§ 70-0119. Public hearings.

1. After evaluating an application for a permit and any comments of department staff, other state agencies or units of government or members of the public, the department shall, on or before sixty calendar days after it mails notice to the applicant that the application is complete or on or before sixty days after the application is deemed complete pursuant to the provisions of this article, determine whether or not to conduct a public hearing on the application and mail written notice to the applicant of a determination to conduct a public hearing. Such determination shall be based on whether the evaluation or comments raise substantive and significant issues relating to any findings or determinations the department is required to make pursuant to this chapter, including the reasonable likelihood that a permit applied for will be denied or can be granted only with major modifications to the project because the project as proposed may not meet statutory or regulatory criteria or standards; provided, however, where any comments received from members of the public or otherwise raise substantive and significant issues relating to the application and resolution of any such issue may result in denial of the permit or the imposition of significant conditions thereon, the department shall hold a public hearing on the application.

2. If a public hearing is to be held, it shall commence on or before ninety calendar days after the department mails written notice to the applicant that the application is complete or on or before ninety calendar days after the application is deemed complete pursuant to the provisions of this article. Reasonable notice of the hearing shall be given to the applicant and to persons who have made written request to participate in it and notice to the public shall be given by publication of a notice of hearing in the environmental notice bulletin, in a newspaper as otherwise required by law, and in such other manner as the department may direct, if any.

3. The department may require an applicant to pay the cost of renting a hearing room and of preparing a transcript associated with a public hearing conducted pursuant to this article. Prior to commencing a public

hearing pursuant to this article, the department may require an applicant to post a bond or other suitable undertaking to assure payment of such costs.

4. When an applicant has submitted applications for one or more permits associated with a project and more than one public hearing is required, including public hearings pursuant to article eight of this chapter, said public hearings shall be consolidated into a single public hearing at the request of the applicant wherever practicable. Public hearings associated with a project shall also be consolidated or held jointly with one or more other state or local agencies, whenever practicable.

5. Public hearings pursuant to this article shall be conducted as provided in rules and regulations adopted by the department pursuant to section 70-0107 and as provided in the state administrative procedure act.