

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0689

SENATE BILL NO. 204

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Governor

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

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

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

5 34A-2-112. After public notice in at least three newspapers of general circulation in this state
6 and notice to all municipalities, counties, and tribal governments and opportunity for public
7 hearing, the secretary may issue a general permit for a category of water pollution control. A
8 general permit issued by the secretary may be subject to such terms and conditions for
9 installation, establishment, modification, operation, or abandonment of a category of water
10 pollution control as the secretary finds reasonably necessary to adequately protect the public
11 health, safety, welfare, and the environment of this state. Water pollution control activities
12 conducted in conformity with a general permit do not require a permit issued under § 34A-2-36.

13 A general permit shall remain in effect for a period of five years from the date of issuance or
14 until suspended, revoked, or modified by the secretary. A general permit may be modified after
15 public notice and opportunity for public hearing. A general permit may be suspended or revoked
16 after publication of notice and order of suspension and revocation in at least three newspapers

1 of general circulation in this state. If an affected facility or interested party wishes to contest the
2 order, a request for hearing shall be filed with the department within twenty days. A hearing on
3 the matter shall be held as soon thereafter as practicable. Notice of hearing shall be published in
4 at least three newspapers of general circulation in this state. Any facility operating under a
5 general permit pursuant to this section, upon the filing of a complaint to the secretary, and upon
6 action by the secretary in accordance with the contested case provisions of chapter 1-26, may
7 be removed from the jurisdiction of the general permit and required to obtain an individual
8 permit. Any violation of a condition of a general permit issued pursuant to this section is subject
9 to § 34A-2-75.

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

11 34A-2-124. After public notice in at least three newspapers of general circulation in this state
12 and notice to all municipalities, counties, and tribal governments and opportunity for public
13 hearing, the board may issue a general permit for a category of water pollution control. A general
14 permit issued by the board may be subject to such terms and conditions for installation,
15 establishment, modification, operation, or abandonment of a category of water pollution control
16 as the board finds reasonably necessary to adequately protect the public health, safety, welfare,
17 and the environment of this state. Water pollution control activities conducted in conformity with
18 a general permit do not require a permit issued by the secretary under § 34A-2-27.

19 A general permit shall remain in effect for a period of five years from the date of issuance or
20 until suspended, revoked, or modified by the board. A general permit may be modified after
21 public notice and opportunity for public hearing. A general permit may be suspended or revoked
22 after publication of notice and order of suspension and revocation in at least three newspapers
23 of general circulation in this state. If an affected facility or interested party wishes to contest the
24 order, a request for hearing shall be filed with the department within twenty days. A hearing on
25 the matter shall be held as soon thereafter as practicable. Notice of hearing shall be published in

1 at least three newspapers of general circulation in this state. Any facility operating under a
2 general permit pursuant to this section, upon the filing of a complaint to the board, and upon
3 action by the board in accordance with the contested case provisions of chapter 1-26, may be
4 removed from the jurisdiction of the general permit and required to obtain an individual permit.
5 Any violation of a condition of a general permit issued pursuant to this section is subject to
6 § 34A-2-75.