~~section. The comprehensive plan required in this section shall be updated and submitted to the~~
16 ~~department for approval five years after its most recent approval. The department may,~~
17 ~~consistent with rules promulgated by the board pursuant to chapter 1-26, require the filing or~~
18 ~~updating of a plan at other times.~~

19 Section 10. That § 34A-6-75 be repealed.

20 ~~—34A-6-75. Beginning July 1, 1994, no new permit for a solid waste disposal facility may be~~
21 ~~issued and no existing permit reissued or renewed unless the permit applicant, in conjunction~~
22 ~~with all local units of government whose residents, businesses or institutions generate solid waste~~
23 ~~to be stored or disposed of in the facility, has filed a plan as required in § 34A-6-74.~~

24 Section 11. That § 34A-6-76 be repealed.

25 ~~—34A-6-76. Beginning July 1, 1997, no new permit for a solid waste disposal facility may be~~

1 ~~issued and no existing permit may be reissued or renewed unless the permit applicant, in~~
2 ~~conjunction with all local units of government whose residents, businesses or institutions~~
3 ~~generate solid waste to be stored or disposed of in the facility, documents that steps are being~~
4 ~~taken to begin implementing the plan filed pursuant to § 34A-6-74.~~

5 Section 12. That § 34A-6-77 be repealed.

6 ~~—34A-6-77. Beginning July 1, 2000, no existing solid waste disposal permit may be reissued~~
7 ~~or renewed unless the permit applicant, in conjunction with all local units of government whose~~
8 ~~residents, businesses or institutions generate solid waste to be stored or disposed of in the~~
9 ~~facility, documents that alternative methods of solid waste management other than use of a~~
10 ~~sanitary landfill have been implemented as set forth in the plan filed pursuant to § 34A-6-74.~~

11 Section 13. That § 34A-6-78 be repealed.

12 ~~—34A-6-78. Beginning July 1, 2000, no new solid waste disposal facility permit for a landfill~~
13 ~~may be issued unless the applicant, in conjunction with all local units of government whose~~
14 ~~residents, businesses or institutions generate solid waste to be stored or disposed of in the~~
15 ~~facility, certifies that the landfill is needed as a part of an alternative solid waste management~~
16 ~~method.~~