**Section 259.440 Department and Board Review**

The Department and Board will jointly review corrective action plans in accordance with this Section. The Board has the authority to approve or deny the Department's recommendation regarding the application for corrective actions.

a) For those corrective action plans that do not involve remediation of Class I or Class III groundwater, the Board and Department shall respond to the applicant within 90 days after receipt of an application. The Department will have 45 days from the receipt of an application to review and make a recommendation to the Board.

b) For those corrective action plans that involve remediation of Class I or Class III groundwater, the Board and Department shall respond to the applicant within 120 days after receipt of an application. The Department will have 75 days after the receipt of an application to review and make a recommendation to the Board.

c) The Department's record of the date of receipt of an application shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Department.

d) The Department shall notify the applicant in writing if the application or corrective action plan is incomplete.

e) Reasons for denial of an application include, but are not limited to, the following:

1) the application is incomplete,

2) the site does not meet the applicable requirements set forth in this Part, or

3) the proposed corrective actions will not attain the appropriate RSDL or SCO.

f) The Board shall have 30 days after the date of a recommendation by the Department to approve or deny the recommendation.

g) The Department's record of the date it submitted a recommendation shall be deemed conclusive.

h) The Board shall notify the Department in writing whether the recommendation is approved or denied.

i) The Department shall notify the applicant within 15 days of the Board's decision.

j) The notification of the Board's final action on the application shall be made by certified or registered mail.

k) The applicant may agree to waive the review deadline under this Section at the request of the Department or the Board.

l) Final action shall be deemed to have taken place on the date that the notice is mailed by the Department as determined by the postmark.