



2023 South Dakota Legislature  
**Senate Bill 92**  
**ENROLLED**

AN ACT

**ENTITLED An Act to require that certain operations obtain their own general or individual water pollution permits.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1. That § 34A-2-36.2 be AMENDED:**

**34A-2-36.2.** Each concentrated animal feeding operation, as defined by 40 C.F.R. § 122.23 (January 1, 2023), shall operate under a general or individual water pollution control permit, issued pursuant to § 34A-2-36.

**Section 2. That chapter 34A-2 be amended with a NEW SECTION:**

If an operation processes or stores manure, or processes or stores process wastewater, as those terms are defined in 40 C.F.R. § 122.23 (January 1, 2023), without coverage under a concentrated animal feeding operation's general or individual water pollution control permit issued pursuant to §§ 34A-2-36 and 34A-2-36.2, and if the maximum number of permitted or unpermitted animals from which manure or process wastewater is processed or stored would meet the definition of a large concentrated animal feeding operation, under 40 C.F.R. § 122.23 (January 1, 2023), that operation must obtain its own general or individual water pollution permit pursuant to § 34A-2-36.

An Act to require that certain operations obtain their own general or individual water pollution permits.

\_\_\_\_\_

\_\_\_\_\_

I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 92

2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 92  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State