

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
NOTICE OF PUBLIC HEARING TO ADOPT, AMEND, AND REPEAL RULES

A public hearing will be held at the Department of Agriculture Conference Room, Foss Building, 523 East Capitol, Pierre, SD 57501 on August 16, 2011 at 1:30 p.m. CDT to consider the adoption of rule 12:56:13:01.01, 12:56:14:05(6), 12:56:14:05(7), amendment of rules 12:56:01:01(47), 12:56:02:01, 12:56:02:02, 12:56:02:03, 12:56:02:04, 12:56:02:05, 12:56:02:06, 12:56:04:01, 12:56:04:02, 12:56:04:03, 12:56:04:04; 12:56:04:05, 12:56:04:06, 12:56:04:07, 12:56:04:08. 12:56:04:09, 12:56:04:10, 12:56:04:11, 12:56:04:12, 12:56:04:12.01, 12:56:04:12.02, 12:56:04:12.03, 12:56:05:05.01, 12:56:07:02, 12:56:07:03, 12:56:07:04, 12:56:08:01, 12:56:08:04, 12:56:09:01, 12:56:10:05, 12:56:12:02, 12:56:12:03, 12:56:17:02(d).

The effect of the rule changes will require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers.

The reason for the rule adoption is to be consistent with federal law, other state laws and to remove provisions no longer authorized.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 East Capitol Avenue, Foss Building, Pierre, South Dakota 57501. Material sent by mail must reach the Department of Agriculture by August 16, 2011, to be considered.

After the hearing, the Secretary will consider all written and oral comments it receives on the proposed rules. The Secretary may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-4432

Copies of the proposed rules may be obtained without charge from the:

South Dakota Department of Agriculture  
Division of Agricultural Services  
523 E. Capitol Ave  
Pierre, South Dakota 57501