

**74:28:26:01. Requirements to permit a treatment, storage, or disposal facility.** The requirements to permit a treatment, storage, or disposal facility are those 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 (July 1, 2012); 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 (all July 1, 2012); and 40 C.F.R. §§ 144.31(g)(1) to (3), inclusive (July 1, 1992). Any interested person may contest the issuance of a permit by following the procedures in chapter 74:09:01.

The requirements for a preapplication public meeting and notice found in 40 C.F.R. § 124.31 (July 1, 2012) 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 § 270 subpart J (July 1, 2012), 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 a hazardous waste permit is any change that is considered a Class 3 permit modification under 40 C.F.R. § 270 (July 1, 2012). A significant change to a standardized permit is defined at § 124.211(c) (July 1, 2012). The requirements of this paragraph for a preapplication 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 at the application stage found in 40 C.F.R. § 124.32 (July 1, 2012) apply to all hazardous waste permit applications seeking initial permits for hazardous waste management units and to applications seeking renewal of permits for such units under 40 C.F.R. § 270.51 (July 1, 2012). 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. § 270 subpart J (July 1, 2012), or hazardous waste permit modifications under 40 C.F.R. § 270.42 (July 1, 2012) or 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 (July 1, 2012) 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.

**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:** Special requirements for landfills and surface impoundments, § 74:28:34:01.

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