



2025 South Dakota Legislature

House Bill 1021

ENROLLED

AN ACT

ENTITLED An Act to modify the annual fee for concentrated animal feeding operations and to establish an application fee.

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

Section 1. That a NEW SECTION be added to chapter 34A-2:

In addition to any other tax or fee levied by law, there is hereby imposed on any concentrated animal feeding operation or any operation that processes or stores manure or process wastewater and is required to operate under a water pollution control permit pursuant to § 34A-2-36.2 or 34A-2-36.3 an annual fee as provided for in this section and section 2.

In the case of an operation with a water pollution control permit that includes a nutrient management plan, other than a livestock auction, an operation located outside of this state, or an operation located in Indian country, as defined in 40 C.F.R § 122.2 (April 21, 2020), the fee is based on the maximum permitted number of animals and is as follows:

- (1) \$0.172 per mature dairy cow, milked or dry;
- (2) \$0.12 per other cattle or bison;
- (3) \$0.24 per horse;
- (4) \$0.012 per weaned swine less than fifty-five pounds;
- (5) \$0.048 per swine equal to or greater than fifty-five pounds;
- (6) \$0.012 per sheep or weaned lamb;
- (7) \$0.0022 per turkey;
- (8) \$0.0011 per chicken; and
- (9) \$0.004 per duck or goose.

Section 2. That a NEW SECTION be added to chapter 34A-2:

The annual fee for a permitted livestock auction or an operation required to obtain a water pollution control permit by § 34A-2-36.3 without a nutrient management plan is one thousand dollars.

The annual fee for a permitted large concentrated animal feeding operation that is located in another state or in Indian country and that stockpiles or applies unmanipulated manure or process wastewater on land under the jurisdiction of this state, is two hundred fifty dollars.

An annual fee required by sections 1 and 2 of this Act accrues on July first of each year. No later than August first of each year, the Department of Agriculture and Natural Resources shall submit a bill to each person obligated to pay the fee. The fee is due and payable no later than September thirtieth and must be remitted to the department.

Section 3. That a NEW SECTION be added to chapter 34A-2:

The concentrated animal feeding operation administrative subfund is established within the environment and natural resources fee fund, as created in § 1-41-23.

The subfund consists of moneys from public and private sources, including legislative appropriations, federal grants, gifts, and fees received pursuant to sections 1, 2, and 4 of this Act. The Department of Agriculture and Natural Resources shall maintain the subfund separately to defray expenses associated with administering the concentrated animal feeding operation program. Expenditures from the subfund are appropriated by the Legislature through the normal budget process. Unexpended funds and interest remain in the subfund until appropriated by the Legislature.

Section 4. That a NEW SECTION be added to chapter 34A-2:

In addition to any other tax or fee levied by law, there is hereby imposed a water pollution control permit application fee of six hundred dollars on an operation that is required to obtain a water pollution control permit under § 34A-2-36.2 or 34A-2-36.3. The fee is applicable for each submission to the Department of Agriculture and Natural Resources of one or more of the following:

- (1) An application for a new operation;
- (2) An application to increase the maximum animal numbers at an operation;
- (3) An application to increase the manure or process wastewater containment structure volume at an operation;
- (4) A second or any subsequent application, submitted in a calendar year, adding land application fields to the permit of an operation;

- (5) An application submitted for an individual permit; or
- (6) An application for coverage under a general permit submitted after July 1, 2027.
The fee does not apply to as-built plans.

The person filing the application for the water pollution control permit shall submit the fee with the application. The department shall deposit the fee in the concentrated animal feeding operation administrative subfund, as established in section 3 of this Act.

Section 5. That § 34A-2-125 be REPEALED.

An Act to modify the annual fee for concentrated animal feeding operations and to establish an application fee.

I certify that the attached Act originated in the:

House as Bill No. 1021

Received at this Executive Office
this ____ day of _____,

2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1021
File No. ____
Chapter No. ____

By _____
Asst. Secretary of State