

7-6A-08.

(a) On receipt of an application and accompanying documents, the Department shall review it and make further inquiries, inspections, or examinations as necessary or desirable for proper evaluation. If the Department objects to any part of the application or accompanying documents, it shall notify promptly the applicant by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of its objections, setting forth its reasons, and shall afford the applicant a reasonable opportunity to make amendments or take actions required to remove the objections. The Department shall submit a copy of the application and accompanying documents to the Office of Planning for review with respect to matters that are the responsibility of that Office.

(b) [(1) Upon filing with the Department an initial application for a surface mining permit or permit modification for a change in the affected land, the applicant shall provide notice of the application, by certified mail, to each owner of property contiguous to the tract on which the activity is proposed.

(2) When the Department receives an application for a surface mining permit or a permit modification that contains sufficient information to adequately describe the proposed activity, the Department shall publish notice of the application once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the proposed permit activity would occur.

(3) The applicant shall pay all costs associated with publishing notice of the application.

(4) The published notice of the application shall provide an opportunity to request a public informational hearing on the application.

(5) Following publication of the notice of the application, any person interested in the pending application for a surface mining permit or a permit modification may request that the Department schedule a public informational hearing.

(6) (i) If the Department receives a request under paragraph (5) of this subsection, a hearing shall be held within 45 days, unless extenuating circumstances justify an extension of time.

(ii) The Department shall publish notice of the public informational hearing once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the proposed permit activity would occur.] PUBLIC NOTICE AND INFORMATIONAL HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF § 8-206(B) THROUGH (E) OF THIS ARTICLE.

[(7)](C) The Department may waive the notice requirements of this section and the holding of a public informational hearing on an application for a permit that affects an area that is 5 acres or less in size or a permit modification that affects an area that is 20 acres or less in size.