

NON-TEXT PAGE

7.51: U Hearings Relative to Orders and Approvals

(1) Rules to Request an Adjudicatory Hearing.

(a) Definitions. Unless otherwise indicated, the definitions in 310 CMR 7.00 apply to 310 CMR 7.51(1) and (3). Where a term is defined in 310 CMR 7.00 and 7.51(1), the definition in 310 CMR 7.51(1) controls for purposes of 310 CMR 7.51(1) and (3).

Adjudicatory Hearing or Hearing means a hearing under M.G.L. c. 30A, where parties may present evidence on issues of fact and argument on issues of law, and which is concluded by the Commissioner's issuance of a final decision pursuant to 310 CMR 1.01(14): *Decisions*.

Aggrieved Person means any person who, because of an act or failure to act by the Department, may suffer an injury in fact that is different either in kind or magnitude from that suffered by the general public, and that is within the scope of the interests protected by 310 CMR 7.00.

Applicant means the person named in the application as the owner or operator of the proposed facility or emission unit.

Application means any request by a person for a permit, a plan approval, an emission control plan, a restricted emission status, an operating permit, an emission reduction credit or other approval issued by the Department pursuant to 310 CMR 7.00.

Approve or Approval means the approval or approval with conditions of an application for a permit, a plan approval, an emission control plan, a restricted emissions status, an operating permit, an emission reduction credit or other type of approval issued by the Department pursuant to 310 CMR 7.00.

Disapprove or Disapproval means the disapproval or denial by the Department of an application for a permit, a plan approval, an emission control plan, a restricted emissions status, an operating permit, an emission reduction credit or other type of application made to the Department pursuant to 310 CMR 7.00.

Decision means the Department's action to approve or disapprove of an application pursuant to 310 CMR 7.00.

Date of Issuance means the date the Department sends the decision to an applicant.

Person means any individual, partnership, association, firm, syndicate, company, trust, corporation, department, authority, bureau, agency, political subdivision of the Commonwealth, law enforcement agency, fire fighting agency, or any other entity recognized by law as the subject of rights and duties.