

**74:34:01:01. Definitions.** Terms used in this article mean:

(1) "CERCLA," the Comprehensive Emergency Response, Compensation and Liability Act of 1980;

(2) "Department," the Department of Environment and Natural Resources;

(3) "Hazardous chemical," any chemical which is a physical or health hazard, but not the following substances:

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the U.S. Food and Drug Administration; or

(b) Any substance present as a solid in any manufactured item if exposure to the substance does not occur under normal conditions of use;

(4) "Hazardous waste," as defined in 40 C.F.R. § 261.3 (July 1, 1988);

(5) "Mixture," a heterogeneous association of substances in which the various individual substances retain their identities and can usually be separated by mechanical means;

(6) "Reportable quantity," a discharge of a regulated substance to the environment in sufficient quantity to harm or threaten to harm the public health, safety, welfare, property, or natural resources of the state, or a regulated substance discharged in a quantity reportable according to the provisions of SARA, Title III, § 304 (1986);

(7) "Responsible person," as defined in SDCL 34A-12-1;

(8) "SARA," the Superfund Amendments and Reauthorization Act of 1986

**Source:** 17 SDR 48, effective October 3, 1990.

**General Authority:** SDCL 34A-12-7, 34A-12-9.

**Law Implemented:** SDCL 34A-12-7, 34A-12-9.