

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0218

SENATE BILL NO. 38

Introduced by: The Committee on Agriculture & Natural Resources at the request of the
Department of Environment and Natural Resources

1 FOR AN ACT ENTITLED, An Act to repeal certain rule-making authority of the Department
2 of Environment and Natural Resources and to revise certain rule-making authority of water
3 development districts.

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

5 Section 1. That § 34A-2-12.1 be repealed.

6 ~~— 34A-2-12.1. The department of environment and natural resources shall regulate the bulk~~
7 ~~storage of all chemicals relating to potential contamination of public water supplies but not~~
8 ~~including the storage of those commercial chemicals regulated by the department of agriculture~~
9 ~~pursuant to chapters 38-19 and 38-21. Chemicals include regulated substances, as defined in~~
10 ~~chapter 34A-12, and any other substance that may cause pollution to any waters of the state,~~
11 ~~including surface water or groundwater. In implementing this section, the department shall~~
12 ~~promulgate rules pursuant to chapter 1-26 addressing the following areas:~~

13 ~~— (1) — Allowable distance of substance storage tanks from public water wells;~~

14 ~~— (2) — Methods of assessment of pollution potential;~~

15 ~~— (3) — Monitoring techniques for identifying potential pollution from storage facilities; and~~

1 ~~—(4) Mitigation measures to be used by storage facilities in the event of land and water~~
2 ~~contamination.~~

3 ~~—A violation of rules promulgated pursuant to this section is subject to § 34A-2-75.~~

4 ~~—The research and information advisory group established pursuant to § 46A-1-86 shall hold~~
5 ~~at least one public hearing to develop recommendations for alternative fee schedules to fund the~~
6 ~~groundwater research and education program established by § 46A-1-85 and shall submit the~~
7 ~~recommendations to the department. The department shall develop fee collection methods in~~
8 ~~order to collect the fees. The alternative fee schedule shall address regulated and other~~
9 ~~substances, and shall be approved by the Legislature prior to the implementation and collection~~
10 ~~of the fees.~~

11 Section 2. That § 46A-1-87 be repealed.

12 ~~—46A-1-87. The Board of Water and Natural Resources shall promulgate rules pursuant to~~
13 ~~chapter 1-26 to award grants for the purpose of groundwater research and public education. The~~
14 ~~rules shall base the awarding of grants on the project's ability to achieve the goals set forth in~~
15 ~~§§ 34A-2-104 and 34A-2-106, willingness to contribute matching funds, technical merit and need~~
16 ~~for funding assistance.~~

17 Section 3. That § 46A-2-15 be amended to read as follows:

18 46A-2-15. The district may, with respect to any project owned and operated by the district
19 or a regulated public water utility:

20 (1) Establish and fix the rate or rates to be charged by the project owner for the
21 furnishing or sale of all water from the project;

22 (2) Establish and fix the charge or charges for water meters or other means necessary for
23 determining the consumption of water from the project; and

24 (3) Require that water for such beneficial uses in this state as the district may determine
25 be made available along the route of the project in this state, in such amounts; as the

1 district may determine, up to a maximum of twenty-five percent of the capacity of any
2 privately owned project, to any residential user in this state, upon the payment by ~~such~~
3 the residential user of all costs of tapping into and removing water from the project.

4 The district ~~shall~~ may promulgate rules pursuant to chapter 1-26 for the exercise of the
5 powers enumerated in this section, including procedures for the establishment of rates and
6 charges and for making available water from the project.