

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

372H0611

SENATE BILL NO. 171

Introduced by: Senators Sutton (Dan), Daugaard, and Symens and Representatives Lange, Abdallah, and Slaughter

1 FOR AN ACT ENTITLED, An Act to require secondary containment for certain liquid fertilizer
2 containers or facilities.

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

4 Section 1. That chapter 38-19 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The private owner of any permanent storage container or facility used for the storage of
7 liquid fertilizer having a total capacity of two thousand five hundred gallons or greater shall
8 provide secondary containment protection for the container or facility pursuant to this Act. The
9 secretary of agriculture shall promulgate rules, pursuant to chapter 1-26, to establish operational
10 requirements necessary for secondary containment of liquid fertilizer for the protection of the
11 environment and human health. If a liquid fertilizer container or facility is operating in violation
12 of this section or the rules promulgated under this section, the secretary may grant a reasonable
13 period of time for the owner of the container or facility to comply with the rules. If the facility
14 does not comply with the rules in the prescribed period of time, the secretary shall order the
15 container or facility removed and shall prohibit the further storage of liquid fertilizer in the



1 container or facility. Any person operating a liquid fertilizer storage facility or container in
2 violation of the secretary's order or failing to remove the facility or container in violation of the
3 secretary's order is guilty of a Class 1 misdemeanor.

4 Section 2. This Act is effective on July 1, 2005.