

[(c)] (F) An operator may not [strip any area by] ENGAGE IN open-pit mining if he [either] has forfeited any prior bond posted UNDER THIS SECTION [in connection with stripping activities or failed to pay royalties and wages due during the activities].

[(d)] (G) When an operator submits the MINING AND RECLAMATION progress report required under § 7-507 (b) of this subtitle, the [Secretary] DEPARTMENT, on advice of the Committee, may adjust the amount of surety required from the operator to assure completion of reclamation and revegetation.

(H) PRIOR TO THE RELEASE OF ANY BOND REQUIRED BY THIS SUBTITLE, THE DEPARTMENT SHALL PUBLISH AN ADVERTISEMENT OF THE RELEASE AT LEAST ONCE A WEEK FOR 4 CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION AFFECTED. THE OPERATOR SHALL NOTIFY ADJOINING PROPERTY OWNERS, LOCAL GOVERNMENTAL BODIES, SEWAGE AUTHORITIES AND WATER COMPANIES BY CERTIFIED MAIL. THE DEPARTMENT SHALL AFFORD INTERESTED PERSONS AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS AND TO REQUEST A HEARING ON THE PROPOSED BOND RELEASE. UPON RECEIPT OF AN APPLICATION FOR RELEASE OF BONDS, THE DEPARTMENT SHALL CONDUCT AN EVALUATION OF THE RECLAMATION WORK INVOLVED. THE DEPARTMENT SHALL NOTIFY THE OPERATOR IN WRITING OF ITS APPROVAL OR DISAPPROVAL. NO BOND MAY BE FULLY RELEASED UNTIL ALL REQUIREMENTS OF THIS SUBTITLE, RULES AND REGULATIONS ADOPTED PURSUANT TO THIS SUBTITLE, AND PERMIT CONDITIONS HAVE BEEN MET.

7-507.

(c) The [Director of the Bureau or his agent] DEPARTMENT AND ITS AGENTS may enter on and inspect any open-pit MINING operation to determine conditions of safety and assure compliance with the provisions of this subtitle [and] any rules and regulations promulgated under it AND PERMIT CONDITIONS. If an operator fails to comply with requirements of this subtitle, [or] any rule or regulation OR PERMIT CONDITION, the [Director] DEPARTMENT immediately shall notify the operator by [registered] CERTIFIED mail or personal delivery of the failure and require compliance within a specified time. COPIES OF ALL RECORDS, REPORTS, INSPECTION MATERIALS AND INFORMATION SHALL BE AVAILABLE TO THE PUBLIC. If the operator does not comply within the time specified, the [Director may] DEPARTMENT SHALL issue a cease and desist order requiring the operator immediately to cease ALL OR A PORTION OF THE open-pit mining [on the] operation in question until the [Director] DEPARTMENT determines that the operator is in full compliance. If the operator PERSISTENTLY OR REPEATEDLY FAILS TO COMPLY WITH A NOTICE OR ORDER, [persists in noncompliance], the [Director] DEPARTMENT, after a hearing and final determination THAT THE OPERATOR HAS FAILED TO SHOW CAUSE, [may] SHALL SUSPEND OR cancel the permit on this operation. [He] THE DEPARTMENT also may order the immediate stopping of any operation