

IN FACT IS NOT ABANDONED AND A REASONABLE TIMETABLE SATISFACTORY TO THE DEPARTMENT REGARDING PLANS FOR THE REACTIVATION OF THE OPERATION, THE DEPARTMENT SHALL DECLARE THE OPERATION ABANDONED AND INITIATE LEGAL PROCEEDINGS AGAINST THE OPERATOR.

(B) AN OPERATION IS CONSIDERED HALTED IF ACTIVE WORK HAS CEASED TEMPORARILY DUE TO WEATHER CONDITIONS, MARKET CONDITIONS, OR OTHER REASONABLE CAUSE EXPLAINED IN WRITING BY THE OPERATOR TO THE SATISFACTION OF THE DEPARTMENT, AND ACCOMPANIED BY A STATEMENT THAT THE OPERATOR FULLY INTENDS TO RESUME ACTIVE OPERATION WHEN THE ADVERSE CONDITIONS HAVE PASSED. ALL NECESSARY POLLUTION CONTROLS SHALL BE PROPERLY MAINTAINED DURING THIS PERIOD. NO OPERATION MAY BE HALTED FOR A PERIOD EXCEEDING 24 CONSECUTIVE MONTHS, AFTER WHICH TIME MINING ACTIVITY SHALL BE RESUMED OR FINAL RECLAMATION WORK SHALL BE COMMENCED. ON FAILURE OF THE OPERATOR TO RESUME MINING OR INITIATE RECLAMATION, THE DEPARTMENT SHALL DECLARE THE OPERATION ABANDONED AND INITIATE LEGAL PROCEEDINGS AGAINST THE OPERATOR.

[[7-7B27]] 7-6A27. FINAL COMPLETION INSPECTION AND REPORT.

(A) ON COMPLETION OF RECLAMATION OF AN AREA OF AFFECTED LAND, THE OPERATOR IMMEDIATELY SHALL NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL MAKE AN INSPECTION OF THE AREA, AND IF IT FINDS THAT THE OPERATOR HAS NOT COMPLETED TO THE DEPARTMENT'S REASONABLE SATISFACTION ALL THE RECLAMATION REQUIRED BY THE PERMIT, THE DEPARTMENT SHALL ORDER THE OPERATOR TO DO SO AT ONCE AND SHALL REINSPECT THE AREA FOLLOWING COMPLETION OF THE WORK. IF THE DEPARTMENT FINDS THAT RECLAMATION HAS BEEN COMPLETED PROPERLY, IT SHALL NOTIFY THE OPERATOR IN WRITING AND RELEASE HIM FROM FURTHER OBLIGATIONS REGARDING THE AFFECTED LAND. AT THE SAME TIME IT SHALL RELEASE ALL OR THE APPROPRIATE PORTION OF ANY PERFORMANCE BOND OR CASH DEPOSIT WHICH THE OPERATOR HAS POSTED UNDER §[[7-7B20]] 7-6A20.

(B) WITHIN SIX MONTHS FOLLOWING THE COMPLETION OF FINAL RECLAMATION WORK THE OPERATOR SHALL FURNISH A FINAL RECLAMATION REPORT WHICH INCLUDES THE FOLLOWING:

(1) THE TERMS OF THE ORIGINAL SURFACE MINING PERMIT AND ALL SUBSEQUENT MODIFICATIONS;

(2) A SUMMARY OF THE ORIGINAL MINING AND RECLAMATION PLAN AND ALL SUBSEQUENT MODIFICATIONS;

(3) A STATEMENT SUMMARIZING ANY DEPARTURES FROM THE MINING AND RECLAMATION PLAN AND THE REASONS FOR THEM;