

AN ACT

ENTITLED, An Act to revise certain fees for entities permitted under the national pollutant discharge elimination system.

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

Section 1. That § 34A-2-117 be amended to read:

34A-2-117. There is hereby imposed an annual fee on each facility permitted under the national pollutant discharge elimination system program provisions of section 402 of the Federal Water Pollution Control Act, 33 U.S. C. 1342, as amended to January 1, 2018. The fee shall be assessed as provided in section 3 of this Act and §§ 34A-2-118 to 34A-2-120, inclusive.

Section 2. That § 34A-2-118 be amended to read:

34A-2-118. For publicly-owned treatment works including municipalities, housing subdivisions, trailer parks, and sanitary districts owned by the state or a political subdivision of the state; privately-owned treatment works including housing subdivisions and trailer parks that treat primarily domestic household wastewater; and Ellsworth Development Authority, the fee imposed in § 34A-2-117 shall be based upon the last preceding federal census data for each municipality and the population served by a nonmunicipality or the Ellsworth Development Authority, and the fee table below:

Population Range	Fee (\$)
25 to 50	37
51 to 100	75
101 to 200	150
201 to 300	250
301 to 400	350
401 to 500	450
501 to 600	550

601 to 700	650
701 to 800	750
801 to 900	850
901 to 1,000	950
1,001 to 2,000	1,500
2,001 to 3,000	2,500
3,001 to 4,000	3,500
4,001 to 5,000	4,500
5,001 to 6,000	5,500
6,001 to 7,000	6,500
7,001 to 8,000	7,500
8,001 to 9,000	8,500
9,001 to 10,000	9,500
10,001 to 11,000	10,500
11,001 to 12,000	11,500
12,001 to 13,000	12,500
13,001 to 14,000	13,500
14,001 to 15,000	14,500
15,001 to 16,000	15,500
16,001 to 17,000	16,500
17,001 to 18,000	17,500
18,001 to 19,000	18,500
19,001 to 20,000	19,500
20,001 to 30,000	25,000
30,001 to 40,000	35,000
40,001 to 50,000	45,000
50,001 to 60,000	55,000
60,001 to 70,000	65,000
70,001 to 80,000	75,000

80,001 to 90,000	85,000
90,001 to 100,000	95,000
100,001 or more	125,000

Section 3. That chapter 34A-2 be amended by adding a NEW SECTION to read:

There is hereby imposed an annual stormwater fee on each construction and industrial site that is required to operate under a general water pollution control permit issued under chapter 34A-2. The annual fee imposed in § 34A-2-117 is as follows:

- (1) The fee payable by the Department of Transportation is twenty-five thousand dollars per year. The fee accrues on August first of each year and is due on August thirty-first;
- (2) The fee for a construction site that is required to operate under a general water pollution control permit for stormwater discharges associated with construction activities as defined under 40 CFR Part 126 as amended to January 1, 2018, and issued under chapter 34A-2, other than any site owned by the Department of Transportation, is based on the number of acres disturbed for the entire construction project and the fee table below:

Disturbed Area (Acres)	Fee (\$)
Less than 5	100
5 to less than 40	250
40 to less than 80	500
80 or more	750

The fee is payable by the owner of the site. For any construction site permitted before July 1, 2018, the first annual stormwater fee payment is due on January 31, 2019. Any future annual fee accrues on January first of each year and is due on January thirty-first until the permit coverage is terminated. For any construction site permitted after June 30, 2018, the first annual stormwater fee payment is due when the owner submits the notice of intent to be covered under the general permit for stormwater discharges associated with

construction activity. For any permit that continues beyond one year, the annual stormwater fee accrues on the anniversary of the notice of intent submission and is due thirty days later; and

- (3) The secretary may promulgate rules, pursuant to chapter 1-26, to establish an annual tiered fee for each industrial site that is required to operate under a general water pollution control permit for stormwater discharges associated with industrial activities as defined under 40 CFR Part 126 as amended to January 1, 2018, and issued under chapter 34A-2. The tiered fee structure shall equitably assess an annual fee to cover the reasonable costs of developing and administering the stormwater permitting requirements for industrial activities that include:
 - (a) Preparing regulations and general stormwater permits for applicable industrial activities;
 - (b) Reviewing and acting on applications for an industrial stormwater permit or permit revision;
 - (c) Implementing the industrial stormwater permits and inspecting permitted facilities, to include enforcing the terms and conditions of the permits if needed; and
 - (d) Providing training, technical support, and customer services to permitted entities to include developing on-line functions.

The annual fee is in addition to any other fee or tax levied by law. The fee imposed by this section shall be remitted to the state along with any form as may be prescribed by the state. The fees shall be deposited in the surface water discharge and pretreatment permit administrative subfund established in § 34A-2-121.

An Act to revise certain fees for entities permitted under the national pollutant discharge elimination system.

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I certify that the attached Act originated in the

SENATE as Bill No. 25

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 25
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State