

# REGISTER



## South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., February 2, 2009

**NOTICES OF PROPOSED RULES:** : (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Environment and Natural Resources: Water Management Board:** (January 27, 2009) has filed rules to amend Surface Water Quality rules to update references; correct typographical errors; clarify language; update toxic pollutant criteria; add and modify definitions; modify the dissolved oxygen and pH criteria; add E. coli criteria; set site specific criteria for the Little White River and White River; add beneficial uses to low flow rates for low quality fishery waters; review, remove, and reassign designated beneficial uses of certain lakes; and review and reassign designated beneficial uses of certain streams and correct typographical errors. The general authority for these rules, as cited by the department, is SDCL 34A-2-11, 34A-2-33, 34A-2-34, and 34A-2-93.

A public hearing will be held at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on March 11, 2009, at 11:45 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Surface Water Quality Program, PMB 2020, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3182 or by calling 605-773-3351. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's website at <http://www.state.sd.us/denr/denr.html>. Written comments must be received by 5:00 p.m., March 10, 2009, to be considered. This hearing is being held in a physically accessible place.

Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3351 at least 48 hours before the public hearing.

**Department of Transportation:** (January 27, 2009) is proposing to amend a speed zone in Brown County on US Highway 12 in the City of Aberdeen to reduce the speed limits on a segment of highway near the east part of the city; amend a speed zone in Gregory County on US Highway 18 in the City of Gregory to reduce the speed limits on a segment of highway near the west edge of the city; and adopt a rule to prohibit parking along both sides of State Highway 19 in Clay County along the shoulder of the road north of the Missouri River bridge. The general authority for these rules, as cited by the department, is SDCL 32-25-7 and 32-25-7.1.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on February 26, 2009, at 9:05 a.m. CDST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by February 25, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Legislative Appointments:**

**Representatives Peggy Gibson, Roger W. Hunt, and David Lust** were appointed on January 30, 2009, to the **Interim Rules Review Committee**. These appointments will expire at noon on Tuesday, January 11, 2011.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

**REMINDER OF HEARINGS SCHEDULED**

2-26-2009	Transportation	Amend a speed zone in Brown County on US Highway 12 in the City of Aberdeen to reduce the speed limits on a segment of highway near the east part of the city; amend a speed zone in Gregory County on US Highway 18 in the City of Gregory to reduce the speed limits on a segment of highway near the west edge of the city; and adopt a rule to prohibit parking along both sides of State Highway 19 in Clay County along the shoulder of the road north of the Missouri River bridge; 35 SDR 189.
3-11-2009	Environment and Natural Resources: Water Management Board	Amend Surface Water Quality rules to update references; correct typographical errors; clarify language; update toxic pollutant criteria; add and modify definitions; modify the dissolved oxygen and pH criteria; add E. coli criteria; set site specific criteria for the Little White River and White River; add beneficial uses to low flow rates for low quality fishery waters; review, remove, and reassign designated beneficial uses of certain lakes; and review and reassign designated beneficial uses of certain streams and correct typographical errors; 35 SDR 189.

**RULES REVIEW COMMITTEE MEETINGS**

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-fourth Legislative Session to set the tentative meeting schedule for the 2009 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 35 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).