

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0193

SENATE BILL NO. 7

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

1 FOR AN ACT ENTITLED, An Act to establish certain fees to provide for air quality
2 permitting, inspecting, and compliance services to ethanol production plants.

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

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

6 Ethanol production plants are exempt from the fees established in § 34A-1-58, and, in lieu
7 thereof, are subject to the fees established by this section. Concurrent with the submittal of a
8 permit application pursuant to this chapter, the applicant for an air quality permit for an ethanol
9 production plant shall submit to the department an application fee of one thousand dollars. In
10 addition, the owner or operator of an ethanol production plant shall submit to the department
11 an annual fee for the duration of the air quality permit. The annual fee shall consist of an
12 administrative fee of one thousand dollars and an emissions fee in the amount of forty dollars
13 per ton of total suspended particulate matter, sulfur dioxide, nitrogen oxide, volatile organic
14 compounds, and hazardous air pollutants emitted to the air by the ethanol production plant
15 during the previous calendar year. The department shall give written notice of the amount of the



1 fee to be assessed and the basis for the assessment under this section to the owner or operator
2 of the ethanol production plant by June first of each calendar year. The annual fee shall accrue
3 on July first of the year after the permit is issued and annually thereafter. The annual fee is due
4 and payable by July thirty-first and shall be remitted to the Department of Revenue and
5 Regulation along with such forms as may be prescribed by the secretary of revenue and
6 regulation in rules promulgated pursuant to chapter 1-26. The fees shall be administered and
7 used by the department in the same manner as prescribed for other fees established in this
8 chapter.