

(7) The Department shall immediately notify the operator, local governments, and any participants to a [joint] PUBLIC INFORMATIONAL hearing of the [decisions by the Committee and] DECISION BY 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 Title 10, Subtitle 2 of the State Government Article within 30 days of the request and render a decision within 30 days thereafter.

(8) 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 § 10-215 of the State Government Article.

(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 number of acres as that for which a bond is required. Notwithstanding the provisions of § 7-514 of this subtitle, the Secretary shall use the funds produced by the fee under this subsection to backfill, grade, and plant areas affected by open-pit mining where the funds received from forfeiture on bonds, cash, securities, and other collateral are not sufficient to do the necessary backfilling, grading, and planting. However, if at any time the money produced by this fee and at that time in the Bituminous Coal Open-Pit Mining Reclamation Fund exceed the sum of \$750,000, then the Secretary may use this excess money in accordance with the provisions of § 7-514 of this subtitle.

(f) The operator is responsible for the prevention of stream pollution in excess of FEDERAL OR STATE standards [established by the Department].

(g) The application for a permit shall include for all land to be affected by the open-pit coal mining and reclamation operations:

(1) On a form furnished by the Department, the written consent of the landowner and any owner of a legal or equitable interest in the land surface for the applicant to enter on any land to be affected by the operator conducting open-pit coal mining and reclamation operations; or

(2) A conveyance that expressly grants or reserves to the applicant the right to extract coal by open-pit mining methods.

(h) The Department may not issue a permit to an applicant if any strip mining operation owned or controlled by the applicant is currently in violation of the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), any other law pertaining to air or water environmental protection, or any provisions of this subtitle or any rule, regulation, notice, order or permit issued under this subtitle unless the applicant submits proof that the violation is in the process of being corrected to the satisfaction of the appropriate jurisdictional agency.