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1971

South Dakota Committee on Water Pollution Regulation of Livestock Enterprises For Water Quality Control

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Recommended Citation

Department, Animal Science, "South Dakota Committee on Water Pollution Regulation of Livestock Enterprises For Water Quality Control" (1971). *South Dakota Swine Field Day Proceedings and Research Reports, 1971*. Paper 17.
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SOUTH DAKOTA COMMITTEE ON WATER POLLUTION

REGULATION OF LIVESTOCK ENTERPRISES FOR WATER QUALITY CONTROL

This regulation establishes the procedures for applying for a permit for the discharge of waste and the requirements for operation of water pollution control facilities for livestock enterprises and has been adopted by the South Dakota Committee on Water Pollution in accordance with the Water Pollution Control Act, Chapter 46-25, SDCL 1967, as amended, and the Administrative Procedure Act, Chapter 1-26, SDCL 1967, as amended.

It is the intent of these regulations that pollution as a result of livestock be controlled. It is recognized that livestock enterprises are highly individual in their construction, location, and other factors; and permits for the discharge of waste for livestock enterprises shall be considered by the Committee on Water Pollution on an individual basis.

Section I - Definitions

1. The term "pollution" shall mean the deterioration of the quality of any of the waters of the State as set forth in "Water Quality Standards for the Surface Waters of South Dakota".
2. The words "livestock enterprise" shall mean the feeding of cattle, swine, sheep, horses, fowl, fur animals, or other livestock in lots or pens, or concentrations of such animals in feeding, holding, or wintering areas.
3. The words "animal unit" shall mean:
 - 1 beef cow, steer, feeder, or fat beef animal = 1 animal unit
 - 1 horse = 1 animal unit
 - 0.7 dairy cow = 1 animal unit
 - 1.7 swine = 1 animal unit
 - 6.7 sheep = 1 animal unit
 - 33 hens, cockerels, capons, broilers, or ducks = 1 animal unit
 - 10 geese or turkeys = 1 animal unit
4. The term "operator" shall mean an individual, a corporation, a group of individuals, joint venturers, a partnership, or any other business entity owning or having charge or control of one or more livestock enterprises.
5. The words "retention ponds" or "waste-holding pits" shall mean excavated, diked, or concrete structures, or natural depressions provided for or used for the purpose of containing or retaining wastes consisting of excreta, feed losses, and litter, whether separately or collectively, or any other associated materials detrimental to water quality or public health or to beneficial uses of the waters of the State. A waste-retention structure shall not be construed to be a treatment facility and discharges of wastewater therefrom shall not be allowed except as authorized in a Permit for Discharge of Waste.

6. The words "waste treatment facilities" shall mean structures and/or devices which stabilize or otherwise control pollutants so that, after discharge of the treated wastes, water pollution does not occur and the public health and the beneficial uses of the waters of the State are adequately protected.
7. The words "water pollution control facilities" shall mean waste-retention ponds, waste-holding pits, waste treatment facilities or other approved facilities.
8. The term "Committee" shall mean the South Dakota Committee on Water Pollution.
9. The term "Director" shall mean the Director of the Division of Sanitary Engineering and Environmental Protection of the South Dakota Department of Health who is the Secretary and Executive Officer for the Committee.

Section II - Permit for Discharge of Waste

1. A PERMIT FOR DISCHARGE OF WASTE IS REQUIRED IF:
 - a. The number of cattle confined in a feedlot exceeds 500 animal units or a comparable combination of other livestock; or the proposed or existing livestock enterprise, regardless of number or kind of animals, is a water pollution source; or
 - b. The livestock enterprise contributes to a body of water or a watercourse draining more than 3,000 acres of land above the enterprise and/or the distance to the nearest point on the body of water or watercourse is less than 2 feet per head of cattle or equivalent livestock in the enterprise; or
 - c. The runoff water from the enterprise, or overflow from a lagoon or liquid manure storage tank, flows into a tile line or other buried conduit, drainage well, pumped well, abandoned well, or sinkhole; or
 - d. The operator of a livestock enterprise submits an application.
2. Within six months from the effective date of these regulations, the operator of any proposed or existing livestock enterprise described in parts "a" through "c", in Section II-1, shall make application to the Committee for a Permit for Discharge of Waste.
3. Application for a Permit for Discharge of Waste shall be made on forms furnished by the Director. In addition to information supplied in the application form, the Director may require that the operator furnish additional data. Also, the Director or his authorized representative may inspect the site of the livestock enterprise for the purpose of obtaining information pertinent to the application.

4. Consideration of the Application for Permit for Discharge of Waste and related information, including recommendations by the Director, will be scheduled before the Committee, and the operator will be so informed. The operator may attend the meeting of the Committee and be heard.
5. Upon consideration of the Application, if the Committee finds that the livestock enterprise is not contributing to the pollution of waters as set forth and described in the Water Quality Standards, a Permit for Discharge of Waste will be issued to the operator. The Permit shall be valid, subject to annual renewal, so long as the livestock enterprise is not materially changed and the quality of water for uses as established by the Water Quality Standards is not adversely affected. Reconsideration of a Permit for Discharge of Waste may be scheduled by the Committee at any time; and, if changed conditions warrant as determined by the Committee, the Permit may be modified to conform to such changed conditions. The operator will be notified of scheduled reconsideration and shall be heard with respect thereto if the operator so desires.
6. Upon consideration of the Application, if the Committee finds that the livestock enterprise is contributing to the pollution of waters as set forth and described in the Water Quality Standards, a Notice of Requirement for Control of Waste will be issued to the operator. This Notice will contain guidelines for construction of facilities needed to alleviate pollution. Also, the Notice will prescribe the quality to be maintained in the receiving waters.
7. Within one hundred and twenty (120) days following receipt of the Notice of Requirement for Control of Waste, the operator shall submit to the Director construction plans for water pollution control facilities, based upon the guidelines contained in the Notice or equivalent criteria. Construction plans shall be prepared in accordance with design criteria recommended by the Director.
8. Upon approval of the construction plans by the Director, consideration of the Application for Permit for Discharge of Waste, including recommendations of the Director, will be scheduled before the Committee and the operator will be so informed. The operator may attend the meeting of the Committee and be heard, or may send additional written information as he may consider pertinent. If approved by the Committee, a Permit for Discharge of Waste will be issued to the operator, subject to construction of facilities as set forth in the operator's plans, as approved, and within the time period specified in the Permit.
9. Upon receipt of Permit for Discharge of Waste, the operator shall proceed with construction of water pollution control facilities, if required, in accordance with the Permit for Discharge of Waste and his approved plan. The operator shall notify the Director when he has completed construction of his water pollution control facilities.

10. Permits issued by the Committee must be renewed annually (Section 6, Chapter 46-25, SDCL 1967). If a Permit is not renewed for cause, the operator of the livestock enterprise involved shall construct temporary facilities to prevent pollution of the receiving waters. The operator will then be allowed to finish feeding those cattle, swine, sheep, or other livestock in the feeding area at the time of the renewal, but shall not place or allow to be placed in the feeding area any other cattle, swine, sheep, or other livestock until requirements for water pollution control facilities, as set forth in these regulations, have been met and a new Permit has been issued, unless the operator has requested and received the permission of the Committee.

11. The water pollution control facilities shall be operated and maintained so as to protect the health and welfare of the public, to prevent nuisance problems, and to prevent pollution of waters of the State.

Section III - Access to Livestock Enterprise Operations

After notification, the Director or his authorized representatives shall be permitted access to livestock enterprises to determine water pollution control effectiveness or to investigate actual or potential pollution of the waters of the State.