

~~OF--ITS--TENTATIVE--DECISION--AND~~ OF AN OPPORTUNITY for ~~-{a}-~~ public hearing ~~-{on the application}-~~.

(b) The applicant personally or by registered or certified mail shall serve every adjacent property owner with notice of the application and certify this fact to the Department. [In addition, he shall notify] THE DEPARTMENT SHALL PROVIDE, TO the public AND THE APPLICANT, NOTICE of the ~~-{application}-~~ ~~TENTATIVE--DECISION~~ and THE OPPORTUNITY FOR PUBLIC hearing by publication ~~AT--LEASE~~ once in ~~-{each~~ week for two successive weeks ~~prior--to--the--hearing~~ AFTER RECEIPT OF THE APPLICATION, in a daily newspaper published in one or more counties, and in more than one ~~-{A--DAILY--OR~~ weekly newspaper of general circulation in one or more counties, which the Department determines may be directly affected by the proposed ACTIVITY [appropriation, use, construction, reconstruction, or repair]. The applicant also shall notify by registered or certified mail the mayor or chief executive officials of each city, the county legislative body and chief executive official of each affected county, and the proper official of any interested State unit or political subdivision ~~-{ACTIVITY}~~. The DEPARTMENT SHALL ALLOW AT LEAST 15 DAYS AFTER THE PUBLIC NOTICE TO RECEIVE REQUESTS FOR A HEARING. IF THE DEPARTMENT DOES NOT RECEIVE A REQUEST FOR A HEARING, THE DEPARTMENT MAY ISSUE OR DENY THE PERMIT WITHOUT A HEARING. WITHIN 30 DAYS AFTER RECEIPT OF A HEARING REQUEST, THE DEPARTMENT SHALL SET THE date, place, and time [fixed by the Department] for the public hearing [on the application] AND shall [be stated in the public] PUBLISH notice OF THE HEARING ~~IN--A--DAILY--OR WEEKLY--NEWSPAPER--OF--GENERAL--CIRCULATION--IN--ONE--OR--MORE COUNTIES--WHICH--MAY--BE--AFFECTED--BY--THE--PROPOSED--ACTIVITY~~ ONCE IN EACH WEEK FOR 2 SUCCESSIVE WEEKS IN A DAILY NEWSPAPER PUBLISHED IN ONE OR MORE COUNTIES, AND IN MORE THAN ONE WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN ONE OR MORE COUNTIES, WHICH THE DEPARTMENT DETERMINES MAY DIRECTLY BE AFFECTED BY THE PROPOSED ACTIVITY. At the public hearing, the applicant and any interested person shall be given an opportunity to present facts, evidence, and arguments for or against granting the application. IF A CONTESTED CASE HEARING IS REQUESTED SPECIFICALLY, THE HEARING SHALL BE CONDUCTED TO COMPLY WITH THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Approved May 1, 1979.

CHAPTER 146

(House Bill 280)