

[(c)] (E) Notwithstanding any other provision of this subtitle, an application for a certificate of public convenience and necessity associated with power plant construction which involves use or diversion of waters of the State, made to the Public Service Commission under Article 78 of the Code constitutes an application for the permit required by this section, and the provisions of § 3-306 of this article apply. If an application is made to the Public Service Commission, the hearing provided for by this subtitle is not required. All evidence relevant to the purposes of this subtitle shall be presented at the hearing held by the Public Service Commission, as required by Article 78, § 54A. The permit required by this subtitle is included in the certificate of public convenience and necessity issued by the Public Service Commission.

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(d) The Department may waive holding a public hearing on any permit application under the following conditions:

(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) To fill or bulkhead along a tidal shoreline of private, single family properties, if written notice is given to adjacent property owners, and interested local units, and construction is less than 300 feet in length and occupies less than one acre of wetland. The Department shall be furnished with evidence of this written notice.

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

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

(5) 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 months after need for the structure is terminated.

(6) If the requested waterway construction permit is for temporary excavation, filling, or grading for the