**74:04:09:24.  Procedure for denial or revocation and appeal of denial or revocation of certificate of approval.** The procedure for the denial or revocation of the certificate of approval is as follows:

 (1)  The secretary shall issue a letter of intent to deny or revoke the certificate of approval to the water system by certified mail with return receipt requested;

 (2)  If the water system wishes to challenge the denial or revocation, it may request a hearing before the secretary by submitting a written request within 30 days after receipt of the revocation notice. The request must contain the reasons for the challenge and must be signed by the water system owner; and

 (3)  After notice is issued and a hearing is conducted pursuant to SDCL chapter 1-26, the secretary shall make a decision concerning the denial or revocation.

 If certification is denied or revoked, the system is operating without a certificate of approval and is subject to penalties provided for in SDCL 34A-3A-3 in addition to penalties for any other violations.

 **Source:** 25 SDR 75, effective November 18, 1998.

 **General Authority:** SDCL 34A-3A-25.

 **Law Implemented:** SDCL 1-26-16, 1-26-17, 1-26-27, 1-26-29, 34A-3A-3, 34A-3A-25.