**74:07:01:09.  Financial assurance held after cancellation or expiration of permit.** Financial assurance may be held following cancellation or expiration of a permit for one or more of the following reasons as determined by the board:

(1)  A written request for release of the financial assurance has not been received from the owner or operator as required under § 74:07:01:10;

(2)  The owner or operator has not completed all postclosure, corrective, or site closure activities in accordance with the approved permit;

(3)  The owner or operator has an unresolved enforcement action or penalty judgment involving an impact covered by the financial assurance; or

(4)  The permitted activity or consequences of such activity continues to pose a significant risk of pollution, contamination, or degradation of the environment based on:

(a)  Findings of an on-site inspection of the permitted activity by the department; or

(b)  Information available to the department through monitoring or other reporting requirements included in the permit or permit conditions.

**Source:** 24 SDR 90, effective January 4, 1998.

**General Authority:** SDCL 34A-10-2.4.

**Law Implemented:** SDCL 34A-10-2.1, 34A-10-2.3, 34A-10-2.4.