

(1) THE REQUESTER HAS A SPECIFIC RIGHT, DUTY, PRIVILEGE, OR INTEREST WHICH IS OR MAY BE ADVERSELY AFFECTED BY THE PERMIT DETERMINATION OR LICENSE DECISION AND WHICH IS DIFFERENT FROM THAT HELD BY THE GENERAL PUBLIC;

(2) THE REQUESTER RAISES ADJUDICABLE ISSUES WHICH ARE WITHIN THE SCOPE OF THE PERMIT AUTHORITY; AND

(3) THE REQUEST IS TIMELY.

(H) UPON MOTION BY A PARTY TO A CONTESTED CASE HEARING, THE DEPARTMENT MAY GRANT A TEMPORARY STAY OF THE ISSUANCE OF THE PERMIT PENDING A FINAL DECISION IN THE CONTESTED CASE, PROVIDED THAT

(1) THE PARTIES TO THE PROCEEDING HAVE BEEN NOTIFIED AND GIVEN AN OPPORTUNITY TO BE HEARD ON A REQUEST FOR THE TEMPORARY STAY;

(2) THE PARTY REQUESTING THE TEMPORARY STAY SHOWS THAT THERE IS A SUBSTANTIAL LIKELIHOOD OF PREVAILING ON THE MERITS OF ISSUES TO BE PRESENTED DURING THE CONTESTED CASE PROCEEDING;

(3) THE TEMPORARY STAY WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY OR CAUSE SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM TO LAND, AIR, OR WATER RESOURCES; AND

(4) THE CONDITIONS AND CRITERIA FOR GRANTING A TEMPORARY STAY AS PROVIDED IN REGULATIONS FOR CONTESTED CASE HEARINGS ADOPTED BY THE DEPARTMENT HAVE BEEN MET.

8-806.

[(a) It is State policy that:

(1) The processing of applications to issue or modify permits under this subtitle will be expeditious;

(2) Any person who is interested in a pending application for issuance or modification of a permit under this subtitle will be able to:

(i) Obtain readily from the Department information about the application;

(ii) Offer to the Department information and comments about the application; and

(iii) Request and be granted a public informational hearing in accordance with the provisions of this section;

(3) Any person who is specifically aggrieved by the Department's decision to issue, modify, or deny a permit under this subtitle will have an opportunity to adjudicate factual and legal issues in a contested case hearing under Title 10 of the State Government Article.]