**74:51:01:65.  Secretary's certification of compliance with water quality standards.** The certification of the secretary that water quality standards are protected must include the conditions that are necessary to ensure compliance with the provisions of this chapter and a statement that there is a reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards. The secretary shall provide certification, denial of certification, or waiver of certification to the applicant within 60 business days after receipt of the complete application unless the secretary is granted an extension by the responsible federal agency.

If the secretary fails to act on an application for certification within the 60 business days after receipt of the complete application and any extension thereof granted by the responsible federal agency, the applicant's requirement to receive certification under this section is waived.

**Source:** 14 SDR 86, effective December 24, 1987; 19 SDR 111, effective January 31, 1993; transferred from § 74:03:02:57, July 1, 1996; 31 SDR 29, effective September 13, 2004; 35 SDR 253, effective May 12, 2009; 41 SDR 109, effective January 12, 2015; 47 SDR 110, effective April 27, 2021.

**General Authority:** SDCL 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93.

**Law Implemented:** SDCL 34A-2-33, 34A-2-34.

**Cross-Reference:** State certification of activities requiring a federal license or permit, 40 C.F.R. Part 121 (September 11, 2020).