**74:05:08:01.  Definitions.** Terms used in this chapter that are not defined in this section have the meaning given by the Clean Water Act. The following terms used in this chapter mean:

(1)  "Act," "Clean Water Act," the federal Water Pollution Control Act Amendments of 1987, as amended to July 1, 2013; and Public Law 111-88, enacted October 30, 2009; Public Law 112-10, enacted April 15, 2011; Public Law 112-74, enacted December 23, 2011; Public Law 113-6, enacted March 26, 2013; Public Law 113-76, enacted January 17, 2014; Public Law 113-121, enacted June 10, 2014; Public Law 113-235, enacted December 16, 2014; Public Law 114-113, enacted December 18, 2015; Public Law 115-31, enacted May 5, 2017; Public Law 115-141, enacted March 23, 2018; Public Law 116-6, enacted February 15, 2019; Public Law 116-260, enacted December 20, 2019; Public Law 116-93, enacted December 27, 2020; Public Law 117-58, enacted November 15, 2021; and Public Law 117-103, enacted March 15, 2022;

(2)  "Assistance," financial assistance awarded by the Board of Water and Natural Resources pursuant to SDCL 46A-1-60.1 to 46A-1-60.3, inclusive;

(3)  "Board," the Board of Water and Natural Resources acting as that board or as the South Dakota Conservancy District;

(4)  "Construction," any of the following procedures: preliminary planning to determine project feasibility; engineering, environmental, architectural, legal, fiscal, or economic studies, surveys, designs, plans, working drawings, specifications, or procedures; other necessary actions for the erection, building acquisition, alteration, remodeling, improvement, or extension of eligible works, the purchase of equipment, and the inspection or supervision of any of these procedures;

(5)  "Department," the South Dakota Department of Agriculture and Natural Resources;

(6)  "Facilities plan," an engineering evaluation that describes the need for the proposed wastewater treatment works based on present conditions and future needs, evaluates the costs and adequacies of appropriate alternatives, identifies potential environmental impacts of the proposed project; and provides the selection and justification of a final alternative;

(7)  "Intended Use Plan," "IUP," a document prepared annually which provides assurances and specific proposals, including a list of potential SRF projects;

(8)  "Interceptor," a sewer that receives wastewater from a number of transverse sewers or outlets and conducts the wastewater to a point for treatment or disposal;

(9)  "Interim financing," a loan for a term not to exceed five years which is to be repaid from the proceeds of a federal grant or loan to be made by an agency or instrumentality of the United States government for a project;

(10)  "Loan," lending of funds by the board to an eligible applicant pursuant to a financing agreement through the purchase or acquisition of any evidence of indebtedness or other obligation which is issued by the applicant and which is payable from taxes; from rates, revenues, charges, or assessments; from distributions of revenue pursuant to a state appropriation or statutory or constitutional provision; or from a pledge of property or other sources;

(11)  "Median household income," as identified in the U.S. Census Bureau, American Community Survey, DP03 Selected Economic Characteristics 2020: 5-Year Estimates Data Profiles or by other statistically valid income data supplied by the applicant and acceptable to the board;

(12)  "Minimum established rate," a rate charged to residential users of a wastewater system that meets the following criteria:

(a)  For municipalities and sanitary districts the monthly residential wastewater bill is forty-five dollars or more for five thousand gallons usage or thirty dollars or more for five thousand gallons usage for projects that will receive loan proceeds from the Clean Water State Revolving Fund Emerging Contaminants funding made available through Public Law 117-58; or

(b)  For all other assistance recipients the monthly residential wastewater bill is seventy dollars or more for five thousand gallons usage or thirty dollars or more for five thousand gallons usage for projects that will receive loan proceeds from the Clean Water State Revolving Fund Emerging Contaminants funding made available through Public Law 117-58;

(13)  "Nonpoint source," pollution originating from many diffuse sources caused by rainfall or snowmelt moving over and through the ground;

(14)  "Project," the actual erection, building acquisition, alteration, remodeling, improvement, or extension of eligible works, including the necessary planning, design, land acquisition, and purchase or installation of equipment, or implementation of nonpoint source practices;

(15)  "Secretary," the secretary of the Department of Agriculture and Natural Resources;

(16)  "Source water assessment report," a report prepared by the department that identifies potential sources of pollution in the portion of a watershed or groundwater area that contributes water to a water system that has at least fifteen service connections for year-round residents or that serves at least twenty-five year-round residents;

(17)  "State Revolving Fund," the state water pollution control fund, a dedicated financing mechanism to provide loans, grants, and other forms of assistance for eligible works and projects;

(18)  "Storm water project," a project designed to carry or retain only storm waters, surface runoff, street wash waters, and drainage;

(19)  "TMDL process," a determination of the amount of pollution a waterbody can receive and still maintain water quality standards;

(20)  "Wastewater treatment works," any acquisition of the land that will be an integral part of the treatment process or will be used for ultimate disposal of residues resulting from such treatment; or any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastes of a liquid nature that:

(a)  Implement section 201 of the Act;

(b)  Are necessary to recycle or reuse water at the most economical cost over the estimated life of the works;

(c)  Constitute elements essential to provide a reliable recycled supply;

(d)  Are used for the ultimate disposal of residues resulting from the treatment and acquisition of other land, and interests in land, that are necessary for construction; or

(e)  Prevent, abate, reduce, store, treat, separate, or dispose of municipal waste, industrial waste, or waste in combined storm water and sanitary sewer systems; and

(21)  "Water quality grant," a grant made by the board to eligible applicants for the purpose of providing assistance for projects eligible under the Act.

**Source:** 15 SDR 20, effective August 7, 1988; 19 SDR 102, effective January 17, 1993; 21 SDR 97, effective November 28, 1994; 25 SDR 93, effective January 9, 1999; 28 SDR 4, effective July 22, 2001; 29 SDR 87, effective December 22, 2002; 30 SDR 170, effective May 10, 2004; 33 SDR 106, effective December 26, 2006; 36 SDR 208, effective June 28, 2010; 40 SDR 14, effective July 29, 2013; 41 SDR 173, effective May 11, 2015; SL 2021, ch 1, §§ 8, 19, effective April 19, 2021; 49 SDR 100, effective May 22, 2023.

**General Authority:** SDCL 46A-1-60.2, 46A-1-60.3.

**Law Implemented:** SDCL 46A-1-60.1 to 46A-1-60.3, inclusive.

**References:** U.S. Census Bureau, American Community Survey, DP03 Selected Economic Characteristics 2020: 5-Year Estimates Data Profiles. This is information available at no cost over the internet at <http://denr.sd.gov/documents/MedianHouseholdIncome.pdf>.