**74:51:01:05.  Materials causing pollutants to form in waters.** Wastes discharged into surface waters of the state may not contain a parameter which violates the criterion for the waters' existing or designated beneficial use or impairs the aquatic community as it naturally occurs. Where the interaction of materials in the wastes and the waters causes the existence of such a parameter, the material is considered a pollutant and the discharge of such pollutants may not cause the criterion for this parameter to be violated or cause impairment to the aquatic community.

 **Source:** SL 1975, ch 16, § 1; transferred from § 34:04:02:11, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:11, July 1, 1996; 25 SDR 98, effective January 27, 1999.

 **General Authority:** SDCL 34A-2-11, 34A-2-93.

 **Law Implemented:** SDCL 34A-2-7, 34A-2-11, 34A-2-21.