**74:05:11:01.  Definitions.** Terms not defined in this section have the meaning given by the Safe Drinking Water Act. Terms used in this chapter mean:

(1)  "Act," "Safe Drinking Water Act," the federal Safe Drinking Water Act, 42 U.S.C. § 300f to 42 U.S.C. § 300j-26, inclusive, including the Safe Drinking Water Act Amendments of 1996, as amended to July 1, 2013; 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 113-235, enacted December 16, 2014; Public Law 114-113, enacted December 18, 2015; Public Law 114-322, enacted December 16, 2016; Public Law 115-31, enacted May 5, 2017; Public Law 115-141, enacted March 23, 2018; Public Law 115-270, enacted October 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)  "Affordability criteria," the expected annual residential water rate, based on five thousand gallons usage per month for municipalities and sanitary districts and seven thousand gallons usage per month for all other systems, divided by the median household income;

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

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

(5)  "Community water system," a water system that has at least fifteen service connections for year-round residents or that serves at least twenty-five year-round residents;

(6)  "Construction," any of the following procedures for drinking water works projects: preliminary planning to determine project feasibility; engineering, architectural, legal, fiscal, environmental, or economic studies, surveys, designs, plans, working drawings, specifications, or procedures; rehabilitation or development of new water sources; other necessary actions for the erection, building, acquisition, alterations, remodeling, improvement, or extension of drinking water works; the purchase of equipment; the acquisition of land integral to a project; and the inspection or supervision of any of these procedures;

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

(8)  "Disadvantaged community," the service area of a community water system that meets the following criteria:

(a)  For municipalities and sanitary districts:

(i)  The median household income is below the state-wide median household income; and

(ii)  The monthly residential water 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 Drinking Water State Revolving Fund Emerging Contaminants funding or the Drinking Water State Revolving Fund Lead Service Line Replacement funding made available through Public Law 117-58; or

(b)  For all other applicants:

(i)  The median household income is below the state-wide median household income; and

(ii)  The monthly water bill for rural households is seventy dollars or more for seven thousand gallons usage or fifty-five dollars or more for seven thousand gallons usage for projects that will receive loan proceeds from the Drinking Water State Revolving Fund Emerging Contaminants funding or the Drinking Water State Revolving Fund Lead Service Line Replacement funding made available through Public Law 117-58;

(9)  "Drinking water works," a community water system to provide piped water for human consumption;

(10)  "Emerging contaminants," perfluoroalkyl and polyfluoroalkyl substances or any contaminant in the U.S. EPA, Contaminant Candidate List 5 - Final, 87 Fed. Reg. 68060, 68063-67, (Nov. 14, 2022);

(11)  "Facilities plan," an engineering evaluation that describes the need for the proposed supply, treatment, storage, or distribution project 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;

(12)  "Intended use plan," a document prepared annually which describes how the board intends to use available funds for the year to meet the objectives of the Act and includes the amount of funding that will be allocated to the set-asides and a list of potential projects showing the rating for each project;

(13)  "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;

(14)  "Loan," the 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 pledge of property or other sources;

(15)  "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;

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

(a)  For municipalities and sanitary districts the monthly residential water bill is forty-five dollars or more for five thousand gallons usage; or

(b)  For all other assistance recipients the monthly residential water bill is seventy dollars or more for seven thousand gallons usage;

(17)  "Project," the actual erection, building, acquisition, alteration, remodeling, improvement, or extension of drinking water works, including the necessary planning, design, acquisition of land integral to the project, and purchase or installation of equipment; and

(18)  "Secretary," the secretary of the Department of Agriculture and Natural Resources.

**Source:** 23 SDR 195, effective May 25, 1997; 25 SDR 93, effective January 9, 1999; 28 SDR 95, effective December 19, 2001; 29 SDR 58, effective November 6, 2002; 30 SDR 100, effective December 23, 2003; 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.

**Reference:** DP03 Selected Economic Characteristics 2020: 5-Year Estimates Data Profiles information is available at no cost over the internet at <https://danr.sd.gov/Funding/EnvironmentalFunding/docs/2020_MHI.xlsx>.