

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.

(3) [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.

~~(4) -- COPIES OF ANY RECORDS, INSPECTION MATERIALS, OR INFORMATION OBTAINED UNDER THIS SUBTITLE BY THE DEPARTMENT SHALL BE MADE AVAILABLE TO THE PUBLIC.~~

(f) Within 30 days from the date of a notice or order under this section, or from the date of a related civil penalty assessment under § 7-517(b) of this subtitle, whichever is later, any person HAVING AN INTEREST WHICH IS OR MAY BE adversely affected may request an adjudicatory hearing pursuant to Article 41 of the Annotated Code of Maryland. If a civil penalty assessment is made, any adjudicatory hearing on the penalty amount shall be combined with the hearing on the violation, and the assessment must be paid into escrow in accordance with § 7-517(b)(4) of this subtitle. 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 30 days of the hearing the Department shall issue a written decision. Prior to the decision, the Department may grant temporary relief from a notice or order if an applicant can show a substantial likelihood of success on the merits, a public hearing on the temporary relief is held, and the relief will not adversely affect the health or safety of the public or cause significant imminent environmental harm to land, air, or water resources.

(g) A person seeking administrative or judicial review of a notice or order, OR WHO PARTICIPATES IN AN ACTION UNDER § 7-523 OF THIS SUBTITLE, 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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(b) Any 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