

AN ACT

ENTITLED, An Act to provide that violations of general permits for water pollution control are subject to certain penalties.

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

Section 1. That § 34A-2-112 be amended to read as follows:

34A-2-112. After public notice in at least three newspapers of general circulation in this state and notice to all municipalities, counties, and tribal governments and opportunity for public hearing, the secretary may issue a general permit for a category of water pollution control. A general permit issued by the secretary may be subject to such terms and conditions for installation, establishment, modification, operation, or abandonment of a category of water pollution control as the secretary finds reasonably necessary to adequately protect the public health, safety, welfare, and the environment of this state. Water pollution control activities conducted in conformity with a general permit do not require a permit issued under § 34A-2-36.

A general permit shall remain in effect for a period of five years from the date of issuance or until suspended, revoked, or modified by the secretary. A general permit may be modified after public notice and opportunity for public hearing. A general permit may be suspended or revoked after publication of notice and order of suspension and revocation in at least three newspapers of general circulation in this state. If an affected facility or interested party wishes to contest the order, a request for hearing shall be filed with the department within twenty days. A hearing on the matter shall be held as soon thereafter as practicable. Notice of hearing shall be published in at least three newspapers of general circulation in this state. Any facility operating under a general permit pursuant to this section, upon the filing of a complaint to the secretary, and upon action by the secretary in accordance with the contested case provisions of chapter 1-26, may be removed from the jurisdiction of the general permit and required to obtain an individual permit. Any violation of a condition of a general permit issued pursuant to this section is subject to § 34A-2-75.

Section 2. That § 34A-2-124 be amended to read as follows:

34A-2-124. After public notice in at least three newspapers of general circulation in this state and notice to all municipalities, counties, and tribal governments and opportunity for public hearing, the board may issue a general permit for a category of water pollution control. A general permit issued by the board may be subject to such terms and conditions for installation, establishment, modification, operation, or abandonment of a category of water pollution control as the board finds reasonably necessary to adequately protect the public health, safety, welfare, and the environment of this state. Water pollution control activities conducted in conformity with a general permit do not require a permit issued by the secretary under § 34A-2-27.

A general permit shall remain in effect for a period of five years from the date of issuance or until suspended, revoked, or modified by the board. A general permit may be modified after public notice and opportunity for public hearing. A general permit may be suspended or revoked after publication of notice and order of suspension and revocation in at least three newspapers of general circulation in this state. If an affected facility or interested party wishes to contest the order, a request for hearing shall be filed with the department within twenty days. A hearing on the matter shall be held as soon thereafter as practicable. Notice of hearing shall be published in at least three newspapers of general circulation in this state. Any facility operating under a general permit pursuant to this section, upon the filing of a complaint to the board, and upon action by the board in accordance with the contested case provisions of chapter 1-26, may be removed from the jurisdiction of the general permit and required to obtain an individual permit. Any violation of a condition of a general permit issued pursuant to this section is subject to § 34A-2-75.

An Act to provide that violations of general permits for water pollution control are subject to certain penalties.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 204

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 204
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19____

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State