

writing of the reason for rejection or the suggested modification. The operator may resubmit the plan to 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 Department may issue the permit. If the Committee rejects the plan, the Department may not approve the permit.

(4) The Department shall review all other aspects of the application, including information pertaining to any other permit required from the Department for the proposed strip mining operation.

(5) The Department shall immediately notify the operator, local governments, and all participants to the joint hearing of the decisions by the Committee and the Department. Within 30 days of notification, 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 30 days thereafter.

(6) ANY APPLICANT, OR ANY PERSON WITH AN INTEREST WHICH IS OR MAY BE ADVERSELY AFFECTED, WHO HAS PARTICIPATED IN THE ADMINISTRATIVE PROCEEDINGS AS AN OBJECTOR, AND WHO IS AGGRIEVED BY THE DECISION OF THE DEPARTMENT, OR IF THE DEPARTMENT FAILS TO ACT WITHIN THE TIME LIMITS SPECIFIED IN THIS SUBTITLE, SHALL HAVE THE RIGHT TO JUDICIAL REVIEW IN ACCORDANCE WITH THE MARYLAND ADMINISTRATIVE PROCEDURE ACT, ARTICLE 41, § 255, OF THE ANNOTATED CODE OF MARYLAND.

7-507.

(c) (1) The 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, any rules and regulations promulgated under it and permit conditions, and shall have access to and the right to copy any records, reports, or other information required by the Bureau under this subtitle.

(2) If an operator fails to comply with requirements of this 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. This time may not] REASONABLE TIME BUT NOT TO exceed 90 days. [unless the Department determines in writing that a longer period is necessary.] 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