

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

660A0724

## HOUSE BILL NO. 1199

Introduced by: Representatives Weber, Apa, Chicoine, Duenwald, Kazmerzak, Lee, Monroe, Roe, Schrempp, and Van Gerpen and Senators Hunhoff, Dennert, Hutmacher, Kleven, Kloucek, and Lawler

1 FOR AN ACT ENTITLED, An Act to prohibit the location of certain livestock feeding  
2 operations over shallow aquifers.

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

4 Section 1. No concentrated animal feeding operation that includes a number of animals equal  
5 to or greater than one thousand animal units may be located over a shallow aquifer. For purposes  
6 of this section, a shallow aquifer is any aquifer having the following characteristics:

7 (1) The aquifer is within fifty feet or less below the land surface with fifteen feet or less  
8 of continuous, overlying, extremely low permeability geologic material, such as clayey  
9 till or shale. Weathered till or highly fractured weathered shale is not an extremely low  
10 permeability material for purposes of this section; or

11 (2) The aquifer is greater than fifty feet but less than one hundred feet below the land  
12 surface with thirty feet or less of continuous overlying low to extremely low  
13 permeability geologic material that may be a combination of weathered and  
14 unweathered till, shale, or till and shale.