

PROPOSED MODIFICATION AT A STATED TIME AND PLACE.

(B) THE DATE FOR THE HEARING MAY NOT BE LESS THAN 30 DAYS NOR MORE THAN 60 DAYS AFTER THE DATE OF THE NOTICE UNLESS THE DEPARTMENT AND THE OPERATOR MUTUALLY AGREE ON ANOTHER DATE. FOLLOWING THE HEARING THE DEPARTMENT MAY MODIFY THE MINING AND RECLAMATION PLAN AND OTHER TERMS AND CONDITIONS OF THE PERMIT IN THE MANNER STATED IN THE NOTICE OR IN ANOTHER MANNER IT DEEMS REASONABLY APPROPRIATE IN VIEW OF THE EVIDENCE SUBMITTED AT THE HEARING. REFUSAL OF THE OPERATOR TO COMPLY WITH THE CONDITIONS SET FORTH IN THE PERMIT SO MODIFIED BY THE DEPARTMENT SHALL RESULT IN THE REVOCATION OF THE PERMIT.

(C) NO FEE MAY BE CHARGED TO THE OPERATOR FOR A DEPARTMENTAL MODIFICATION OF THE PERMIT.

[[7-7B18]] 7-6A18. SUSPENSION OR REVOCATION OF A PERMIT.

(A) THE DEPARTMENT SHALL SERVE WRITTEN NOTICE OF A VIOLATION ON THE OPERATOR, SPECIFYING THE FACTS CONSTITUTING THE APPARENT VIOLATION IF THE DEPARTMENT HAS REASON TO BELIEVE THAT A VIOLATION OF (1) THIS SUBTITLE, (2) ANY RULES OR REGULATIONS ADOPTED UNDER IT, OR (3) THE TERMS AND CONDITIONS OF A PERMIT, INCLUDING THE APPROVED MINING AND RECLAMATION PLAN HAS OCCURRED. THE DEPARTMENT ALSO SHALL INFORM THE OPERATOR OF HIS 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.

(B) [[THE DATE FOR THE HEARING MAY NOT BE LESS THAN 30 DAYS NOR MORE THAN 60 DAYS AFTER THE DATE OF THE NOTICE, UNLESS THE DEPARTMENT AND THE OPERATOR MUTUALLY AGREE ON ANOTHER DATE. THE OPERATOR MAY APPEAR AT THE HEARING, EITHER PERSONALLY OR THROUGH COUNSEL, AND PRESENT EVIDENCE AS HE DESIRES IN ORDER TO PROVE THAT NO VIOLATION HAS TAKEN PLACE OR EXISTS. IF THE OPERATOR OR HIS REPRESENTATIVE DO NOT APPEAR AT THE HEARING, OR IF THE DEPARTMENT FOLLOWING THE HEARING FINDS THAT THERE HAS BEEN A VIOLATION, THE DEPARTMENT MAY SUSPEND THE PERMIT UNTIL THE VIOLATION IS CORRECTED OR MAY REVOKE THE PERMIT IF THE VIOLATION APPEARS TO BE WILFUL.]] THE DEPARTMENT SHALL INFORM THE OPERATOR 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 OPERATOR MUTUALLY AGREE ON ANOTHER DATE. THE OPERATOR 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 DAYS FROM THE DATE OF THE HEARING.