

Article - Natural Resources

1-106.

(A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "INFORMATIONAL MEETING" MEANS A MEETING, OPEN TO THE PUBLIC, AT WHICH THE APPLICANT OR THE DEPARTMENT OF NATURAL RESOURCES PRESENTS INFORMATION CONCERNING A PERMIT OR CERTIFICATE APPLICATION. AN INFORMATIONAL MEETING IS NOT A CONTESTED CASE HEARING NOR AN AGENCY HEARING UNDER § 10-202(D) OF THE STATE GOVERNMENT ARTICLE.

(C) "PUBLIC HEARING" MEANS A MEETING, OPEN TO THE PUBLIC, AT WHICH THE DEPARTMENT OF NATURAL RESOURCES RECEIVES ORAL AND WRITTEN COMMENTS CONCERNING A DECISION TO ISSUE OR DENY A PERMIT OR CERTIFICATE. A PUBLIC HEARING IS NOT A CONTESTED CASE HEARING NOR AN AGENCY HEARING UNDER § 10-202(D) OF THE STATE GOVERNMENT ARTICLE.

3-706.

(e) (1) [Prior to March 1, 1981, the] THE Board shall [present at public hearing, adopt, and publish rules] ADOPT REGULATIONS describing and governing the procedure for obtaining a certificate, INCLUDING PROCEDURES UNDER PARAGRAPH (2) OF THIS SUBSECTION. The provisions of this section do not exempt the Board from the requirements of Title 10, Subtitles 1 and 2 of the State Government Article.

(2) PROCEDURAL REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL:

(I) PROVIDE FOR NOTICE TO INTERESTED PERSONS OF ANY DECISION TO ISSUE OR DENY A CERTIFICATE;

(II) PERMIT A PERSON TO REQUEST A HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES), IF THE PERSON MAKES FACTUAL ALLEGATIONS WITH SUFFICIENT PARTICULARITY TO DEMONSTRATE THAT:

1. THE PERSON IS AGGRIEVED BY THE DECISION; AND

2. THE DECISION IS:

A. LEGALLY INCONSISTENT WITH ANY PROVISION OF LAW APPLICABLE TO THE DECISION BEING CHALLENGED; OR

B. BASED UPON AN INCORRECT DETERMINATION OF A RELEVANT AND MATERIAL FACT;

(III) PROVIDE THE BOARD WITH DISCRETIONARY AUTHORITY TO STAY THE EFFECTIVENESS OF ITS DECISION PENDING THE OUTCOME OF THE HEARING; AND