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

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

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

In situ leach uranium mining is prohibited if the proposed area lacks proper confining zones or contains geologic faults that would act as conduits for groundwater movement. If the proposed area has proper confining zones and does not contain faults that would act as conduits for groundwater movement, any operator applying for a water or mining permit for in situ leach uranium mining shall conduct a restoration demonstration on an area authorized by the secretary of environment and natural resources that includes a part of the proposed production zone to show that waste water will not reduce the quality of groundwater. The restoration demonstration shall simulate actual production and restoration conditions for the purpose of making a restoration schedule, which shall be included in the final permit. If restoration is not feasible, mining is prohibited. Full-scale operation may begin following satisfactory demonstration of
restoration in the authorized production area and issuance of the permit. Any operator applying
for a water or mining permit for in situ leach uranium mining shall demonstrate the technology
to meet the requirements of §§ 34A-2-22 and 34A-2-24. A violation of this section is subject
to § 34A-2-75 and may be abated as a public nuisance.

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

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

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

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