

FISHERIES;

(3) THE OPERATOR HAS FAILED TO PROVIDE APPLICABLE PERMITS COVERING THE OPERATION FROM ALL STATE AND LOCAL REGULATORY AGENCIES RESPONSIBLE FOR AIR AND WATER POLLUTION AND SEDIMENT CONTROL;

(4) THE OPERATION WILL CONSTITUTE A SUBSTANTIAL PHYSICAL HAZARD TO A NEIGHBORING DWELLING HOUSE, SCHOOL, CHURCH, HOSPITAL, COMMERCIAL OR INDUSTRIAL BUILDING, PUBLIC ROAD, OR OTHER PUBLIC OR PRIVATE PROPERTY IN EXISTENCE AT THE TIME OF APPLICATION FOR THE PERMIT;

(5) THE OPERATION WILL HAVE A SIGNIFICANTLY ADVERSE EFFECT ON THE USES OF A PUBLICLY OWNED PARK, FOREST, OR RECREATION AREA IN EXISTENCE AT THE TIME OF APPLICATION FOR THE PERMIT;

(6) THE OPERATOR DOES NOT POSSESS A VALID SURFACE MINE OPERATOR'S LICENSE FROM THE STATE; OR

(7) THE OPERATOR HAS NOT CORRECTED ALL VIOLATIONS WHICH HE MAY HAVE COMMITTED UNDER ANY PRIOR PERMIT AND WHICH RESULTED IN (I) REVOCATION OF HIS PERMIT, (II) TERMINATION OF THE OPERATION BY ORDER OF THE DEPARTMENT, (III) FORFEITURE OF PART OR ALL OF HIS BOND OR OTHER SECURITY, OR (IV) CONVICTION OF A MISDEMEANOR UNDER §§ [[7-7B06(C), 7-7B07]] 7-6A06(C), 7-6A07(B), OR (V) ANY OTHER COURT ORDER ISSUED AGAINST THE OPERATOR AS A RESULT OF DEPARTMENTAL ACTION.

(8) PREVIOUS EXPERIENCE WITH SIMILAR OPERATIONS INDICATES A SUBSTANTIAL PROBABILITY THAT THE OPERATION WILL RESULT IN SUBSTANTIAL DEPOSITS OF SEDIMENT IN STREAM BEDS OR LAKES, LANDSLIDES, OR OTHER WATER POLLUTION.

(C) IN THE ABSENCE OF ANY OF THESE FINDINGS, A PERMIT SHALL BE GRANTED. HOWEVER, NO PERMIT BECOMES EFFECTIVE UNTIL THE OPERATOR HAS DEPOSITED WITH THE DEPARTMENT AN ACCEPTABLE PERFORMANCE BOND OR OTHER SECURITY PURSUANT TO §[[7-7B20]] 7-6A20 OF THIS SUBTITLE. IF AT ANY TIME THE BOND OR OTHER SECURITY, OR ANY PART OF IT, LAPSES FOR ANY REASON OTHER THAN A RELEASE BY THE DEPARTMENT, AND THE LAPSED BOND OR SECURITY IS NOT REPLACED BY THE OPERATOR WITHIN 30 DAYS AFTER NOTICE OF THE LAPSE, THE PERMIT TO WHICH IT PERTAINS AUTOMATICALLY BECOMES VOID AND HAS NO FURTHER EFFECT AND THE OPERATION SHALL BE DECLARED TERMINATED BY ORDER OF THE DEPARTMENT.

(D) IF THE DEPARTMENT DENIES AN APPLICATION FOR A PERMIT, IT SHALL NOTIFY THE OPERATOR IN WRITING, STATING