**74:12:07:24.  Designation of exempted aquifer.** Following the notice of recommendation procedure in chapter 74:12:09, the secretary may exempt a portion of an aquifer from protection under this chapter and designate it as an exempted aquifer if it does not currently serve as a source of drinking water, if the total dissolved solids content of the groundwater is more than 3,000 and less than 10,000 milligrams per liter and it is not expected to supply a public water system, and if it cannot now, and will not in the future, serve as a source of drinking water for any of the following reasons:

(1)  It produces hydrocarbons;

(2)  It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; or

(3)  It is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption.

**Source:** 38 SDR 117, effective January 12, 2012.

**General Authority:** SDCL 45-9-13.

**Law Implemented:** SDCL 45-9-11, 45-9-13, 45-9-14.