

BUDGET TO PROVIDE FOR THE MATCHING MONEYS REQUIRED BY THIS SUBSECTION. THESE MATCHING FUNDS MAY BE PROVIDED BY THE STATE IN THE CURRENT BUDGET AT THE TIME THE PERMIT IS ISSUED OR IN THE NEXT SUCCEEDING STATE BUDGET. WHEN ALL PRE-LAW SURFACE MINED LANDS HAVE BEEN RECLAIMED, THIS FEE SHALL CEASE TO BE COLLECTED.

(H) PENALTY.

ANY OPERATOR WHO VIOLATES THE PROVISIONS OF THIS SECTION OR WHO KNOWINGLY OR INTENTIONALLY HAS FILED FALSE INFORMATION IN THE APPLICATION FOR A PERMIT, OR WHO HAS NOT FULLY COMPLIED WITH ALL PROVISIONS AND REQUIREMENTS OF THE PERMIT, IS GUILTY OF A MISDEMEANOR, AND, ON CONVICTION, IS SUBJECT TO A FINE THAT IS SUFFICIENT TO COVER THE COST OF RECLAIMING THE LAND AFFECTED BUT NOT MORE THAN \$25,000. THE FINE SHALL BE PAID INTO THE SURFACE MINED LAND RECLAMATION FUND.

[[7-7B08]] 7-6A08. REVIEW OF APPLICATION AND ACCOMPANYING DOCUMENTS.

ON RECEIPT OF AN APPLICATION AND ACCOMPANYING DOCUMENTS, THE DEPARTMENT SHALL REVIEW IT AND MAKE FURTHER INQUIRIES, INSPECTIONS, OR EXAMINATIONS AS NECESSARY OR DESIRABLE FOR PROPER EVALUATION. IF THE DEPARTMENT OBJECTS TO ANY PART OF THE APPLICATION OR ACCOMPANYING DOCUMENTS, IT SHALL NOTIFY PROMPTLY THE OPERATOR BY REGISTERED MAIL OF ITS OBJECTIONS, SETTING FORTH ITS REASONS, AND SHALL AFFORD THE OPERATOR A REASONABLE OPPORTUNITY TO MAKE AMENDMENTS OR TAKE ACTIONS REQUIRED TO REMOVE THE OBJECTIONS THE DEPARTMENT SHALL SUBMIT A COPY OF THE APPLICATION AND ACCOMPANYING DOCUMENTS TO THE DEPARTMENT OF STATE PLANNING FOR REVIEW WITH RESPECT TO MATTERS THAT ARE THE RESPONSIBILITY OF THAT DEPARTMENT.

[[7-7B09]] 7-6A09. APPROVAL OR DENIAL OF PERMIT.

(A) THE DEPARTMENT SHALL APPROVE AND GRANT OR DENY THE PERMIT REQUESTED AS EXPEDITIOUSLY AS POSSIBLE, BUT NOT LATER THAN 60 DAYS AFTER THE APPLICATION FORMS OR ANY SUPPLEMENTAL INFORMATION REQUIRED ARE FILED WITH THE DEPARTMENT.

(B) THE DEPARTMENT MAY DENY THE PERMIT ON FINDING THAT:

(1) ANY REQUIREMENT OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER IT WILL BE VIOLATED BY THE PROPOSED OPERATION;

(2) THE OPERATION WILL HAVE AN UNDULY ADVERSE EFFECT ON WILDLIFE OR FRESH WATER, ESTUARINE, OR MARINE