**74:51:01:34.  Antidegradation of waters of the state.** The antidegradation policy for this state is as follows:

 (1)  The existing beneficial uses of surface waters of the state and the level of water quality that is assigned by designated beneficial uses shall be maintained and protected;

 (2)  Surface waters of the state in which the existing water quality is better than the minimum levels prescribed by the designated beneficial use shall be maintained and protected at that higher quality level;

 (3)  The board, or secretary, may allow a lowering of the water quality to levels established under the designated beneficial use if it is necessary in order to accommodate important economic or social development in the area in which the waters are located;

 (4)  Surface waters of the state which do not meet the levels of water quality assigned to the designated beneficial use shall be improved as feasible to meet those levels;

 (5)  No further reduction of water quality may be allowed for surface waters of the state that do not meet the water quality levels assigned to their designated beneficial uses as a result of natural causes or conditions, and all new discharges must meet applicable water quality standards; and

 (6)  The secretary shall assure that regulatory requirements are achieved for all new and existing point sources and that nonpoint sources are controlled through cost effective and reasonable best management practices.

 **Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:49, July 1, 1996; 24 SDR 10, effective July 20, 1997.

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

 **Law Implemented:** SDCL 34A-2-22, 34A-2-24, 34A-2-26.