

Board of Minerals and Environment
Notice of Public Hearing to Amend Rules

A public hearing will be held in the Floyd Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on July 18, 2019, at 10:00 a.m. Central Daylight Time, to consider the adoption and amendment of proposed rules, numbered:

§§ 74:28:21:01; 74:28:21:02; 74:28:22:01; 74:28:23:01; 74:28:24:01; 74:28:25:01; 74:28:25:03; 74:28:25:04;
74:28:25:05; 74:28:26:01; 74:28:27:01; 74:28:28:01; 74:28:28:03; 74:28:28:04; 74:28:28:05; 74:28:30:01;
74:28:33:01

The effect of the rules will be to update the state's existing hazardous waste rules by incorporating updated, codified and final federal regulations by reference. The state's proposed rules reflect changes made to the federal hazardous waste regulations from July 1, 2016 through June 30, 2018 as well as final rules published on November 30, 2018 and February 22, 2019. Once these updates are made, the state's rules will then be substantially the same as the federal hazardous waste regulations. Changes to the rules include increasing regulatory flexibility and understandability of rules applicable to hazardous waste generators; establishing a methodology for the use of electronic manifests (e-Manifests); establishes procedures for managing and disposing of defective airbag inflators; provides healthcare facilities and pharmacies practical management and disposal options for hazardous waste pharmaceuticals; includes revisions to requirements involving imports and exports of hazardous wastes; and incorporates technical and typographical corrections that were made in the federal regulations.

The reason for updating the state's hazardous waste rules is to continue to ensure that companies generating, transporting, treating, storing or disposing of hazardous waste in South Dakota manage those wastes in a way that is protective of human health and the environment. These proposed rules offer clarified requirements for the state's hazardous waste generators and ensures safe, expeditious management of defective airbags, hazardous waste pharmaceuticals, and increased efficiency using the e-Manifest system. The proposed updates also enable the state to keep pace with changes made in the federal hazardous waste regulations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Department of Environment and Natural Resources, Waste Management Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. A copy of the draft rules and access to online commenting are also available at: <http://denr.sd.gov/public/default.aspx> Electronic comments and those sent by mail must reach the Department by July 15, 2019 to be considered.

At the hearing, the board will consider all written and oral comments it receives on the proposed rules. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Department of Environment and Natural Resources at 605-773-3153 at least 48 hours before the public hearing to make any necessary arrangements.

Copies of the proposed rules may be obtained without charge by calling Carrie Jacobson at (605) 773-3153 or from the following website: <http://denr.sd.gov/des/wm/hw/hwmainpage.aspx>



Steven M. Pirner, Secretary
Department of Environment and Natural Resources