



2023 South Dakota Legislature

Senate Bill 92

Introduced by: **Senator Wiik**

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

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

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

5 **34A-2-36.2.** Each concentrated animal feeding operation, as defined by Title 40
 6 Codified Federal Regulations Part C.F.R. § 122.23 dated (January 1, ~~2007~~ 2023), shall
 7 operate under a general or individual water pollution control permit, issued pursuant to
 8 § 34A-2-36.

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

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