**74:36:20:10.  Time period for department's recommendation.** The department shall recommend issuance or denial of a construction permit within 180 days after the submission of a complete application and all other additional information necessary for the department to make an informed decision. A recommendation to issue a permit shall include a draft permit with appropriate conditions to ensure compliance with the act or the Clean Air Act. Failure of the department to act on an application entitles the applicant to petition for and obtain a contested case review of the application without waiting for a department recommendation. The petition must conform to the requirements of article 74:09.

 **Source:** 36 SDR 207, effective June 28, 2010.

 **General Authority:** SDCL 34A-1-6, 34A-1-21.

 **Law Implemented:** SDCL 34A-1-21.