

(3) (I) [The] FOR PERMITS IDENTIFIED IN § 1-601(A) OF THIS SUBTITLE, THE notice of completed application shall include an estimated time for issuance of the tentative determination if requested by the applicant.

(II) FOR PERMITS ISSUED UNDER TITLE 5, SUBTITLE 9 OF THIS ARTICLE, THE NOTICE OF COMPLETED APPLICATION SHALL INCLUDE AN ESTIMATE OF THE DATE BY WHICH THE DEPARTMENT WILL GRANT, DENY, OR CONDITION THE PERMIT.

(4) A permit applicant may apply to the Department for a refund of all or a portion of the application fee if:

(i) 1. [The] FOR PERMITS IDENTIFIED IN § 1-601(A) OF THIS SUBTITLE, THE Department fails to issue a tentative determination regarding the application within the estimated time provided in the notice of completed application; OR

2. FOR PERMITS ISSUED UNDER TITLE 5, SUBTITLE 9 OF THIS ARTICLE, THE DEPARTMENT FAILS TO GRANT, DENY, OR CONDITION A PERMIT WITHIN THE TIME PERIODS PROVIDED UNDER § 5-906 OF THIS ARTICLE;

(ii) The applicant demonstrates that the delay was caused solely by the Department and was not the result of procedures or requirements outside control of the Department, including:

1. Reviews by federal, local, or other State government agencies;
2. Procedures for public participation; or
3. The failure of the applicant to submit information to the Department in a timely manner; and

(iii) 1. [The] FOR PERMITS IDENTIFIED IN § 1-601(A) OF THIS SUBTITLE, THE applicant applies to the Department within 60 days after the estimated time for issuance of a tentative determination; OR

2. FOR PERMITS ISSUED UNDER TITLE 5, SUBTITLE 9 OF THIS ARTICLE, THE APPLICANT APPLIES TO THE DEPARTMENT WITHIN 60 DAYS AFTER THE DATE BY WHICH THE DEPARTMENT WAS TO HAVE GRANTED, DENIED, OR CONDITIONED A PERMIT UNDER THE TIME PERIODS PROVIDED UNDER § 5-906 OF THIS ARTICLE.