**74:51:01:11.  Protection of wetlands as waters of the state.** Wetlands are waters of the state and are allowed protection under the provisions of this chapter. The discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment of wetlands except where authorized under § 402 or § 404 of the Federal Water Pollution Control Act as amended to February 4, 1987, or under 40 C.F.R. Parts 257 and 258, Solid Waste Disposal Facility Criteria; Final Rule, as amended to July 1, 1996. The provisions of §§ 74:51:01:06 to 74:51:01:10, inclusive, 74:51:01:12, 74:51:01:34 to 74:51:01:39, inclusive, 74:51:01:52, and 74:51:01:63 to 74:51:01:65, inclusive, apply to all wetlands. In addition, the department shall evaluate wetlands to determine the applicability of such wetlands to the toxic pollutant standards provided in § 74:51:01:55 and Appendix B at the end of this chapter.

 **Source:** 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:58, July 1, 1996; 24 SDR 10, effective July 20, 1997.

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

 **Law Implemented:** SDCL 34A-2-10, 34A-2-11, 34A-2-21.

 **Cross-Reference:** Criteria for toxic pollutants, § 74:51:01:55.