

(1) [an] AN uncorrected violation of the type listed in [paragraph (7) of] § 7-6A-09(b)(7) OF THIS SUBTITLE [,];

(2) [failure] FAILURE to submit an adequate mining and reclamation plan in light of conditions existing at the time of renewal[,]; or

(3) [failure] FAILURE or refusal to pay the renewal fee.

(b) Application for a renewal of a permit cannot be made any earlier than [two years] 1 YEAR prior to the expiration date of the original permit.

(c) [The] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE fee to be charged for a permit renewal shall be [the same as that charged for an initial permit] \$8 FOR EACH ACRE OF AFFECTED LAND FOR EACH YEAR OF OPERATION, BUT NOT EXCEEDING \$500 FOR ANY 5-YEAR PORTION OF THE TERM OF THE PERMIT.

(D) THE FEE REQUIRED FOR ANY PERMIT RENEWAL SHALL BE PRORATED SO THAT THE PERMITTEE WILL NOT PAY MORE THAN \$500 FOR ANY 5-YEAR CONSECUTIVE TERM.

(E) IF THE TERM OF A PERMIT WHICH IS RENEWED EXCEEDS 5 YEARS, THE PERMITTEE SHALL PAY ADDITIONAL FEES, BASED ON THE FORMULA IN SUBSECTION (C) OF THIS SECTION, FOR EACH 5-YEAR PORTION OF THE TERM OF THE RENEWED PERMIT. THESE ADDITIONAL FEES SHALL BE PAID TO THE DEPARTMENT WITHIN 1 YEAR BEFORE THE COMPLETION OF ANY 5-YEAR PORTION OF THE TERM OF THE PERMIT.

(F) IF THE DEPARTMENT DENIES AN APPLICATION TO RENEW A PERMIT, THE DEPARTMENT SHALL GIVE THE PERMITTEE WRITTEN NOTICE OF:

(1) THE DEPARTMENT'S DETERMINATION;

(2) ANY CHANGES IN THE APPLICATION THAT WOULD MAKE IT ACCEPTABLE; AND

(3) THE PERMITTEE'S RIGHT TO A HEARING AT A STATED TIME AND PLACE.

(G) THE DATE FOR THE HEARING MAY NOT BE LESS THAN 15 DAYS NOR MORE THAN 30 DAYS AFTER THE DATE OF THE NOTICE UNLESS THE DEPARTMENT AND THE PERMITTEE MUTUALLY AGREE ON ANOTHER DATE.

7-6A-14.

No modification or renewal of a permit becomes effective until any required changes have been made in the performance bond or other security posted under the provisions of § 7-6A-20 OF THIS SUBTITLE, so as to assure the performance of obligations assumed by the [operator] PERMITTEE under the permit and the mining and reclamation plan.