

conducted by an operator who lacks the license or permit required by this subtitle. In addition, [the] Committee MEMBERS may enter on any open-pit operation to determine land reclamation conditions and progress. Any deficiency noted shall be reported to the [Director] DEPARTMENT. The Committee may order the [Director] DEPARTMENT to suspend the permit until corrective action is taken.

(D) IF THE DEPARTMENT DETERMINES THAT A PROBABLE PERMIT ACREAGE OR BOUNDARY VIOLATION EXISTS, IT MAY ORDER AN OPERATOR TO SUBMIT A MAP SHOWING THE STATUS OF THE OPERATION AS OF THE DATE OF THE ORDER.

(E) IF, ON THE BASIS OF AN INSPECTION, THE DEPARTMENT DETERMINES THAT ANY CONDITION OR PRACTICE EXISTS, WHICH CONDITION OR PRACTICE CREATES AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING OR MAY REASONABLY BE EXPECTED TO CAUSE SIGNIFICANT IMMINENT ENVIRONMENTAL HARM, THE DEPARTMENT OR ITS AGENT SHALL IMMEDIATELY ISSUE A CEASE AND DESIST ORDER REQUIRING THE OPERATOR IMMEDIATELY TO CEASE OPEN-PIT MINING ON ALL OR PART OF THE OPERATION IN QUESTION UNTIL THE DEPARTMENT DETERMINES THAT THE OPERATOR IS IN FULL COMPLIANCE. IF CESSATION OF OPEN-PIT MINING IS NOT SUFFICIENT TO ABATE THE IMMINENT DANGER OR HARM, THE DEPARTMENT SHALL ALSO IMPOSE SUCH AFFIRMATIVE OBLIGATIONS UPON THE OPERATOR AS ARE NECESSARY TO ABATE THE DANGER OR HARM.

(F) ANY PERSON ADVERSELY AFFECTED BY A NOTICE OF NONCOMPLIANCE OR ORDER ISSUED PURSUANT TO THIS SECTION MAY REQUEST REVIEW OF THE NOTICE OR ORDER WITHIN 15 DAYS OF THE DATE OF NOTICE OR ORDER. THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION AND PROVIDE THE OPERATOR AND OTHER INTERESTED PERSONS WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING AT LEAST 5 DAYS PRIOR TO THE HEARING. WITHIN 15 DAYS OF THE HEARING THE DEPARTMENT SHALL ISSUE A WRITTEN DECISION.

(G) A PERSON SEEKING ADMINISTRATIVE OR JUDICIAL REVIEW OF A NOTICE OR ORDER MAY REQUEST THE DEPARTMENT OR COURT TO ASSESS AN OPPOSING PARTY FOR ALL EXPENSES, INCLUDING ATTORNEYS' FEES, REASONABLY INCURRED BY THE PERSON IN CONNECTION WITH THE PROCEEDINGS. THE DEPARTMENT OR COURT MAY ORDER REIMBURSEMENT AS DEEMED PROPER.

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(a) Each operator shall comply with the requirements of this section.

(b) The operator shall regrade in a manner the [Bureau] DEPARTMENT establishes by rule and regulation AND in accordance with the approved RECLAMATION plan. Any regrading shall include, but is not limited to, [the following rules:] BACKFILLING, COMPACTING (WHERE NECESSARY) TO INSURE STABILITY OR PREVENT LEACHING OF TOXIC MATERIALS), AND REGRADING TO RESTORE TO THE APPROXIMATE ORIGINAL CONTOUR OF THE AFFECTED AREA WITH ALL HIGHWALLS, SPOIL PILES, AND