

Attorney General. The Attorney General shall file suit to collect the forfeited liability. If the operator has deposited cash or securities instead of a bond, the director shall declare that portion of the deposit forfeited and direct the State Treasurer to pay the funds into the Bituminous Coal Open-Pit Mining Reclamation Fund or proceed to sell the securities to the extent forfeited and pay the proceeds into the fund.

(B) IF AN OPERATOR ABANDONS AN OPERATION, THE DEPARTMENT SHALL DECLARE THE BOND FORFEITED UNLESS THE OPERATOR SHOWS CAUSE WHY THE BOND SHOULD NOT BE FORFEITED.

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(b) Any [operator] PERSON who mines coal by the open-pit mining method without having received a permit, as provided in this subtitle, who mines coal by the open-pit mining method without securing an amended permit, who mines coal by the open-pit mining method without furnishing the proper bond required by this subtitle, who knowingly or intentionally SUBMITS FALSE INFORMATION TO THE DEPARTMENT [includes false information in the application for a permit], or who does not fully comply with every provision and requirement of THIS SUBTITLE OR ANY RULE, REGULATION, PERMIT, NOTICE OR ORDER ISSUED PURSUANT THERETO [the permit], is guilty of a misdemeanor, and upon conviction, is subject to a fine of not [less than \$500 nor more than \$5,000] MORE THAN \$10,000 OR BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

[(d) Any person who violates any rule or regulation promulgated under § 7-503 is guilty of misdemeanor, and upon conviction, is subject to the penalty provisions in subsection (a) of this section.]

[(e)] (D) Any fine imposed under this subtitle by the District Court shall be paid to the state. A fine imposed by the circuit court for any county or the Criminal Court of Baltimore shall be paid to the Bituminous Coal Open-Pit Mining Reclamation Fund. A fine imposed under this section and paid into the fund shall be used for the sole purpose of foresting or reclaiming land affected by open-pit mining of bituminous coal.

7-517.

(b) (1) In addition to any other remedies available at law or in equity, a civil penalty may be assessed for violation of any provision of this subtitle, or rule, regulation, order or permit issued under it. The penalty may be assessed by the Secretary of Natural Resources or a hearing officer designated by the Secretary, ONLY after THE PERSON CHARGED WITH THE VIOLATION HAS BEEN GIVEN AN OPPORTUNITY FOR a PUBLIC hearing [at which it is determined that a violation exists]. WHERE THE PERSON CHARGED WITH THE VIOLATION FAILS TO REQUEST A PUBLIC HEARING, A CIVIL PENALTY