

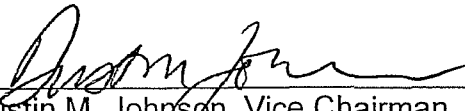
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Dustin M. Johnson, hereby certify that I am a duly appointed member and the duly elected vice chair of the Public Utilities Commission and that the attached instruments are full, true, and correct copies of the following rules adopted by the Public Utilities Commission on August 21, 2006.

Proposed revised rules: §§ 20:10:11:13, 20:10:11:16 and 20:10:11:17.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.



Dustin M. Johnson, Vice Chairman
Public Utilities Commission

Subscribed and sworn to
before me this 29th day
of August, 2006.

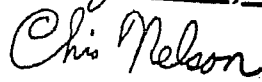


Notary Public - South Dakota

(SEAL)

My Commission Expires:

TINA DOUGLAS
My Commission Expires
April 14, 2011

Filed this 29th day of
August, 06

SECRETARY OF STATE

CHAPTER 20:10:11

PUBLIC WAREHOUSES

Section

20:10:11:01	Monthly grain reports required -- Contents.
20:10:11:02	Repealed.
20:10:11:03	Form of public storage warehouse licensee's bond.
20:10:11:04	Form of public grain warehouse licensee's bond.
20:10:11:04.01	Form of public grain warehouse licensee's additional bond.
20:10:11:04.02	Release of bonds.
20:10:11:05	Repealed.
20:10:11:06	Form of acknowledgement.
20:10:11:07	Corporate surety bond required.
20:10:11:08	Posting of license required.
20:10:11:09	License revocation, transfer of ownership, or insolvency – Notice to receipt holders and surety.
20:10:11:09.01	Pending transfer of ownership – Notice to receipt holders and surety.
20:10:11:10	License suspension or revocation -- Notice to public.
20:10:11:11	Requirements for warehouse receipts.
20:10:11:12	Issuance of warehouse receipts and scale tickets.
20:10:11:13	Specifications for temporary public grain storage units.
20:10:11:14	Financial statement requirements.
20:10:11:15	Financial criteria for licensing.
<u>20:10:11:16</u>	<u>Seasonal emergency storage.</u>
<u>20:10:11:17</u>	<u>Non-seasonal emergency storage.</u>

20:10:11:13. Specifications for temporary public grain storage units. A temporary public grain storage unit is defined as a public grain warehouse which does not have a roof, permanent foundation, or sidewalls which are permanently attached to the foundation. Each temporary public grain storage unit must be bonded and licensed and must meet the following specifications:

(1) Each temporary storage unit must contain aeration equipment;

(2) Each temporary storage unit must have an asphalt, concrete, or compacted limestone base which meets the following minimum specifications;

(a) Any base must be of such depth and compaction as to permit trucks or other heavy equipment used in loading or unloading to move over the base without breaking, cracking, sinking in, or chipping the base;

(b) The depth of a limestone base must be at least 4 inches;

(c) The slope of any base must be ~~not less than 1/4 inch per linear foot~~ sufficient to allow for proper drainage from the center to the edge of the base;

(d) Drainage away from the base must be provided to prevent any water from standing or backing up underneath the grain; and

(e) The base must be at least one foot above the surrounding terrain;

(3) The grain stored within a temporary storage unit must maintain a peak, angle, or arc which will provide drainage from the top over the sidewalls so that no pockets of water form on top of the grain;

(4) The temporary storage unit must be covered with a cover strong enough to resist tearing under normal use and weather conditions and to allow a person to walk on the cover without penetrating it;

(5) Covered storage must have inlets or perforated tubing over the top of the grain to provide air flow through the grain;

(6) All temporary storage units must have rigid self supporting sidewalls ~~which are no more than 8 feet high. Rectangular units may not be more than 110 feet wide and circular units may not exceed 100 feet in diameter.~~ ;and

(7) A warehouse operator must maintain a separate record of all grain stored in a temporary storage unit and must account for that grain in the daily position record.

The commission shall inspect finished construction of all new temporary public grain storage units before grain is stored in ~~them~~ the unit. The warehouse licensee must remedy any specifications that are not in compliance with this rule before grain is stored within the unit.

A warehouse licensee who is in violation of the specifications in this section will be ordered by the commission to comply.

Source: 14 SDR 62, effective October 28, 1987; 24 SDR 190, effective July 15, 1998.

General Authority: SDCL 49-42-1.2(8).

Law Implemented: SDCL 49-42-1.2, 49-42-2.1, 49-42-5.1, 49-42-6, 49-42-15.1, 49-42-25, 49-43-5.1, 49-43-5.3.

20:10:11:16. Seasonal emergency storage. A public grain warehouse may store grain outside on a seasonal emergency storage basis between July 1 and January 31 without having to comply with § 20:10:11:13. Seasonal emergency storage is allowed only if the public grain warehouse lacks sufficient permanent roofed storage or temporary storage in conformity with § 20:10:11:13 to accommodate the amount of grain delivered to the warehouse. A public grain warehouse shall maintain its bond coverage in an amount sufficient to cover both its grain stored outside and its other warehouse grain at the coverage level specified in SDCL 49-43-5.3. A

warehouse operator must maintain a separate record of all grain stored in a seasonal emergency storage and must account for that grain in the daily position record.

Source:

General Authority: SDCL 49-42-1.2(8).

Law Implemented: SDCL 49-42-1.2, 49-42-2.1, 49-42-5.1, 49-42-6, 49-42-15.1, 49-43-5.3, 49-43-5.7, 49-43-9, 49-43-10, 49-43-11, 49-43-22.

20:10:11:17. Non-seasonal emergency storage. A public grain warehouse may submit an application to the commission for approval to store grain outside on a non-seasonal emergency storage basis between February 1 and June 30 without complying with § 20:10:11:13. To be granted approval, the applicant shall demonstrate that it is in sound financial condition, that the storage site does not pose a significant threat to the condition of the grain, and that it has bond coverage of public warehouse grain stored in non-seasonal emergency storage in an amount equal to one hundred percent of the local market value of the grain. In addition, the bond coverage for all other public warehouse grain shall be at the coverage level specified in SDCL 49-43-5.3. A warehouse operator must maintain a separate record of all grain stored in non-seasonal emergency storage and must account for that grain in the daily position record.

Source:

General Authority: SDCL 49-42-1.2(8).

Law Implemented: SDCL 49-42-1.2, 49-42-2.1, 49-42-5.1, 49-42-6, 49-42-15.1, 49-43-5.3, 49-43-5.7, 49-43-9, 49-43-10, 49-43-11, 49-43-22.