

(c) (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 reasonable time but not to exceed 90 days. The Department may extend beyond 90 days the total time for abatement of a violation, if the operator demonstrates by clear and convincing evidence, and the Department makes a written finding, that compliance within 90 days is unattainable either because of conditions totally beyond the control of the operator, or because abatement of the violation within 90 days would require action violative of mine safety standards established under federal or State law or would clearly cause more environmental harm than it would prevent. If the operator does not comply within the time specified, or any extension which may be granted, 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. Copies of all records, reports, inspection materials, and information shall be available to the public. 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.] SHALL ISSUE A AN ORDER REQUIRING THE OPERATOR TO SHOW CAUSE WHY THE PERMIT SHOULD NOT BE REVOKED AND PROVIDE OPPORTUNITY FOR AN ADJUDICATORY HEARING IN ACCORDANCE WITH § 7-513. 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.

7-511.

[(a) (1) Within 2 weeks after any affected area is backfilled and regraded under this subtitle and in accordance with the approved reclamation plan, the operator shall submit a backfilling report on a form furnished by the Department. The report shall provide the following information:

- (i) The number of acres affected on the permit;
- (ii) The number of acres backfilled for the period of the report; and
- (iii) The number of backfilled acres previously reported.

(2) Based upon inspection and approval by the Department of this report and the planting report required by subsection (b) of this section, the Department may release a portion of the liability on the bond required by § 7-506(b) of this subtitle in accordance with provisions set forth in § 7-506(h) of this subtitle. The Department shall at all times