

(4) (I) THE DEPARTMENT SHALL SCHEDULE A PUBLIC HEARING ON THE TENTATIVE DETERMINATION WHEN A WRITTEN REQUEST FOR A PUBLIC HEARING IS MADE WITHIN 20 DAYS OF PUBLICATION OF A NOTICE OF THE TENTATIVE DETERMINATION.

(II) THE PUBLIC HEARING MAY BE CANCELED IF ALL PERSONS WHO MADE TIMELY WRITTEN REQUESTS WITHDRAW THE REQUESTS PRIOR TO THE MEETING. IN ADDITION, THE DEPARTMENT MAY SCHEDULE A PUBLIC HEARING ON A TENTATIVE DETERMINATION AT ITS DISCRETION.

(B) (1) THE DEPARTMENT SHALL PREPARE A FINAL DETERMINATION IF:

(I) WRITTEN COMMENTS ADVERSE TO THE TENTATIVE ~~DECISION~~ DETERMINATION WERE RECEIVED BY THE DEPARTMENT WITHIN 30 DAYS AFTER THE PUBLICATION OF THE NOTICE OF TENTATIVE DETERMINATION PURSUANT TO THIS SECTION;

(II) COMMENTS ADVERSE TO THE TENTATIVE DETERMINATION WERE RECEIVED IN WRITING AT, OR WITHIN 5 DAYS AFTER, THE PUBLIC HEARING CONDUCTED PURSUANT TO THIS SECTION;

(III) COMMENTS ADVERSE TO THE TENTATIVE DETERMINATION WERE RECEIVED ORALLY AT THE PUBLIC HEARING CONDUCTED PURSUANT TO THIS SECTION AND THE DEPARTMENT PREPARED A TRANSCRIPT OF THE COMMENTS MADE AT THE HEARING; OR

(IV) THE FINAL DETERMINATION IS SUBSTANTIVELY DIFFERENT FROM THE TENTATIVE DETERMINATION AND ALL PERSONS AGGRIEVED BY THE FINAL DETERMINATION HAVE NOT WAIVED, IN WRITING, THEIR RIGHT TO REQUEST A CONTESTED CASE HEARING.

(2) IF THE DEPARTMENT IS REQUIRED TO PREPARE A FINAL DETERMINATION UNDER THIS SECTION, THE DEPARTMENT SHALL PUBLISH A NOTICE OF THE FINAL DETERMINATION.

(3) IF THE DEPARTMENT IS NOT REQUIRED TO PREPARE A FINAL DETERMINATION UNDER THIS SECTION, THE TENTATIVE DETERMINATION IS A FINAL DECISION BY THE DEPARTMENT WHEN THE PERMIT IS ISSUED OR DENIED.

1-605. CONTESTED CASE HEARINGS.

(A) A PERSON MAY REQUEST A CONTESTED CASE HEARING TO APPEAL A FINAL DETERMINATION IF THE PERSON MAKES FACTUAL ALLEGATIONS WITH SUFFICIENT PARTICULARITY TO DEMONSTRATE THAT:

(1) THE PERSON IS AGGRIEVED BY THE FINAL DETERMINATION; AND

(2) THE FINAL DETERMINATION IS:

(I) LEGALLY INCONSISTENT WITH ANY PROVISIONS OF LAW APPLICABLE TO THE FINAL DETERMINATION BEING CHALLENGED; OR