

(1) The Department and the Committee shall hold a joint public hearing on the application. A record of the hearing shall be made and shall be available to the public.

(2) The joint hearing shall be at least 30 but not more than 60 days after the Department provides public notice of the hearing. Notice shall appear in a newspaper of general circulation in the jurisdiction affected. Members of the public shall be provided an opportunity to comment on the application either orally or in writing until at least 30 days after public notice of the hearing and copies of the application shall be available for public inspection at the Department 30 days before the hearing.

(3) After the hearing, the Committee shall approve, reject, or modify the proposed plan. If the plan is rejected or modified, the operator shall be notified in writing of the reason for rejection or the suggested modification. The operator may resubmit the plan to the 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.

(e) In addition to any fee required in this subtitle, each applicant for a permit to mine coal by open-pit or strip method shall pay to the Department, before the permit is issued, a special reclamation fee of \$75 for each acre of land affected. The fee shall be paid only when an acre is initially permitted. This fee shall be deposited in the Bituminous Coal Open-Pit Mining Reclamation Fund. The payment shall be based on the same