

49-410. Amendment of permit, application; requirements; limitation on transfer, assignment or sale of rights granted under permit; revision or modification of permit. (a) (1) During the term of the permit an operator may submit an application to amend the permit, together with a revised reclamation plan, to the department.

(2) An application to amend a permit shall not be approved unless the secretary finds that reclamation as required by this act can be accomplished under the amended reclamation plan. The amended plan shall be approved or disapproved within a period of time established by the secretary, and the secretary shall establish guidelines for a determination of the scale or extent of an amendment request for which all permit application information requirements and procedures, including notice and hearings, shall apply. Any amendments which propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this act shall be made without the written approval of the secretary.

(c) The department within a time limit prescribed in regulations promulgated by the secretary, shall review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit. Such revision or modification shall be based upon written findings and subject to notice and hearing requirements.

History: L. 1968, ch. 395, § 10; L. 1978, ch. 208, § 9; L. 1979, ch. 169, § 7; L. 1988, ch. 192, § 18; L. 1990, ch. 194, § 2; July 1.