

(i) Upon request, the Department shall hold a contested case hearing if [it] THE DEPARTMENT determines that:

(1) A hearing requester has a specific right, duty, privilege, or interest which is or may be adversely affected by the permit determination;

(2) The requester raises adjudicable issues which are within the scope of this subtitle; and

(3) The request is timely.

(k) Under the following conditions, the Department may waive the notice requirements of this section and the holding of a public informational hearing on a permit [application] APPLICATION, provided that contiguous property owners are notified under subsection (b) of this section and interested persons who receive periodic reports will be notified under subsection (l) of this section:

(1) If there is an emergency or a request to make minor repairs, the Department, upon written or oral application, may grant an application to repair any reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to save life or property may be made without an application, but notice shall be given promptly to the Department[.];

(2) If roads, bridges, or culverts meet minimum design standards acceptable to the Department, and construction does not adversely affect known water resources projects[.];

(3) If plans of other projects which conform to water resources development plans accepted and adopted by the Department were subject to public [hearing] HEARING, and the Department's review finds no changed conditions in them since the last public review and comment to justify another hearing[.];

(4) If temporary structures constructed to provide access across streams during construction operations or to trap sediment or achieve another similar purpose meet minimum design standards the Department establishes, and are removed completely, in a manner acceptable to the Department, within [six] 6 months after need for the structure is terminated[.];

(5) If the requested waterway construction permit is for temporary excavation, filling, or grading for the installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility[.]; AND

(6) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth.

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(a) Before acting on any permit application, the Department shall weigh all respective public advantages and disadvantages and make all appropriate investigations.