**74:28:26:01.  Requirements to permit a treatment, storage, or disposal facility.** The requirements to permit a treatment, storage, or disposal facility are set forth in 40 C.F.R. §§ 270.1 to 270.320, inclusive, except §§ 270.1(c)(2)(ix) and 270.14(b)(18); and Appendix I to § 270.42; 40 C.F.R. §§ 124.1(b); 124.2(a); 124.3(a); 124.5(a); 124.5(c); 124.6(a), (b), (d), and (e); 124.11; 124.31(b), (c), and (d); 124.32(b) and (c); 124.33(b) to (f); and §§ 124.200 to 124.214, inclusive; 40 C.F.R. §§ 144.31(g)(1) to (3), inclusive; all as incorporated by § 74:28:21:01.01. Any interested person may contest the issuance of a permit by following the procedures listed in chapter 74:09:01.

The requirements for a pre-application public meeting and notice found in 40 C.F.R. § 124.31, as incorporated by § 74:28:21:01.01, apply to all hazardous waste permit applications seeking initial permits for hazardous waste management units, to hazardous waste permit applications seeking coverage under a standardized permit under 40 C.F.R.  270 Subpart J, as incorporated by § 74:28:21:01.01, and to hazardous waste permit applications seeking renewal of permits if the renewal application is proposing a significant change in facility operations. A significant change to the hazardous waste permit is any change that is considered a Class 3 permit modification under 40 C.F.R. Part 270, as incorporated by § 74:28:21:01.01. A significant change to the standardized permit is defined at 40 C.F.R. § 124.211(c), as incorporated by § 74:28:21:01.01. The requirements of this paragraph for a pre-application public meeting and notice do not apply to hazardous waste permit applications or permit modifications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

The requirements for public notice during the application stage found in 40 C.F.R. § 124.32, as incorporated by § 74:28:21:01.01, apply to all hazardous waste permit applications seeking initial permits for hazardous waste management units and to applications seeking renewal of permits for the units under 40 C.F.R. § 270.51, as incorporated by § 74:28:21:01.01. The requirements for public notice at the application stage do not apply to hazardous waste units permitted under a standardized permit under 40 C.F.R. Part 270 Subpart J, as incorporated by § 74:28:21:01.01; to hazardous waste permit modifications under 40 C.F.R. § 270.42, as incorporated by § 74:28:21:01.01; or to applications submitted for the sole purpose of conducting post-closure activities or post-closure and corrective action at a facility.

The requirement for an information repository found in 40 C.F.R. § 124.33, as incorporated by § 74:28:21:01.01, applies to all applications seeking a hazardous waste permit for hazardous waste management units.

**Source:** 10 SDR 106, effective April 8, 1984; 12 SDR 79, effective November 11, 1985; 13 SDR 117, effective March 1, 1987; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 50, effective October 4, 1987; 16 SDR 44, effective September 14, 1989; 17 SDR 204, effective July 10, 1991; 19 SDR 48, effective October 8, 1992; 20 SDR 56, effective October 24, 1993; 21 SDR 56, effective September 29, 1994; 22 SDR 43, effective October 2, 1995; 23 SDR 64, effective November 5, 1996; 24 SDR 11, effective August 5, 1997; 26 SDR 26, effective August 29, 1999; 27 SDR 59, effective December 12, 2000; 28 SDR 24, effective August 29, 2001; 29 SDR 21, effective August 28, 2002; 30 SDR 26, effective September 1, 2003; 31 SDR 23, effective August 29, 2004; 34 SDR 68, effective September 13, 2007; 35 SDR 88, effective October 27, 2008; 36 SDR 44, effective September 28, 2009; 38 SDR 58, effective October 18, 2011; 40 SDR 61, effective October 10, 2013; 44 SDR 43, effective September 12, 2017; 46 SDR 26, effective September 3, 2019; 50 SDR 19, effective August 28, 2023.

**General Authority:** SDCL 34A-11-9.

**Law Implemented:** SDCL 34A-11-9, 34A-11-12, 34A-11-13, 34A-11-14, 34A-11-15.

**Cross-Reference:** Exposure information from landfills and surface impoundments, § 74:28:34:01.