

(3) THE REQUEST IS TIMELY.

~~-(1)-~~ (J) 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 PERSON REQUESTING THE TEMPORARY STAY SHOWS THAT THERE IS A SUBSTANTIAL LIKELIHOOD OF PREVAILING ON THE MERITS OF THE FINAL DETERMINATION OF 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.

~~-(d)-~~ (J) ~~The Department may waive holding a public hearing on any permit application. THE REQUIREMENTS OF THIS SECTION under the following conditions:~~

(K) UNDER THE FOLLOWING CONDITIONS, THE DEPARTMENT MAY WAIVE THE NOTICE REQUIREMENTS OF THIS SECTION AND THE HOLDING OF A PUBLIC INFORMATIONAL HEARING ON A PERMIT APPLICATION PROVIDED THAT CONTIGUOUS PROPERTY OWNERS ARE NOTIFIED UNDER SUBSECTION (B) OF THIS SECTION AND INTERESTED PERSONS WHO RECEIVE PERIODIC REPORTS ARE WILL BE NOTIFIED UNDER SUBSECTION (L) OF THIS SECTION:

(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)-~~ (2) If roads, bridges, or culverts meet minimum design standards acceptable to the Department, and construction does not adversely affect known water resources projects.