

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

750V0602

HOUSE BILL NO. 1193

Introduced by: Representatives Heinert, Craig, Hawks, Hoffman, Killer, Parsley, Peterson, Schrempp, and Tyler and Senator Welke

1 FOR AN ACT ENTITLED, An Act to establish certain requirements relating to in situ leach
2 mining.

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

4 Section 1. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In situ leach uranium mining is prohibited if the proposed area lacks proper confining zones
7 or contains geologic faults that would act as conduits for groundwater movement. If the
8 proposed area has proper confining zones and does not contain faults that would act as conduits
9 for groundwater movement, any operator applying for a water or mining permit for in situ leach
10 uranium mining shall conduct a restoration demonstration on an area authorized by the secretary
11 of environment and natural resources that includes a part of the proposed production zone to
12 show that waste water will not reduce the quality of groundwater. The restoration demonstration
13 shall simulate actual production and restoration conditions for the purpose of making a
14 restoration schedule, which shall be included in the final permit. If restoration is not feasible,
15 mining is prohibited. Full-scale operation may begin following satisfactory demonstration of



1 restoration in the authorized production area and issuance of the permit. Any operator applying
2 for a water or mining permit for in situ leach uranium mining shall demonstrate the technology
3 to meet the requirements of §§ 34A-2-22 and 34A-2-24. A violation of this section is subject
4 to § 34A-2-75 and may be abated as a public nuisance.

5 Section 2. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 An operator holding a permit issued by the Board of Minerals and Environment for in situ
8 leach uranium mining shall, upon completion of the mining operation, restore groundwater
9 quality levels to, at a minimum, the baseline water quality levels as reported in the restoration
10 plan under subdivision 45-6B-7(9). A violation of this section is subject to § 34A-2-75 and may
11 be abated as a public nuisance.

12 Section 3. That § 45-6B-41 be amended to read as follows:

13 45-6B-41. Any disturbance to the prevailing hydrologic balance of the affected land and of
14 the surrounding area and to the quality and quantity of water in surface and groundwater systems
15 both during and after the mining operation and during reclamation shall be minimized. With
16 regard to in situ leach mining, the operator, upon completion of the mining operation, shall
17 restore groundwater quality levels to, at a minimum, the baseline water quality form reported
18 in the restoration plan under subdivision 45-6B-7(9).