



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Groundwater Discharge Plan Application

Additional information regarding the Groundwater Discharge Plan can be found here:

<https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/gwdischargepermit/default.aspx>

1. Name of discharger or person legally responsible for discharge (owner and operator) *refer to Administrative Rules of South Dakota (ARSD) 74:54:02:06(1)*:

Address:

Telephone:

Local representative or contact person if different from above:

Name:

Address:

Telephone:

2. Legal location of discharge facility, *refer to ARSD 74:54:02:06 (2)*

County _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, _____ $\frac{1}{4}$,

Section _____, Township _____, Range _____

3. *Refer to ARSD 74:54:02:06(3)*

Name of facility and/or project _____

Estimated project life _____ years

Type of Operation, facility or Development.

A. New facility Modification of existing facility

Concentrated Animal Feeding Operation

Industrial (i.e. chemical manufacture, metal manufacturing wood
treatment, photo processing, printing, paper mills, etc.)

Municipal waste

Mining

Other (i.e. agricultural, silvicultural, gravel washing, rock crushing
Activities, etc.)

Specify _____

Description of operation. _____

4. Name, location ($\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$, Section, Township, and Range), and description of all wells (existing, abandoned, or proposed), waterbodies, drainages, natural or man-made structures, and water usage (past, present, or future) within a one-mile radius of the discharge site. *Refer to ARSD 74:54:02:06 (4)*

Wells – existing, abandoned, proposed, *refer to ARSD 74:54:02:06 (12)*

<u>Name</u>	<u>Location</u>	<u>Description</u>	<u>Status</u>	<u>Usage</u>

Waterbodies and drainages

<u>Name</u>	<u>Location</u>	<u>Description</u>	<u>Status</u>	<u>Usage</u>

Structures

<u>Name</u>	<u>Location</u>	<u>Description</u>	<u>Status</u>	<u>Usage</u>

The above information MUST be included on a plat map and attached to the application.

5. A. Geologic description – discussion must include:
 1. Structural geology – regional and local
 2. Stratigraphy – description of geographic formations and thickness
 - soil types, thickness, depth to bedrock, cation exchange capacity, and attenuation capabilities.
 3. Geomorphology (topography)
 4. Land use

B. Hydrologic description – discussion must include:

1. Depth to groundwater or aquifer – must include all sources, description of the source, flow directions and gradients, well logs must be included.
2. The groundwater most likely to be affected by the discharge – description to include the name of the aquifer, saturated thickness, flow direction, porosity, hydraulic conductivity, and other flow characteristics, hydraulic connection with other aquifers or surface sources, recharge information, water in storage, usage, and the projected aerial extent of the aquifer.

Refer to ARSD 74:54:02:06 (11).

3. The quality of all water sources in accordance with the parameters listed in *ARSD 74:54:01:03 and 74:54:01:04*, inclusive. Future monitoring sites will be required to submit sampling data upon completion.

Source

Parameter

Concentration and units

4. Flooding potential of the site, the 100-year flood plain, if applicable, and any protection measures. *Refer to ARSD 74:54:02:06 (14).*

C. Agricultural description – if applicable, the discussion must include land use; types of crops produced; irrigation, if used; locations of livestock confinement areas (existing or abandoned).

6. Description of construction, modification, or operation of discharge system to include a quality assurance/quality control plan for construction. Copies of plans and specifications relating to construction, modification, and operation of discharge systems, including materials, specifications provided by the manufacturer, must be submitted to the Department of Agriculture and Natural Resources. *Refer to ARSD 74:54:02:13.*

The description must include the means of discharge (to a lagoon, cropland, septic tank-leach field, other – specify), the quantity, the quality, and the description of treatment, if any, prior to discharge. *Refer to ARSD 74:54:02:06 (6) and (10).*

Quantity

Average volume discharged _____ gallons per day

Maximum volume discharged _____ gallons per day

Number of days per year that facility will discharge. _____

If more than one discharge point exists, list the discharge volume (average and maximum) for each source in gallons per day.

Quality, refer to ARSD 74:54:01:03 and 74:54:01:04

Before treatment

Parameter

Concentration and units

After treatment – the quality of the discharge after treatment must be justified by the laboratory testing and calculation. If calculations are used, they must be submitted with the application. If more than one type of discharge, the quality for each must be submitted. Composites of more than one individual discharge streams will not be accepted.

Parameter

Concentration and units

7. What conditions naturally exist, and what actions will the discharger take to assure that the discharge can be controlled and will not migrate into or adversely affect the quality of any waters of the state. This discussion should address chemical loading, attenuation, dilution, methods to minimize groundwater discharge (i.e., synthetically lined ponds with leak detection), and methods for detecting system failures. *Refer to ARSD 74:54:02:06 (07) and 74:54:02:21.*
8. If applicable, describe the Perimeter of Operational Pollution (POP), and any geologic or hydrological information used to determine the dimensions of the POP. A social and economic justification for the POP must be included. A plat map showing the proposed dimensions of the POP, monitoring points for the POP, and the compliance monitoring point must be included. *Refer to ARSD 74:54:02:06 (8), 74:54:02:11, and 74:54:02:17.*
9. *Refer to ARSD 74:54:02:06(9) and 74:54:02:20*, a monitoring plan to include:
 - A. The ambient water quality of the discharge site in accordance with ARSD 74:54:02:18
 - B. A quality assurance/quality control plan for sampling, well construction, or other effluent or leachate monitoring devices (e.g. lysimeters or tensiometers).
 - C. A quality assurance/quality control plan for laboratories used by the operator.
 - D. An operational monitoring plan to address monitoring sites, parameters to be measured, a monitoring schedule, and reporting schedule.
 - E. Post closure monitoring plan to address monitoring sites, parameters to be measured, a monitoring schedule, and reporting schedule.
10. Define an operational compliance effluent (discharge stream) sampling plan. Include parameters to be sampled, a monitoring schedule, and the means or devices used for measurement of the rate of discharge (flow monitoring). Also address a reporting schedule of the discharge. *Refer to ARSD 74:54:02:06 (13), 74:54:02:20 and 74:52:02:22.*

11. Define and operation and a post-closure contingency plan to bring the facility into compliance if the permitted allowable limits are exceeded. *Refer to ARSD 74:54:02:06 (15), 74:54:02:22 and 74:54:02:27.*

12. Define methods and procedures for inspections of facility operation and for detection of system failures. *Refer to ARSD 74:54:02:06 (16)*

13. The discharger must include a notarized statement granting permission to inspect in accordance with ARSD 74:50:03:03. The document must be signed by a person legally responsible for the facility. A corporate application must be signed by the officers of the corporation. *Refer to ARSD 74:54:02:06 (1).*

NOTE: *To demonstrate that the groundwater standards will not be violated, and waters of the State will be protected, additional information may be requested of the discharger.*

I certify that I am a person (the owner and operator) legally responsible for this facility, that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete and accurate.

Signature

Date

Printed Name

Title

The additional forms required to be submitted with this application are attached in the following order:

1. Certification of Applicant Form
2. Permission to Inspect Form

BEFORE THE SECRETARY OF

**IN THE MATTER OF THE
APPLICATION OF**

STATE OF

COUNTY OF

CERTIFICATION OF

APPLICANT

I have read and understand South Dakota Codified Law Section 1-41-20 which provides:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-41-20, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public (signature)

My commission expires: _____

(SEAL)

**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE
ALL FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-41-20 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**GROUNDWATER DISCHARGE PLAN
PERMISSION TO INSPECT**

Facility Name: _____

Location or Physical Address: _____

I hereby certify that I am a person (owner and operator) legally responsible for this facility, and that I grant permission for the Secretary of the South Dakota Department of Agriculture and Natural Resources, or an authorized representative, to inspect this facility, including all records and reports, in accordance with ARSD 74:50:03:03.

Dated this _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public (signature)

My commission expires: _____

(SEAL)