**74:36:20:22.  Notice of constructing or operating noncompliance -- Contents.** If the department determines that the construction or operation of a source is not in compliance with this article, the Clean Air act, or permit conditions, the department may issue a notice of such a finding to the permit holder or operator of the source. The notice must contain citations to the rules, statues, or permit conditions violated and the alleged facts upon which the determination is based. The secretary, with the concurrence of the alleged violator, may settle an issue of noncompliance by entering into a compliance agreement with the source that specifies the date for final compliance of the source and any penalties under SDCL 34A-1-39. If a compliance agreement is not negotiated, the department may petition the chairman of the board for a contested case hearing or may file a civil penalty or injunctive action in circuit court.

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

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

 **Law Implemented:** SDCL 34A-1-20, 34A-1-53.