

ACCORDING TO THE AUTHORIZED MINING AND RECLAMATION PLAN AND POSTS SUITABLE BOND OR OTHER SECURITY REQUIRED BY §7-5A09 OF THIS SUBTITLE.

(B) THE SUCCESSOR OPERATOR SHALL PAY A \$20 FEE ON FILING A TRANSFER OF PERMIT.

7-5A07.

(A) IF THE DEPARTMENT DETERMINES THAT THE ACTIVITIES UNDER THE MINING AND RECLAMATION PLAN AND OTHER TERMS AND CONDITIONS OF THE PERMIT FAIL SUBSTANTIALLY TO ACHIEVE THE PURPOSES AND REQUIREMENTS OF THIS SUBTITLE, THE DEPARTMENT SHALL GIVE THE OPERATOR WRITTEN NOTICE OF:

(1) THE DEPARTMENT'S DETERMINATION;

(2) THE DEPARTMENT'S INTENTION TO MODIFY THE MINING AND RECLAMATION PLAN AND OTHER TERMS AND CONDITIONS OF THE PERMIT IN A STATED MANNER; AND

(3) THE OPERATOR'S RIGHT TO A HEARING ON THE PROPOSED MODIFICATION AT A STATED TIME AND PLACE.

(B) THE HEARING SHALL BE HELD WITHIN 60 DAYS AFTER WRITTEN NOTICE IS FORWARDED TO THE OPERATOR. AFTER THE HEARING, THE DEPARTMENT MAY MODIFY THE MINING AND RECLAMATION PLAN AND OTHER TERMS AND CONDITIONS OF THE PERMIT IN THE MANNER STATED IN THE NOTICE OR IN ANOTHER MANNER IT CONSIDERS REASONABLY APPROPRIATE IN VIEW OF THE EVIDENCE SUBMITTED AT THE HEARING. REFUSAL OF THE OPERATOR TO COMPLY WITH THE CONDITIONS SET FORTH IN THE PERMIT SO MODIFIED BY THE DEPARTMENT SHALL RESULT IN THE REVOCATION OF THE PERMIT.

(C) A FEE MAY NOT BE CHARGED TO THE OPERATOR FOR A DEPARTMENTAL MODIFICATION OF THE PERMIT.

7-5A08.

(A) IF THE DEPARTMENT HAS REASON TO BELIEVE THAT A VIOLATION OF THIS SUBTITLE, ANY RULES OR REGULATIONS ADOPTED UNDER IT, OR THE TERMS AND CONDITIONS OF A PERMIT, INCLUDING THE APPROVED MINING AND RECLAMATION PLAN, HAS OCCURRED, THE DEPARTMENT SHALL SERVE WRITTEN NOTICE OF A VIOLATION ON THE OPERATOR, SPECIFYING THE FACTS CONSTITUTING THE APPARENT VIOLATION AND INFORM THE OPERATOR OF HIS RIGHT TO A HEARING AT A STATED TIME AND PLACE. SUBSEQUENT TO OR CONCURRENT WITH SERVICE OF THE WRITTEN NOTICE, THE DEPARTMENT MAY SUSPEND THE PERMIT OR ISSUE AN ORDER UNTIL THE VIOLATION IS CORRECTED.

(B) THE HEARING SHALL BE HELD WITHIN 45 DAYS AFTER THE NOTICE IS FORWARDED TO THE OPERATOR. THE OPERATOR MAY APPEAR AT THE HEARING, EITHER PERSONALLY OR THROUGH COUNSEL, AND PRESENT EVIDENCE ON HIS BEHALF. THE DEPARTMENT SHALL RENDER A DECISION REGARDING THE