

(2) Failure of the successor permittee to submit an adequate mining and reclamation plan in light of conditions existing at the time of the modification; or

(3) Failure of the successor permittee to pay the transfer fee.

7-6A-18.

(a) (1) The Department shall serve written notice of a violation on the {permittee} ~~VIOLATOR OR PERSON REQUIRED TO HAVE A PERMIT~~, specifying the facts constituting the apparent violation if the Department has reason to believe that a violation of this subtitle, any rules or regulations adopted under this subtitle, or the terms and conditions of a permit, including the approved mining and reclamation plan has occurred.

(2) The Department also shall inform the {permittee [of his] ~~VIOLATOR OR PERSON REQUIRED TO HAVE A PERMIT~~ OF THE right to a hearing [at a stated time and place]. Subsequent to or concurrent with service of the written notice, the Department may suspend the permit or issue an order [until the violation is corrected] ~~REQUIRING NECESSARY CORRECTIVE ACTIONS BE TAKEN WITHIN THE TIME PRESCRIBED IN ITS ORDER.~~

(b) [The Department shall inform the permittee of his right to a hearing at a stated time and place. The date for the hearing may not be less than five days nor more than 15 days after the date of the notice, unless the Department and the permittee mutually agree on another date.] ~~ANY PERSON NAMED IN THE ORDER THAT RECEIVES A NOTICE OF SUSPENSION OR VIOLATION OR AN ORDER UNDER THIS SECTION MAY REQUEST IN WRITING A HEARING BEFORE THE DEPARTMENT NOT LATER THAN 10 DAYS AFTER THE DATE THE ORDER IS SERVED, IN WHICH CASE A HEARING SHALL BE SCHEDULED WITHIN 10 DAYS FROM RECEIPT OF THE REQUEST.~~ The {permittee} ~~VIOLATOR OR PERSON REQUIRED TO HAVE A PERMIT~~ may appear at the hearing, either personally or through counsel, and present evidence [on his behalf]. The Department shall render a decision regarding the violation within [ten] 30 days from the date of the hearing.

(c) The Department may revoke the permit if the violation is not corrected.

(d) Any permittee whose permit is suspended or revoked shall be denied a new permit or a renewal of the old permit to engage in mining until [he] THE PERMITTEE has complied fully with:

(1) The provisions of this subtitle;

(2) Any rules and regulations adopted under this subtitle; and

(3) The terms and conditions of the permittee's permit, including any modifications, and the approved mining and reclamation plan, and until the permittee has satisfactorily corrected all previous violations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.