

subtitle, any rule or regulation or permit condition, the Department immediately shall notify the operator by 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 Department shall issue a cease and desist order requiring the operator immediately to cease all or a portion of the open-pit mining operation in question until the Department determines that the operator is in full compliance. If the operator persistently or repeatedly fails to comply with a notice or order, the Department, after a hearing and final determination that the operator has failed to show cause, shall suspend or cancel the permit on this operation. The Department also may order the immediate stopping of any operation conducted by an operator who lacks the license or permit required by this subtitle. In addition, Committee members may enter on any open-pit operation to determine land reclamation conditions and progress. Any deficiency noted shall be reported to the Department. The Committee may order the Department to suspend the permit until corrective action is taken.

10-408.1.

(b) This section does not apply to:

- (1) State and federal wetlands;
- (2) [private] PRIVATE wetlands as designated by the Department of Natural Resources;
- (3) [land] LAND which qualifies for agricultural assessments, as provided in Article 81 of the Annotated Code of Maryland, and timberland and lands used for reforestation; and
- (4) [owners] OWNERS and lessees of any privately owned land.

10-411.

(b) (2) The provisions of this subsection apply only in the following counties:

- (i) Cecil County;
- (ii) Charles County;
- (iii) Harford County; AND
- (iv) St. Mary's County.

Article - Transportation

8-405.