

**EROSION AND SEDIMENT CONTROL**

**STANDARDS**

**FOR**

**HAMLIN COUNTY**

**SOUTH DAKOTA**

**Originally Adopted February 20, 1979**

**Revised August 11, 2014**

**By Hamlin County Conservation District**

## STATEMENT OF PURPOSE

The original 'Erosion and Sediment Control Ordinance for Hamlin County', adopted February 20, 1979, was prepared by the Hamlin County Conservation District with the assistance of a task force of county residents and the Soil Conservation Service. In accordance with South Dakota Law, that document provided guidance to units of government in the control of erosion and sediment. It was their desire that the document would provide alternatives and guidance for the citizens of Hamlin County to solve sediment and erosion problems.

'Erosion and Sediment Control *Standards* for Hamlin County has been revised by the Hamlin Conservation District board of supervisors in consultation with the Natural Resource Conservation Service.

By state law, the county must enforce these standards when they issue permits within the county; thereby, creating a "symbiotic" relationship between the county and the conservation district. Soil erosion standards are developed and adopted by a conservation district as outlined in SDCL 38-8A. Counties do not have the authority to enact erosion control ordinances. They must consider the erosion control standards adopted by the conservation district when issuing zoning, subdivision, building, or drainage permits. There is no requirement that counties must adopt or sign erosion control standards adopted by a conservation district. However, they are automatically required by law to carry out procedures outlined in SDCL 38-8A. A conservation district has the responsibility and authority, under SDCL 38-8A-17, to require soil erosion plans preceding the conversion of any fragile land to cropland. A county may require a land disturber to submit a plan through a specific condition placed on zoning, building, subdivision, or drainage permits. There is no specific law that allows county governments or the conservation districts to issue permits solely for the purpose of regulating land disturbing activities as outlined in SDCL 38-8A-17. The idea is these issues are considered in conjunction with zoning, building, subdivision, or drainage permits. This law can be seen at the following link: <http://legis.state.sd.us/statutes/index.aspx> Click on Statutes – Title List, then 38 – Agriculture and Horticulture, then 8A – Soil Erosion & Sediment Damage Control.

This document contains standards and guidelines for controlling erosion and sedimentation caused by land disturbing activities in Hamlin County. It is to be used by local units of government in the county to enforce South Dakota Codified Law (SDCL) 38-8A, Soil Erosion and Sediment Damage Control, within the confines of their jurisdiction. The standards are based on scientific and technical knowledge accumulated by USDA, NRCS in cooperation with other state and federal agencies.

It is our desire that these standards and guidelines establish acceptable soil loss limits for all agricultural and construction land disturbing activities conducted within Hamlin County; provide suggested measures to control soil erosion and sedimentation within these limits; and serve as a uniform basis for the development of erosion and sediment control ordinances for the county and individual municipalities.

It should be noted that, although these guidelines do not specifically address water quality controls, the quality of surface waters, and in some instances ground waters, will be directly affected by the control of sediments caused by runoff waters. Nutrients contributing to water pollution and lake eutrophication, in many cases, do not travel alone. They are physically carried by soil particles or organic matter being eroded from the surrounding watershed. Therefore, the reduction of sediment loading in water bodies will ultimately result in the reduction of nutrient loading, also.

## BASIC CONSERVATION PRINCIPLES

Certain basic principles for using and developing land resources and controlling erosion and sedimentation are applicable to most areas and situations in Hamlin County. These include:

- Use of each acre of land in accordance with its capabilities and treat each in accordance with its needs.
- Plan and utilize land and water resources, giving prime consideration to site suitability and soil limitations based on soil surveys and interpretations.
- Develop an overall plan for land use, erosion control, and water management.
- Conserve and utilize existing vegetative cover to the fullest extent possible.
- Consider existing topography and natural land features in use and development plans.
- Control erosion and runoff.
- Reduce unprotected soil exposure time to a minimum.
- Limit clearing, grading, and slope modification to that consistent with good land use.
- Establish permanent vegetative plantings that are compatible with specific soil and site conditions.
- Protect surface and subsurface waters from pollution.
- Control blowing dust on disturbed sites.
- Protect adjoining property from damage or hazard from land-disturbing operations.
- Reduce unnecessary destruction of existing vegetative cover.
- Educate landowners that they carry the final responsibility for erosion control.

## **SOIL EROSION AND SEDIMENT CONTROL STANDARDS**

The following standards have been established and adopted for controlling soil erosion and sedimentation in Hamlin County, South Dakota.

*Agricultural Land Disturbing Activities* – The allowable soil loss limits for agricultural land disturbing activities shall not exceed the amounts recommended for each individual soil classification as established by the NRCS. These soil classifications and their allowable soil loss limits are listed in Appendix A of this standard. They are based on maintaining the soil's present productivity and physical characteristics. By adhering to these allowable limits, individuals will directly assist in maintaining and improving the existing water quality of adjacent water bodies where the sediments would have been deposited.

*Development, Construction, and Minor Land Disturbing Activities* – The soil loss due to any land disturbing activities on a development, construction, or minor land disturbing site shall be controlled so as to not cause excessive siltation damage to adjacent property and/or alter existing water courses. The effect of such siltation and its related pollutants on the water quality of any surrounding water bodies shall also be considered. The permit issuing authority shall be required to review the sediment damage when a valid complaint is received; determine if the damage is excessive; and, if needed, recommend certain measures to control the erosion to an acceptable amount.

In order for the soil loss to be in violation of this standard, the following criteria must be met:

1. The sediments have to cause off-site damage.
2. The off-site damage has to be in excess of the adopted soil loss limits.
3. A valid complaint has to be filed and attested to by the governing body.

STANDARDS FOR THE CONTROL OF SOIL EROSION AND SEDIMENTATION IN  
HAMLIN COUNTY, SOUTH DAKOTA

Pursuant to the authority and direction contained in SDCL-38-8A enacted by the 1976 and 1984 Legislatures of the state of South Dakota, be it resolved that the County Governing Bodies of Hamlin County, South Dakota do hereby enact the standards to read as follows:

Erosion and Sediment Control Standard

Section 1 - FINDINGS - The County Governing Bodies hereby find that the land and waters of Hamlin County are natural assets and resources, and that such lands are being despoiled and such waters are being polluted as the result of erosion and deposition of sediment arising from disturbances and changes to the surface of such lands.

Section 2 - PURPOSE - The purpose of this standard is to protect the lands and waters of Hamlin County, to the extent practicable, from the results of soil erosion and sedimentation through controls of some of the disturbances and changes to the surface of the earth.

Section 3 - DEFINITIONS -

Approving Agency/Agent - the normal permit issuing authority or its designated representative (e.g. county or city commission or planning and zoning board).

County - Hamlin County, South Dakota

Conservation District - Hamlin County Conservation District

Development Area - any contiguous area, included within Section 4, Scope, of this standard and owned, planned, or developed by one owner or as one unit, upon which land disturbing activities are planned or underway (e.g. land stripping, shaping or altering done to facilitate a building, road, or other such permanent structure construction).

Ditch - an open channel either dug or natural for the purpose of drainage or irrigation with intermittent flow. (see stream, drainage way, and grassed waterway)

Diversion - a channel or dike constructed across or at the base of a slope for the purpose of diverting water away from an area.

Drainage way - an area of concentrated water flow other than that of a river, stream, ditch, or grassed waterway.

Embankment (Fill) - a deposit of soil, rock, or other material placed by man.

Erosion – the wearing away of the land’s surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep or the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

- ❖ Accelerated Erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
- ❖ Gully Erosion: the erosion process whereby water accumulates in narrow channels and cover a short period during and immediately after rainfall or snow/ice melt, and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
- ❖ Natural Erosion (Geological Erosion): the wearing of the earth’s surface by water, ice, or other natural agents under natural environmental conditions of climate, vegetation, etc, undisturbed by man.
- ❖ Normal Erosion: the gradual erosion of land used by man which does not significantly exceed natural erosion.
- ❖ Rill Erosion: the erosion process in which numerous small channels, only a few inches deep, are formed. These occur mainly on recently disturbed soils.
- ❖ Sheet Erosion: the removal of a fairly uniform layer of soil from the land’s surface by wind or runoff waters.

Excavation – any act by which soil or rock is cut into, dug, uncovered, removed, displaced, or relocated.

Grading – any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof.

Grassed Waterway – a broad and shallow natural course or constructed channel covered with erosion resistant grasses or similar herbaceous cover and used to conduct runoff of surface water.

Land Disturbing Activity – any grading, excavating, filling, tilling, or other alteration of the earth’s surface where natural groundcover is destroyed and which may result in or contribute to erosion and sedimentation.

- ❖ Agricultural Land Disturbing Activity – those activities carried out by farmers and ranchers in the course of normal farming or ranching such as tilling, planting, grazing, and construction activities that are primarily designed to enhance crop production or conserve soil resources.
- ❖ Minor Land Disturbing Activities – activities such as construction of a single family dwelling by the owner; construction of private roadways from a residence to public roads; home landscaping by owners, operators and tenants; and garden areas that are not primarily commercial in nature.
- ❖ Non-Agricultural Land Disturbing Activities – activities such as construction in development areas; storm sewer, road and gutter construction; trenching of utilities; and industrial development that involve grading or excavating.

Person – any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within South Dakota, the federal

government, or any combination thereof.

Plan (Sediment Control Plan) – a written description, acceptable to the Approving Agent, of methods for controlling erosion and/or sedimentation caused by accelerated water runoff from a development or construction area.

Public Waters – the water within lakes (except private ponds and lakes on single properties), rivers, streams, ditches, and/or waters leaving these respective water bodies.

Rip-Rap – stone or cement remnants placed on earth surfaces, such as the face of a dam or the bank of a stream or lake, for protection against the action of water (waves).

Runoff – the portion of rainfall, melted snow/ice, or irrigation water that flows across the ground's surface and eventually is returned to waterways or water bodies.

- ❖ Accelerated Runoff – increased runoff due to a less permeable surface area or too steep of grade.
- ❖ Peak Rate of Runoff – the maximum rate of runoff from rainfall or snow/ice melt.
- ❖ Volume of Runoff – the quantity of runoff from rainfall or snow/ice melt.

Sediment – soil or other surface materials transported by wind or surface water as a product of erosion.

Sedimentation – the process or action of depositing sediment.

Sloughing – a slip or downward movement of an extended layer of soil frequently resulting from the undermining action of water or the earth-disturbing activities of man.

Soil Loss – soil moved from a given site by the forces of erosion and re-deposited at another site on land or in a body of water.

Stream – a body of water running or flowing on the earth's surface or channel in which such flows occur. The water flow can be continuous or seasonally intermittent.

Urban Area – areas described in the Section 4, Scope of this standard.

Section 4 – SCOPE – This standard shall apply to land-disturbing activities on areas designated below that are within the jurisdiction of Hamlin County.

- ❖ Land used or being developed for commercial, industrial, or residential purposes including non-farm commercial, industrial, or residential lots in rural areas.
- ❖ Land used or being developed for streets, roads, highways, railroads, airports, or other transportation facilities and utilities and their associated areas.
- ❖ Land used or being developed for private or public recreation, wildlife, or natural purposes including agricultural land converted or being converted to such uses.
- ❖ Agricultural land being used primarily for the purpose of agricultural production.

EXCLUSIONS: Land-disturbing or water management activities regulated under other more restrictive authority.

Section 5 – AGRICULTURAL LAND DISTURBING ACTIVITIES –

- A. General Application: These standards do not require individuals carrying out agricultural land disturbing activities to file a plan, make application, or otherwise report their activities except as provided for in Subsection 5–B, Standards.
- B. Standards: The allowable soil loss limits for each individual soil classification is provided in Appendix A of these standards and shall be the same as those recommended by USDA, NRCS. These allowable soil loss limits are determined to maintain the existing soil depth and productivity of each soil classification. Measures taken to comply with these soil loss limits that are designed to minimize soil erosion and the pollutants soil particles transport will also have beneficial effects on the water quality of adjacent water bodies. Plans and provisions for erosion and sediment control may be required on an agricultural land–disturber only if the erosion from the specific site is in excess of these adopted standards and off–site damage has occurred as a result of this erosion.
- C. Complaints: If an individual has cause to believe that an agricultural land disturbing activity is in violation of Subsection 5B of these standards, he may file a written complaint at the conservation district’s office. Standard complaint forms, as provided in Appendixes B1, B2, and B3 of these standards, will be available at the district’s office. A copy of the complaint shall be provided to the alleged violator, the complainant, and the conservation district. Once a written complaint has been filed with the district, the district will have five (5) working days to review the complaint and investigate the validity of the complaint. A copy of the investigation report will be provided to the alleged violator, the complainant, and one will be filed with the district’s copy of the complaint.
- D. Compliance: An agricultural land disturber found guilty of violating the provisions of Subsection 5B of these standards shall be required to develop and implement an erosion and sediment control plan to bring his farming operations in compliance with these standards in accordance with Subsection 5E. The violator will have a plan developed within a time frame approved by the conservation district’s board of supervisors, not to exceed six (6) months from the date the investigation report is provided to them.



- E. Plan Content: A plan developed to control agricultural erosion and sedimentation shall address establishing conservation measures according to the individual soil classes, capabilities, and land use; indicate the existing soil loss amounts; and project the soil loss amounts to be expected after the recommended practices are implemented. Practices that are recommended and developed will be in compliance with the USDA, NRCS Technical Guide for South Dakota.
- F. Plan Review, Approval, and Implementation: The conservation district shall have thirty (30) days after the plan is received to review, approve or disapprove, and to notify the applicant of its decision along with any recommendations it deems necessary in order for the plan to comply with this standard. Once the plan is approved by the conservation district, measures will be taken to implement the plan as soon as possible in an orderly, chronological order, not to exceed six (6) months from the approval date. Revisions to this plan may be required by the conservation district as farming practices and techniques change.
- G. Enforcement: If erosion and sediment control plans are not developed or implemented as required within the specified time frame, the conservation district may require any or all of the following legal actions be taken.
  - ❖ Issue an injunctive restraint from any further excessive erosion and sedimentation causing activity
  - ❖ Suspension of the activities causing the excessive damage
- H. Incentives: Possible incentive programs that may be available to landowners needing to construct measures to control their erosion are: USDA cost-share programs and/or state and other federal cost-share programs.

#### Section 6 – MINOR LAND DISTURBING ACTIVITIES –

- A. General: Individuals performing minor land disturbing activities may be required to apply for a land disturbing permit from the appropriate approving agent, if that activity is required to also apply for a general building permit (e.g. single-unit home landscaping or construction). Such an activity would then be under the jurisdiction of that approving agent. In the case of a minor land disturbing activity that does not require a general building or other local permit (e.g. home gardening), no land disturbing permit is required and that activity will be under the jurisdiction of the conservation district.
- B. Standards: The soil loss due to any minor land disturbing activities shall be controlled so as to not cause excessive siltation damage to

adjacent property and/or alter existing water courses. The effect of such siltation and its related pollutants on the water quality of any surrounding water bodies shall also be considered. This allowable soil loss limit will be determined by an on-site inspection performed by the approving agent or conservation district and shall be based on the allowable soil loss limits as shown in Appendix A of these standards. In order for a minor land disturbing activity to be in violation of this standard, the erosion from the specific site must be in excess of the allowable soil loss limit and off-site damage, equal to this limit, has occurred as a result of the erosion.

- C. Complaints: If an individual has cause to believe that a minor land disturbing activity is in violation of Section 6-B of these standards, he may file a written complaint at the appropriate approving agent's office, if the activity requires a land disturbing permit. A written complaint may be filed at the conservation district office, if the activity did not require such a permit. Standard complaint forms, as provided in Appendix B of this standard, will be available at either offices and a complaint shall be provided to the alleged violator, the complainant, and the approving agent and/or conservation district
- D. Compliance: If necessary, the appropriate approving agent or conservation district can require that an erosion and sediment control plan be developed to describe the recommended measures to be taken and provide a timetable for the completion of these measures. A minor land disturber found guilty of violating the provision of Section 6-B shall be required to comply.
- E. Plan Review, Approval and Implementation: The minor land disturber shall have ten (10) working days from the date of the violation notification to develop a plan, and if required, have it approved by the appropriate governing body, and/or begin to implement measures to reduce his sediments in order to comply with Section 6-B.
- F. Enforcement: If measures are not implemented within the specified time frame, the appropriate governing body may require any or all of the following legal actions to be taken.
- ❖ Suspension of the land disturbing permit, if one was issued.
  - ❖ Issue an injunctive restraint from any further excessive erosion-sedimentation cause activity.
  - ❖ Suspension of the activities causing the excessive damage.

In the event the approving agent does not assume it's duty to enforce this standard and a valid complaint is filed, the conservation district is

responsible to implement Section 6-B, Standards.

- G. Incentives: Possible incentive programs that may be available to landowners needing to implement measures to control minor land disturbing activity erosion are: USDA cost-share programs, State and other federal cost-share programs.

Section 7 – NON-AGRICULTURAL LAND DISTURBING ACTIVITIES –

- A. General: The landowner, developer, and designated planners and engineers are encouraged to review the development plans for Hamlin County or the city they are planning to develop in to determine how their tract will be affected. They are also encouraged to become acquainted with the zoning, subdivision, and other ordinances that regulate the development of land within the county or that city.
- B. Standards: The soil loss due to any land disturbing activities on a development or construction site shall be controlled so as to not cause excessive siltation damage to adjacent property and/or alter existing water courses. The effect of such siltation and its related pollutants on the water quality of any surrounding water bodies shall also be considered. Erosion and sediment damage will be determined by an on-site inspection performed by the approving agency or conservation district. In order for a development or construction land disturbing activity to be in violation of this standard, the erosion from the specific site must cause off-site erosion or sediment damage or alter existing water courses.
- C. Complaints: If an individual has cause to believe that a development or construction land disturbing activity is in violation of Section 7-B of this standard, he may file a written complaint at the appropriate approving agent's office, if the activity requires a land disturbing permit. A written complaint may be filed at the conservation district's office, if the activity did not require such a permit. Standard complaint forms, as provided in Appendix B of this standard, will be available at either office and a copy of the complaint shall be provided to the alleged violator, the complainant, and the approving agent and/or conservation district. Once a written complaint has been filed with the approving agent, that agent shall have five (5) working days to review the complaint and investigate the validity of that complaint. A report of the investigation shall be noted on a standard investigation report form, as provided in Appendix B of these standards. A copy of that report shall be provided to the alleged violator, the complainant, and the conservation district. A copy will be filed with the complaint in the

approving agent's office. If the approving agent fails to process the written complaint in the specified time allowed and complainant still desires an investigation be performed, the conservation district shall have the responsibility to see that such an investigation is accomplished and reported in an expedient manner.

D. Compliance: No person shall conduct development and/or construction land disturbing activities within the confines of Hamlin County or it's cities without completing the following requirements first.

1. Development Areas— (a) Apply for a land disturbing permit from the approving agent of the county or city the development area is in.  
(b) Submit an erosion and sediment control plan of the intended development area to the approving agent within thirty (30) days but, less than one (1) year, prior to commencing any land disturbing activity. The plan shall include measures to control soil erosion and sedimentation onto adjacent property so as not to exceed the adopted standards. Specific requirement for plan detail can be waived by the approving agent if it finds that the information submitted is sufficient to show that the work will conform to the basic requirements of this standard. The requirement of plan detail may include anyone or all of the following items in Section 7–E, Plan Content.
2. Construction Area – (a) Apply for a land disturbing permit from the approving agent of the county or the city the construction area is in.  
(b) An erosion and sediment control plan is not mandatory for structure construction activities but may be required by the approving agent if, in reviewing the building permit application, the agent feels such a plan is needed prior to the commencement of the construction activities. However, if a valid complaint is received by the approving agent and the activity is found to be in violation of the standards established in Section 7–B, measures shall be taken to suspend the activities in accordance with Section 7–G and the approving agent shall require an erosion and sediment control plan be submitted and implemented before the suspended activities can be resumed. The requirement of plan detail may include anyone or all of the following items in Section 7–E, Plan Content.

A permit shall be issued once the approving agent has reviewed the sub-division plan and/or building and land disturbing permits and has determined that, if a plan is required, it complies with the stipulations of this standard and county or city ordinances.

E. Plan Content:

1. A multi-unit or commercial development plan developed to meet the requirements of Section 7-D-1 may contain the following information.
  - a) A vicinity map drawn to a scale of not less than 2,000 feet to one inch showing the relationship of the site to its general surroundings.
  - b) A plan of the development area drawn to an appropriate scale showing - (1) The boundary lines and approximate acreage. (2) Existing topography of the development area and land adjacent to it within one hundred (100) feet of its boundaries, utilities, water bodies, sewers, drainage facilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc), and other significant natural or man-made features. NOTE: The topographic map shall show two foot (2') contour intervals where the natural slope is eight percent (8%) or less and ten foot (10') contour intervals where the natural slope is eight percent (8%) or more. In any event, the detail shall be such to clearly indicate the drainage pattern. All elevations shall be based on USGS datum or an acceptable equivalent. (3) A general description and location of the predominant soil types. (4) All proposed land disturbance including areas of excavation, grading, filling, removal or destruction of topsoil and spreading of earth material, and a time schedule of such operations. (5) Proposed uses including present development and future utilization with detail on soil cover, both vegetative and impervious. (6) Provision for erosion control during construction (temporary) and during the life of the development (permanent). Such provisions shall include a time schedule and sequence of operations with an estimated time of exposure. The proposed temporary structures will be designed to withstand the effects of a fifty (50) year frequency storm. (7) Design computations and provisions for maintenance of the erosion and sediment control facilities. (8) Title, scale, direction arrow, legend date, and name of the person preparing the plans and a statement giving any applicable engineering assumptions and calculations. (9) The name and address of the owner and/or person responsible for

the development area. (10) A certification that all land disturbances, construction and development, will be done pursuant to the plan.

- c) The plan shall be supported by such supplemental reports, data, and additional information as the approving agent may require, including but not limited to, any of the following: (1) Finished contours at the same interval as required or used for existing topography, proposed pavement grades, and profile sections showing the elevations, dimensions, locations, and slope of all proposed grading. (2) A map showing the drainage area tributaries to and from the site, drainage computations including the estimated runoff from the watershed. (3) Seeding mixtures and rates for both temporary and permanent seedings, lime and fertilizer application rates, and the quantity of mulching. (4) Field investigation reports indicating the nature, condition, and characteristics of existing drainage and flood control structures.

2. A multi-unit or commercial construction plan developed to meet the requirements of Section 7-D-1 must contain the following information:
  - a) A map of the development area with direction and scale in sufficient detail that the property and appropriate features can be easily located.
  - b) The existing general topography and proposed changes in elevation of grading, filling or excavating.
  - c) A general description of the soils on the construction site.
  - d) All areas of vegetation to be removed and proposed vegetative cover to be reestablished.
  - e) All non-vegetative features such as roof areas, streets, roads, other paving, rip-rap, walls, ponds, lakes, mulching, other existing structures planned for the construction area.
  - f) Existing proposed drainage including culverts, pipes, tiling, ditches, grassed waterways, sewers, catch basins, diversion, or other devices that may affect erosion and sedimentation.
  - g) A time schedule for all development and land-disturbing activities including the stages of grading, filling, excavation, etc; installation of utilities, storm drainage and erosion control practices; and completion of temporary and permanent re-vegetation.
  - h) Design computations for structural measures for erosion and sediment control, when the plan is required to include such measures. The proposed temporary structures will be designed to withstand the effects of a ten (10) year frequency storm and the proposed

permanent structures will be designed to withstand the effects of a fifty (50) year frequency storm.

F. Plan Review, Approval, and Implementation –

The approving agent shall have thirty (30) days after the completed application is received to review, approve or disapprove, and to notify the applicant of its decision along with any recommendations it deems necessary in order for the plan to comply with this standard. If the permit is denied, the reasons for denial shall be furnished to the applicant.

Once the plan has been approved, it will be required that this plan be implemented, as approved or amended by the approving agent, throughout the entire project's development or construction stages. Some changes in the plan may be required by the approving agent in order to effectively control off-site damage during any phase of the project.

G. Enforcement –

If any development or construction land disturbing activities within the county or its cities are in violation of the standards, the approving agent shall, in order to implement these adopted standards, require any one of all of the following legal actions be taken.

1. Suspension of the land disturbing permit.
2. Issue an injunctive restraint from any further excessive erosion and sedimentation causing activities.
3. Suspension of the activities causing the excessive damage.

In the event that the approving agent does not assume its duty to enforce this ordinance and a valid complaint is filed, the conservation district is responsible to implement Section 7-B, Standards.

Section 8 – Blowing Dust Damage – See §38-8A-22, §38-8A-23, §38-8A-24, §38-8A-25, and §38-8A-26.

- A. General: Damaging affects from blowing dust caused by land disturbing activities can be minimized through proper management and land use. Owners and operators of real property in the county shall prevent blowing dust and soil erosion, as nearly as can be done, by practices that will prevent or minimize its occurrence. See §38-8A-22.
- B. Standards: The soil loss standards caused by blowing dust are as follows:
1. Agricultural Land Disturbing Activities – the allowable soil loss limits for each individual soil classification as provided in Appendix A-3 of this

standard and shall be the same as those recommended by the USDA, NRCS.

2. Minor and Non-Agricultural Land Disturbing Activities – the soil loss due to any land disturbing activities shall be controlled so as to not cause excessive siltation damage to adjacent property and/or alter existing water courses.
- C. Complaints: If an individual has cause to believe that a minor land disturbing activity is in violation of Section 8-B of these standards, he may file a written complaint at the conservation district office. Standard complaint forms, as provided in Appendix B, will be available at the district office. A copy of the complaint shall be provided to the alleged violator, the complainant, and the conservation district.
  - D. Compliance: If the conservation district finds soil is blowing from the land in excess of the standards in Section 8-B to the point that it is injurious to other land, roads, or public property, the district board of supervisors shall issue an order to the owner and the operator, stating the treatment required and the date the treatment is to be started and completed. See §38-8A-23.
  - E. Emergency Orders, Issuance, and Posting: If the conservation district determines that an emergency exists, the district will notify the county commissioners who shall issue an order to each of the persons at the address shown on the records of the county director of equalization. The order shall be issued by registered mail or as provided by the South Dakota Rules of Civil Procedure for the service of summons. The order shall also be posted in a public place in the county courthouse of the county in which the land is located. See §38-8A-24.
  - F. Enforcement: The conservation district may perform the treatment ordered pursuant to Section 8-E if the person named in the order fails to commence treatment within three (3) days from the date of mailing, posting or serving of notice, or at a later time specified by the order. See §38-8A-25. The conservation district may also perform the treatment if:
    1. The treatment is not performed in the manner and to the extent specified
    2. Prior to the expiration date fixed in the order, the person named in the order advises the conservation district he cannot or does not intend to accomplish the work.
  - G. Assessment: Upon the completion of the treatment performed pursuant to Section 8-F, the conservation district shall determine the land so benefited and notify the county commissioners, who will assess against the land the cost of treatment not to exceed fifteen dollars (\$15) per acre or the actual cost of treatment, whichever is less. However, the assessment may be made



only against the portion of any tract of land that is the source of the wind or soil erosion and the assessment may not exceed fifteen dollars (\$15) per acre in any one calendar year. The resolution of assessment shall be recorded in the minutes of the board of county commissioners; the original delivered by the clerk of the board to the county director of equalization; and a copy sent by registered mail to the landowner and the operator at the addresses shown on the records of the county director of equalization. All amounts collected shall be transmitted to the county treasurer, who shall credit the money to the conservation district. The county treasurer may not collect fees for the collection of the assessments. See §38-8A-26.

- H. Incentives: Possible incentive programs that may be available to landowners needing to implement measures to control blowing dust from land disturbing activities are: USDA cost-share programs; state and other federal cost-share programs.

Section 9 – Variances – The unit of government having jurisdiction over the activities of a land disturber shall have the authority to grant a variance to that land disturber for the purpose of allowing additional time for compliance. The validity of a variance request shall be determined by the responsible unit of government. Request for variances must be submitted in writing to the responsible unit of government. This request shall include reasons why a variance is needed. Action for approval of the variance must be taken at an official meeting of the responsible unit of government. See §38-8A-19.

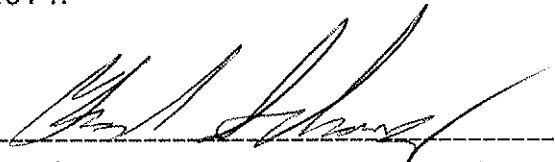
Section 10 – Technical Assistance For Effective Erosion Control – Information and assistance in planning effective erosion and sediment control measures is available from the Hamlin County Conservation District, assisted by the USDA Natural Resource Conservation Service and other agencies concerned with natural resource conservation.

Section 11 – Inspection And Surveillance – Representatives of the approving agent or the conservation district may inspect the land disturbing activity area as necessary to determine whether the activities are being conducted in accordance with these standards or required plan. If, through surveillance and inspection, it is found that a violation to these standards are found or the required plan is not being followed or is inadequate, a notice to comply will be served upon that person by certified mail from the inspecting agency. The notice shall describe the problem and how it can be solved and specify the date whereby the recommended work must be completed. The exact procedure shall be determined in accordance with the capability and desires of the local entities involved.

Section 12 - Effective, Validity, and Liability -

- A. Effective - These standards shall be adopted by the Hamlin County Conservation District and become effective on and after August 11, 2014.
- B. Validity - If any section, subsection, paragraph, clause, phrase, or provision of these standards shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of these standards.
- C. Liability - Neither the filing or approval of a plan under the provision of this standard nor the compliance with the provision of this standard shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability on the county, its cities, or the conservation district for damage to any person or property.

Section 13 - Adoption - These standards will become the revised 'Erosion and Sediment Control Standards for Hamlin County' and become effective this 11th day of August, 2014.

Signed:  \_\_\_\_\_  
Hamlin County Conservation District

## HAMLIN COUNTY CONSERVATION DISTRICT

## TABLE 1 - SOIL INTERPRETIVE GROUPS

(SOIL LOSS LIMITS ESTABLISHED - FOR AGRICULTURAL USE)

<i>Soil Series</i>	<i>Soil Symbols</i>	<i>Texture</i>	<i>Slope %</i>	<i>Average Annual Soil Loss Limits in Tons</i>
Arvilla	ArA	Sandy Loam	0-2	3
Badger	Ba	Silty Clay Loam	0-1	5
Barnes clay	BaB	Clay Loam	2-6	5
Barnes-Buse	BbB	Loam	2-6	5
Barnes-Buse	BbC	Loam	6-9	5
Barnes-Buse-Svea	BcD	Loam	9-15	5
Barnes-Vienna	BnA	Loam	0-2	5
Brandt	BrA	Silt Clay Loam	0-2	4
Brandt	BrB	Silt Clay Loam	2-6	4
Brookings	Bs	Silt Clay Loam	0-2	5
Buse-Barnes	BtD	Loam	9-20	5
Buse-Barnes	BuC	Loam	3-15	5
Buse-Barnes	BuE	Loam	9-40	5
Buse-LaMoure	BvD	Thin Loam	9-40	5
Buse-Langhei	BxE	Thin Loam	15-40	5
Buse-Poinsett	ByC	Thin Loam	6-9	5
Buse-Poinsett	ByD	Thin Loam	9-15	5
Castlewood	Ca	Silt Clay	0-1	5
Colvin-Oldham	Co	Silt Clay	0-1	5
Cubden-Badger	Cu	Silt Clay	0-2	5
Cubden-Tonka	Cx	Silt Clay	0-2	5
Divide	Dv	Loam	0-2	5
Egeland-Embden	EgB	Doughty Loam	2-6	5
Egeland-Maddock	EmC	Sandy Loam	6-9	5
Estelline	EsA	Silt Loam	0-2	4
Estelline	EsB	Silt Loam	2-6	4

**HAMLIN COUNTY CONSERVATION DISTRICT**  
**TABLE 1 - SOIL INTERPRETIVE GROUPS**

(SOIL LOSS LIMITS ESTABLISHED - FOR AGRICULTURAL USE)

<u>Soil Series</u>	<u>Soil Symbols</u>	<u>Texture</u>	<u>Slope %</u>	<u>Average Annual Soil Loss Limits in Tons</u>
Fairdale	Fa	Loam	0-2	5
Fordville	FdA	Loam	0-2	4
Fordville-Renshaw	FoB	Loam	2-6	4
Hetland	HeA	Silty Clay Loam	0-2	5
Hetland	HeB	Silty Clay Loam	2-6	5
Kranzburg-Brookings	KrA	Silty Clay Loam	0-2	5
Kranzburg-Brookings	KrB	Silty Clay Loam	0-2	5
LaPrairie	La	Loam	0-2	5
LeDelle	Ld	Silt Loam	0-2	5
Lamoure	Lm	Silty Clay Loam	0-1	5
Lamoure-Rauville	Lr	Silty Clay Loam	0-1	5
Lowe	Lw	Loam	0-1	5
Marysland	Ma	Loam	0-1	4
Mauvais	MbA	Loam	0-2	5
McIntosh-Badger	Mc	Silty Clay Loam	0-2	5
Minnewaukan	Mn	Loamy Sand	0-3	5
Moritz-Lamoure	Mz	Loam	0-2	5
Oldham	Oh	Silty Clay Loam	0-1	5
Orthents	Or	Gravelly	0-60	3
Parnell	Pa	Silty Clay Loam	0-1	5
Playmoor	Pm	Silty Clay Loam	0-1	5
Poinsett-Buse	PoB	Loam	2-6	5
Poinsett-Buse-Waubay	PsB	Loam	6-9	5
Poinsett-Waubay	PwA	Silty Clay Loam	0-2	5
Poinsett-Waubay	PwB	Silty Clay Loam	2-6	5
Rauville	Ra	Silty Clay Loam	0-1	5

## HAMLIN COUNTY CONSERVATION DISTRICT

## TABLE 1 – SOIL INTERPRETIVE GROUPS

(SOIL LOSS LIMITS ESTABLISHED – FOR AGRICULTURAL USE)

<i>Soil Series</i>	<i>Soil Symbols</i>	<i>Texture</i>	<i>Slope %</i>	<i>Average Annual Soil Loss Limits in Tons</i>
Renshaw	ReA	Loam	0-2	3
Renshaw	ReB	Loam	2-6	3
Renshaw-Brandt	RnC	Droughty Loam	6-9	3
Renshaw-Sioux	RsC	Droughty Loam	6-9	3
Sioux-Renshaw	SaD	Not Suited	9-15	2
Southam	So	Silty Clay Loam	0-1	5
Spottswood	Sp	Loam	0-2	4
Strayhoss	StB	Loam	2-5	4
Tonka	To	Silty Clay Loam	0-1	5
Vienna-Brookings	VbA	Loam	2-6	5
Vienna-Buse	VnC	Loam	6-9	5
Waubay	Wa	Silty Clay Loam	0-2	5

CERTIFICATION OF INTENT TO COMPLY WITH THE  
EROSION AND SEDIMENT CONTROL STANDARD

I, \_\_\_\_\_, do hereby  
acknowledge that I am aware of the local standards regulating the amount of  
erosion and off-site sedimentation that may occur as a result of non-  
agricultural land disturbing activities and further state that my plan of  
operation is designed to contain silt on the property concerned in a manner  
that will not exceed the adopted standards of the Soil Erosion and Sediment  
Control Standards of Hamlin County.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permit Issuing Representative

\_\_\_\_\_  
Date

**EROSION / SEDIMENT DAMAGE COMPLAINT FORM**

I, \_\_\_\_\_ of \_\_\_\_\_  
(Name) (Address)

do hereby allege that the land disturbing activity of \_\_\_\_\_  
(Name)

located in the \_\_\_\_\_ of \_\_\_\_\_  
(Legal Description) (County/City)

is causing damage to my property.

Brief description of damage: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of damage: \_\_\_\_\_  
(Legal Description and County/City)

\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Notarized Signature)

\_\_\_\_\_  
(Notarized Date)

*Copies to provided to: Alleged Violator  
Complainant  
Approving Agency  
Conservation District*

EROSION / SEDIMENTATION DAMAGE COMPLAINT  
INVESTIGATION REPORT

Complainant: \_\_\_\_\_

Alleged Violator(s): \_\_\_\_\_

Type of land disturbing activity: \_\_\_agricultural \_\_\_minor \_\_\_nonagricultural

Location of Alleged Damage: \_\_\_\_\_

Damage Report: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Off-site damage: \_\_\_\_\_is \_\_\_\_\_is not excessive.

Calculated Soil Loss: \_\_\_\_\_ tons / acre / year

Soil Loss Limit: \_\_\_\_\_ tons / acre / year

\_\_\_\_\_  
(Signature of Agency Representative)

\_\_\_\_\_  
(Date)

*Copies to be provided to: Alleged Violator  
Complainant  
Approving Agency  
Conservation District*