

Appendix K

**Brian Walsh's Presentation on Additional
Information Concerning the South Dakota
Regulate Substance Response Fund**

Additional Information Regulated Substance Response Fund

South Dakota Underground
Pipeline Task Force

October 23, 2008

Introduction

The purpose of this presentation is to provide additional information to the task force on the South Dakota Regulated Substance Response Fund based on questions raised by task force members at the September 22, 2008 task force meeting.

Question 1

- Explain the \$567,072 Transfer into the fund in FY2000

Answer: In 1994, SDCL 34A-12-3.2 established a \$1,750,000 CAP on the fund. In July, 1995, and in July in each of the next four years funds were transferred out to reduce the balance to reach the CAP. In 1999, Senate Bill 38 lifted the CAP and all funds removed because of the CAP were returned to the fund. The amount returned to the fund was \$567,072.

Question 2

- Provide a breakdown of the fines paid into the fund.

Answer: The following data represents fines paid into the RSRF between July 1988 and June 2008 (see handout).

Total Number of Fines =	322
Maximum Fine Amount =	\$489,000
Minimum Fine Amount =	\$23
Average Fine Amount =	\$10,603
Median Fine Amount =	\$1,800

Question 2 (Continued)

- Provide a breakdown of the fines paid into the fund.

Answer: Fines further organized by media impacted

Air =	80 (25% of total)
Land =	74 (23% of total)
Water =	97 (30% of total)
Multimedia =	25 (8% of total)
NI* =	46 (14% of total)

*Not Identified = Due to the availability staff resources and the level of file review necessary DENR did identify all of the fines.

Questions?