



2021 South Dakota Legislature  
**Senate Bill 52**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise the permit duration on certain concentrated animal feeding operations.**

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

**Section 1.** That § 34A-2-36 be AMENDED.

**34A-2-36. Permit to discharge waste into surface waters required--  
Issuance--Maximum duration--Standards to be met--Violation.**

No person may discharge any waste, pollutant, or combination of pollutants, into surface waters from a point source without a permit consistent with rules promulgated by the board pursuant to chapter 1-26 and this chapter. A violation of this section is subject to § 34A-2-75.

The secretary may, after notice and opportunity for public hearing, issue a permit for the discharge of any waste, pollutant, or combination of pollutants into surface waters, for a period not to exceed five years, or for a period not to exceed ten years for a concentrated animal operation that is not required to have a permit under 40 C.F.R. § 122.23(d)(1), as of January 1, 2021, upon condition that such discharge meets or will meet all applicable state and federal water quality standards and effluent standards and all other requirements of this chapter. A violation of a condition of a permit issued pursuant to this section is subject to § 34A-2-75.

**Section 2.** That § 34A-2-112 be AMENDED.

**34A-2-112. General permit for category of water pollution control--  
Secretary issued--Terms and conditions--Suspension, revocation or  
modification--Violation.**

After public notice in at least three newspapers of general circulation in this state and notice to all municipalities, counties, and tribal governments and opportunity for public hearing, the secretary may issue a general permit for a category of water pollution

control. A general permit issued by the secretary may be subject to such terms and conditions for installation, establishment, modification, operation, or abandonment of a category of water pollution control as the secretary finds reasonably necessary to adequately protect the public health, safety, welfare, and the environment of this state. Water pollution control activities conducted in conformity with a general permit do not require a permit issued under § 34A-2-36.

A general permit shall remain in effect for a period of five years, or for a period of ten years for a concentrated animal feeding operation that is not required to have a permit under 40 C.F.R. § 122.23(d)(1), as of January 1, 2021, from the date of issuance or until suspended, revoked, or modified by the secretary. A general permit may be modified after public notice and opportunity for public hearing. A general permit may be suspended or revoked after publication of notice and order of suspension and revocation in at least three newspapers of general circulation in this state. If an affected facility or interested party wishes to contest the order, a request for hearing shall be filed with the department within twenty days. A hearing on the matter shall be held as soon thereafter as practicable. Notice of hearing shall be published in at least three newspapers of general circulation in this state. Any facility operating under a general permit pursuant to this section, upon the filing of a complaint to the secretary, and upon action by the secretary in accordance with the contested case provisions of chapter 1-26, may be removed from the jurisdiction of the general permit and required to obtain an individual permit. Any violation of a condition of a general permit issued pursuant to this section is subject to § 34A-2-75.

An Act to revise the permit duration on certain concentrated animal feeding operations.

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 52

2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 52  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State