

APPLICATION SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT THE DEPARTMENT 30 DAYS BEFORE THE HEARING. After the hearing, the Committee shall approve, reject, or modify the proposed plan. [If it does not act on the proposed plan within ten days after the hearing, the plan shall be considered approved.] If the plan is rejected or modified, the operator shall be notified in writing of the reason for rejection or the suggested modification. The operator may resubmit the plan to [the Director of the Bureau] DEPARTMENT with the Committee's requested corrections or modifications. If the changes are made AND THE PERMIT APPLICATION FULLY COMPLIES WITH ALL PROVISIONS OF THIS SUBTITLE AND RULES AND REGULATIONS ISSUED PURSUANT THERETO, the [director] DEPARTMENT may issue the permit. If the Committee rejects the plan, the [director] DEPARTMENT may not approve the [application] PERMIT. THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE OPERATOR, LOCAL GOVERNMENTS, AND ALL PARTICIPANTS TO THE HEARINGS OF THE DECISIONS BY THE COMMITTEE AND THE DEPARTMENT. WITHIN 15 DAYS OF THE DECISION, ANY PERSON ADVERSELY AFFECTED BY THE DECISION MAY REQUEST AN ADJUDICATORY HEARING. THE DEPARTMENT SHALL HOLD A HEARING IN ACCORDANCE WITH ARTICLE 41 WITHIN 30 DAYS OF THE REQUEST AND RENDER A DECISION WITHIN 15 DAYS THEREAFTER.

(h) The [Bureau] DEPARTMENT may not issue an additional permit to an operator who, under any permit previously issued, has failed, [or] AND continues to fail, to comply with any provisions of this subtitle OR ANY RULE, REGULATION, NOTICE, ORDER OR PERMIT ISSUED PURSUANT THERETO.

7-505.1.

(A) THE DEPARTMENT SHALL ESTABLISH A PROCESS TO DETERMINE WHICH, IF ANY, LAND AREAS ARE UNSUITABLE FOR ALL OR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS. A SURFACE AREA MAY BE DESIGNATED UNSUITABLE FOR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS IF SUCH OPERATIONS WILL:

(1) BE INCOMPATIBLE WITH EXISTING STATE OR LOCAL LAND USE PLANS OR PROGRAMS; OR

(2) AFFECT FRAGILE OR HISTORIC LANDS IN WHICH SUCH OPERATIONS COULD RESULT IN SIGNIFICANT DAMAGE OF IMPORTANT HISTORIC, CULTURAL, SCIENTIFIC, AND ESTHETIC VALUES AND NATURAL SYSTEMS; OR

(3) AFFECT RENEWABLE RESOURCE LANDS IN WHICH SUCH OPERATIONS COULD RESULT IN A SUBSTANTIAL LOSS OR REDUCTION OF LONG-RANGE PRODUCTIVITY OF WATER SUPPLY OR OF FOOD OR FIBER PRODUCTS, SUCH LANDS TO INCLUDE AQUIFERS AND AQUIFER RECHARGE AREAS; OR

(4) AFFECT NATURAL HAZARD LANDS IN WHICH SUCH OPERATIONS COULD SUBSTANTIALLY ENDANGER LIFE AND PROPERTY, SUCH LANDS TO INCLUDE AREAS SUBJECT TO FREQUENT FLOODING AND AREAS OF UNSTABLE GEOLOGY.