**74:51:01:24.  Modification of criteria for specific sites.** Criteria established in §§ 74:51:01:31, 74:51:01:32, and 74:51:01:44 through 74:51:01:54, inclusive, and in § 74:51:01:56 may be modified to reflect local conditions through determination of site-specific criteria for toxic pollutants in a segment. Modification of criteria must incorporate analyses of physical, chemical, and biological conditions of the receiving waters to assure maintenance of the assigned beneficial use. Actual effluents or effluent simulations may be evaluated in a toxicity testing program conducted under environmental conditions similar to the discharge site in the receiving waters. Analytical procedures, calculation procedures used to measure or demonstrate the toxicological significance of a pollutant, and numerical criteria may be modified by the board after opportunity for public review and comment.

All data necessary to defend the proposed modification of criteria are the responsibility of the person or entity requesting the modification. Methods used to develop site-specific criteria must be approved by the secretary and shall include methods to evaluate effects of bioaccumulative pollutants where appropriate. The **Water Quality Standards Handbook**, 2017, may be used as guidance in developing methods.

**Source:** SL 1975, ch 16, § 1; transferred from § 34:04:02:15, effective July 1, 1979; 10 SDR 145, effective July 4, 1984; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:15, July 1, 1996; 24 SDR 10, effective July 20, 1997; 31 SDR 29, effective September 13, 2004; 47 SDR 110, effective April 27, 2021.

**General Authority:** SDCL 34A-2-10, 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.

**Reference:** **Water Quality Standards Handbook**, 2017, U.S. Environmental Protection Agency, Office of Water Regulations and Standards. Copies are available from the U.S. Environmental Protection Agency, Region VIII, Denver, Colorado 80203. There is no charge for this document. The document is also available at:

<https://www.epa.gov/wqs-tech/water-quality-standards-handbook>.

**Cross-Reference:** Antidegradation requirements, §§ 74:51:01:34 through 74:51:01:39, inclusive.