

ARTICLE 74:52

SURFACE WATER DISCHARGE PERMITS

Chapter

- 74:52:01 General provisions.
- 74:52:02 Application requirements.
- 74:52:03 Permit conditions.
- 74:52:04 Transfer, modification, revocation and reissuance, and termination of permits.
- 74:52:05 Application process.
- 74:52:06 Secondary treatment standards.
- 74:52:07 Criteria and standards for permits.
- 74:52:08 Toxic pollutant effluent standards for permits.
- 74:52:09 Sewage sludge standards.
- 74:52:10 Effluent guidelines and standards for permits and pretreatment industrial users.
- 74:52:11 Pretreatment regulations.
- 74:52:12 Industrial stormwater fees.

CHAPTER 74:52:12

INDUSTRIAL STORMWATER FEES

Section

74:52:12:01 Definitions.

74:52:12:02 Sector J annual fees.

74:52:12:03 Other industrial sectors fees.

74:52:12:04 Annual fee due date.

74:52:12:05 Maximum annual fee.

74:52:12:01. Definitions. Words and phrases defined in SDCL 34A-2-2, have the same meaning when used in chapter 74:52:12. Terms and abbreviations which are not specifically defined shall be construed in conformance with the context and in relation to the applicable section of the standards or the statute concerned. In addition, terms used in chapter 74:52:12 are defined as follows:

(1) “Sector A,” means timber products facilities as described by standard industrial classification major group 24. This sector includes all facilities that produce lumber and wood products, except furniture;

(2) “Sector AA,” means fabricated metal products manufacturing facilities as defined by standard industrial classification major groups 34 and 39;

(3) “Sector AB,” means facilities that manufacture transportation equipment, industrial, or commercial machinery as described in standard industrial classification major groups 35 and 37 (except standard industrial groups 357 and 373);

(4) “Sector AC,” means electronic and electrical equipment and components, photographic, and optical goods manufacturing facilities as defined by standard industrial classification major groups 36 and 38 and standard industrial group 357;

(5) “Sector AD,” means facilities required by the secretary to obtain a permit for stormwater discharges associated with industrial activity;

(6) “Sector B,” means paper and allied products manufacturing facilities as defined by standard industrial classification major group 26;

(7) “Sector C,” means chemical and allied products manufacturing facilities as described by standard industrial classification major group 28 and primary standard industrial classification of 3952, which is limited to inks and paints;

(8) “Sector D,” means asphalt paving and roofing materials manufacturers and lubricant manufacturers as described by standard industrial classification major group 29;

(9) “Sector E,” means glass, clay, cement, concrete, and gypsum product manufacturing facilities as described by standard industrial classification major group 32;

(10) “Sector F,” means primary metals facilities as described by standard industrial classification major group 33;

(11) "Sector G," means metal mining, ore mining, and dressing facilities as defined by standard industrial classification major group 10;

(12) "Sector H," means coal mines and coal mining-related facilities as defined by standard industrial classification major group 12;

(13) "Sector I," means oil and gas extraction facilities as defined by standard industrial classification major group 13;

(14) "Sector J," means active and inactive mining, quarrying, and processing of nonmetallic minerals (except fuels) as defined by standard industrial classification major group 14;

(15) "Sector K," means hazardous waste treatment, storage, or disposal facilities, as defined by § 74:28:21:01;

(16) "Sector L," means landfills, land application sites, and open dumps that receive or have received industrial waste as defined by § 74:27:07:01;

(17) "Sector M," means automobile salvage yards and automobile recyclers with a primary standard industrial classification of 5015;

(18) “Sector N,” means scrap recycling and waste recycling facilities with a primary standard industrial classification of 5093;

(19) “Sector O,” means steam electric power generating facilities;

(20) “Sector P,” means land transportation and warehousing activities as defined by standard industrial classification major groups 40, 41, 42, 43, and standard industrial classification 5171;

(21) “Sector Q,” means water transportation facilities with vehicle maintenance shops or equipment cleaning operations as defined by standard industrial classification major group 44;

(22) “Sector R,” means ship and boat building or repair yards with a primary standard industrial classification of 3731 or 3732;

(23) “Sector S,” means vehicle maintenance areas, equipment cleaning areas, or deicing areas located at air transportation facilities as defined by standard industrial classification major group 45;

(24) “Sector T,” means stormwater discharges from treatment works including those facilities that treat domestic sewage with a design flow of one million gallons per day or more, are required to have an approved pretreatment program under chapter 74:52:10, or have land dedicated to the disposal of sewage sludge within the confines of the facility;

(25) “Sector U,” means food and kindred products facilities as defined by standard industrial classification major group 20;

(26) “Sector V,” means textile facilities as described by standard industrial classification major groups 22, 23, and 31 (except standard industrial classification of 3111), which includes all facilities that produce textiles;

(27) “Sector W,” means wood and metal furniture and fixture manufacturing facilities as defined by standard industrial classification major group 25 and standard industrial classification 2434;

(28) “Sector X,” means printing and publishing facilities including allied industries facilities described in standard industrial classification major group 27;

(29) “Sector Y,” means rubber, miscellaneous plastic products, and miscellaneous manufacturing facilities as described by standard industrial classification major groups 30 and 39 (except standard industrial classification of 3952); and,

(30) “Sector Z,” means leather tanning and finishing facilities with a primary standard industrial classification of 3111.

Source:

General Authority: SDCL 34A-2-119.1.

Law Implemented: SDCL 34A-2-36.

Reference: standard industrial classification Manual, 1987, Executive Office of the President, Office of Management and Budget. Copies may be obtained from National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, order no. PB 87-100012. Cost: \$31. The document is available online at https://www.osha.gov/pls/imis/sic_manual.html.

74:52:12:02. Sector J annual fees. The owner or operator of a sector J industrial site that is required to operate under a general water pollution control permit for stormwater discharges associated with industrial activities shall pay an annual fee. The annual fee shall be as follows based on the unreclaimed acreage reported under SDCL 45-6-72 as of December 31 of each year:

(1) \$100 for sites with less than 1.0 acre unreclaimed;

(2) \$200 for sites with 1.0 acre to less than 20.0 acres unreclaimed;

(3) \$400 for sites with 20.0 acres to less than 40.0 acres unreclaimed;

(4) \$600 for sites with 40.0 acres to less than 80 acres unreclaimed; and

(5) \$800 for sites with 80 acres or more unreclaimed.

Source:

General Authority: SDCL 34A-2-119.1.

Law Implemented: SDCL 34A-2-36.

74:52:12:03. Other industrial sectors fees. The owner or operator of an industrial site that is required to operate under a general water pollution control permit for stormwater discharges associated with industrial activities, except sector J sites, shall pay an annual fee as follows:

(1) \$100 for sectors B, P, Q, R, T, U, V, W, and X;

(2) \$200 for sectors C, F, O, S, Y, Z, AA, AB, AC, and AD;

(3) \$400 for sectors A, D, E, M, and N;

(4) \$600 for sectors K and L; and

(5) \$800 for sectors G, H, and I.

Source:

General Authority: SDCL 34A-2-119.1.

Law Implemented: SDCL 34A-2-36.

74:52:12:04. Annual fee due date. The annual fee for coverage under a general water pollution control permit for stormwater discharges associated with industrial activities accrues on January 1

of each year and is due on January 31 of that year, beginning January 31, 2022. The annual fee will accrue each year until the permit coverage is terminated by the secretary.

Source:

General Authority: SDCL 34A-2-119.1.

Law Implemented: SDCL 34A-2-36.

74:52:12:05. Maximum annual fee. The maximum annual fee for an owner with multiple sites covered under a general water pollution control permit for stormwater discharges associated with industrial activities shall not exceed \$2,500 per year.

Source:

General Authority: SDCL 34A-2-119.1.

Law Implemented: SDCL 34A-2-36.