

(a) If the operator fails or refuses to comply with the requirements of this subtitle in any respect for which liability has been charged on the bond, the Director shall declare the bond forfeited, and certify the case to the Attorney General. The Attorney General shall file suit to collect the forfeited liability. If the operator has deposited cash or securities instead of a bond, the Director shall declare that portion of the deposit forfeited and direct the State Treasurer to pay the funds into the Bituminous Coal Open-Pit Mining Reclamation Fund or proceed to sell the securities to the extent forfeited and pay the proceeds into the Fund.

(b) If an operator abandons an operation, the Department shall declare the bond forfeited unless the operator shows cause why the bond should not be forfeited.]

7-513.

(A) (1) IF THE DIRECTOR DETERMINES THAT AN OPERATOR HAS ~~persistently or repeatedly~~ FAILED TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE, OR ANY RULE, REGULATION, OR PERMIT ISSUED UNDER THIS SUBTITLE, OR THAT THE OPERATOR HAS NOT PRODUCED COAL OR REMOVED OVERBURDEN ON THE PERMIT SITE FOR A PERIOD OF 6 MONTHS, THE DIRECTOR ~~SHALL MAY~~ ISSUE AN ORDER REQUIRING THE OPERATOR TO SHOW CAUSE WHY THE PERMIT SHOULD NOT BE REVOKED AND GIVE THE OPERATOR 30 DAYS IN WHICH TO REQUEST A CONTESTED CASE HEARING.

(2) (I) IF A HEARING IS REQUESTED, THE DIRECTOR SHALL INFORM THE PERMITTEE AND ALL INTERESTED PARTIES OF THE TIME AND PLACE OF THE HEARING.

(II) ANY HEARING HELD UNDER THIS SECTION SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(3) IF THE OPERATOR FAILS TO SHOW CAUSE WHY THE PERMIT SHOULD NOT BE REVOKED, THE DIRECTOR SHALL REVOKE THE PERMIT AND FORFEIT THE BOND POSTED BY THE OPERATOR IN ACCORDANCE WITH § 7-506 OF THIS SUBTITLE.

(B) (1) IF THE DIRECTOR REVOKES A PERMIT AND FORFEITS THE BOND, THE DIRECTOR SHALL NOTIFY THE OPERATOR AND THE SURETY OR THE HOLDER OF ANY OTHER SECURITIES IF APPLICABLE, IN WRITING, THAT ALL BONDS ARE FORFEITED AND SHALL MAKE CLAIM FOR PAYMENT.

(2) IF THE SURETY OR THE HOLDER OF ANY OTHER SECURITIES REFUSES TO MAKE PAYMENT WITHIN A REASONABLE TIME, THE DIRECTOR SHALL CERTIFY THE CASE TO THE ATTORNEY GENERAL, WHO SHALL FILE SUIT TO COLLECT THE FORFEITED BOND.

(3) THE DIRECTOR SHALL DEPOSIT ALL FUNDS RECEIVED FROM THE FORFEITURE ON BOND WITH THE STATE TREASURER TO THE CREDIT OF THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND.