Water Management Board

Notice of Public Hearing to Adopt Rules

A public hearing will be held by the Water Management Board on December 7, 2022, at 9:30 AM Central Time, at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, to consider the adoption and amendment of proposed rules numbered ARSD:

74:51:01 Surface Water Quality Standards Appendix B;

74:51:01:53  Criteria for irrigation waters;

74:51:01:01  Definitions;

74:51:02:04  Uses of certain lakes;

74:51:03:05  Missouri River and certain small tributaries’ beneficial uses; and

74:51:03:07  Big Sioux River and certain tributaries’ uses.

The following is a summary of the proposed changes:

* 74:51:01 Surface Water Quality Standards Appendix B – Update/adopt cadmium criteria, other corrections to errors;
* 74:51:01:53  Criteria for irrigation waters – update Irrigation beneficial use criteria to seasonal (April 1 through October 31);
* 74:51:01:01  Definitions – remove a definition that is no longer used and renumber definitions;
* 74:51:02:04  Uses of certain lakes – corrections to uses of certain lakes; remove breached reservoirs and lakes that no longer exist from the chapter;
* 74:51:03:05  Missouri River and certain small tributaries’ beneficial uses – update the to/from location for the change in coldwater permanent and warmwater permanent fish life propagation use; and
* 74:51:03:07  Big Sioux River and certain tributaries’ uses – corrections to errors in spelling and to/from locations.

The Department of Agriculture and Natural Resources (DANR) has identified revisions and corrections to the Surface Water Quality Standards that are necessary and appropriate to ensure the standards meet the needs of the federal Clean Water Act and the state of South Dakota.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing or mail them to the Department of Agriculture and Natural Resources, Surface Water Quality Program, Attn: Shannon Minerich, 523 E Capitol Ave, Pierre, SD, 57501-3182, or submit on DANR’s One Stop for Public Notices at <https://danr.sd.gov/public/default.aspx>. All written comments must reach the Surface Water Quality Program by November 27, 2022, to be considered.

Persons may participate virtually by visiting the Boards and Commissions portal at: <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106> and clicking on the “Remote Participation Information link.”

After the public hearing, the Water Management Board will consider all written and oral comments it receives on the proposed rules. The board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice. The final water quality standards adopted by the board must be submitted to the United States Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act for review and approval. If the EPA disapproves any portion of the water quality standards, EPA has the authority to promulgate federal standards for South Dakota.

This hearing is being held in a physically accessible place. Please notify the DANR at least 48 hours before the public hearing if special arrangements must be made at the public hearing. To request special arrangements or copies of the proposed rules and supporting documentation, call or write to Shannon Minerich, Surface Water Quality Program, Joe Foss Building, 523 East Capitol, Pierre, South Dakota, 57501-3182; phone (605) 773-3351. Copies of the proposed rules and supporting documentation can also be obtained by visiting DANR's One-Stop Public Notice website at <https://danr.sd.gov/public/default.aspx> or the state of South Dakota's One-Stop for Administrative Rules at [https://rules.sd.gov](https://rules.sd.gov/).

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