

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

831B0250

## HOUSE BILL NO. 1114

Introduced by: Representatives Diedrich, Chicoine, Crisp, de Hueck, Derby, Jaspers, Kooistra, Schanaman, Sperry, and Waltman and Senators Frederick, Daugaard, Dunn (Jim), Hainje, Halverson, Hutmacher, Olson, Reedy, and Symens

1 FOR AN ACT ENTITLED, An Act to regulate the closure of manure and wastewater storage  
2 facilities for certain concentrated swine feeding facilities.

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

4 Section 1. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For purposes of this Act, the term, manure and wastewater storage facility, means any  
7 containment structure that holds swine waste on an operation that is regulated by the Department  
8 of Environment and Natural Resources under a general water pollution control permit for  
9 concentrated swine feeding operations. The term includes a lagoon, earthen storage basin, deep  
10 pit, or underground or above-ground tank.

11 Section 2. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 No swine production operation may permanently abandon a manure or wastewater storage  
14 facility except as provided in this Act.

15 Section 3. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Any operator of a manure or wastewater storage facility shall maintain the facility in  
3 accordance with the general water pollution control permit for concentrated swine feeding  
4 operations issued by the Department of Environment and Natural Resources and shall use  
5 maintenance techniques that prevent the compromise of the structure or liner of the manure or  
6 wastewater storage facility. The maintenance techniques are subject to inspection by the  
7 department regardless of whether the operation's swine production has ceased. Maintenance shall  
8 be continued until the operation resumes production or has fully complied with the closure  
9 procedures provided under this Act.

10 Section 4. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Any swine production operation that has permanently ceased production shall close all of its  
13 manure and wastewater storage facilities. Any swine production operation that has temporarily  
14 ceased production, but fails to provide proper continual maintenance as provided in section 3 of  
15 this Act, shall close all of the operation's manure and wastewater storage facilities.

16 Section 5. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 A swine production operation shall remove all manure, wastewater, and associated  
19 conveyance structures from the manure and wastewater storage facility before closing the  
20 facility. Any manure and wastewater shall be disposed of in accordance with the general water  
21 pollution control permit for concentrated swine feeding operations.

22 Section 6. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
23 follows:

24 The secretary of the Department of Environment and Natural Resources shall promulgate  
25 rules pursuant to chapter 1-26 to establish procedures for the closure and restart of manure and

1 wastewater storage facilities. The rules shall include standard maximum time periods for all  
2 closure activities, including compliance by any manure or wastewater storage facility. The rules  
3 may provide for the granting of extensions to the time periods for completion of the closure  
4 activities because of weather conditions.

5 Section 7. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The Department of Environment and Natural Resources shall inspect each closed manure and  
8 wastewater storage facility and shall certify whether the closure complies with closure  
9 requirements and procedures. If the department has certified the closure as being in compliance  
10 with all applicable closure requirements and procedures, the swine production is relieved of any  
11 further liability for closure of the facility.