**74:07:01:10.  Release of financial assurance.** The board may release the financial assurance or a portion of the financial assurance if the board or department:

 (1)  Receives a written request for release of the financial assurance or a portion thereof from the owner or operator. The written request shall include certification that all postclosure, corrective, or site closure activities have been completed in accordance with the approved permit;

 (2)  Has inspected the permitted activity to confirm satisfactory completion of all postclosure, corrective, or site closure activities; and

 (3)  Has determined that the permitted activity's potential to cause an impact has been removed.

 After the board has released the financial assurance, the board or department shall notify the owner or operator in writing.

 **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.