

a completion report, on a form to be prescribed and furnished by the Director, identifying the operation, stating the area of land affected by open pit mining, stating whether the operator intends to carry on drift mining upon the premises and what provision has been made therefor. The operator shall attach to the completion report a map of the operation certified by a competent land surveyor, showing the boundary lines of the tract or tracts, the access to the operation from the nearest public highway, the area of land affected by open pit mining, the locations preserved from drift mining, and the proposed plans in connection therewith.

663. Upon receipt of said completion report [or annual report,] the Director shall [charge the area affected by open pit mining against the bond or deposit filed by the operator at the time of registration at the rate of two hundred fifty dollars (\$250.00) per acre. Should the area actually affected by open pit mining within the year exceed the estimate made at the time of registration, the operator shall, within thirty (30) days thereafter, file an amended certificate and additional bond. If the area actually affected by open pit mining during the year is less than the estimate, the Director shall issue a release of the surplus of the bond or deposit upon which liability has not been charged as aforesaid.] *determine the number of acres under the permit not backfilled and shall charge the area against the bond or deposit at the rate of \$300.00 per acre.*

665. (A) [Within one year after the operation is completed,] *The operator shall place sufficient overburden in the open cut to cover the exposed face of the unmined coal, which shall begin at least three feet above the top of the coal and shall extend to the bottom of the pit at an angle not to exceed forty-five (45) degrees, except high walls where strip mining cuts into active worked out or abandoned deep mine workings, in which case the angle shall not exceed forty-five (45) degrees from the top of such wall to the bottom thereof, and the peaks and ridges of spoilbanks shall be leveled and rounded off to such an extent as will permit the planting of trees, grasses or shrubs, and rejected coal and combustive material shall not be used on the high wall bank; provided, however, that if the operator desires to conduct drift mining upon the premises he may designate drift locations at which places it will not be necessary to so place overburden over the face of the coal. Such drift locations shall be described in the completion report and designated on the map attached thereto: Provided also, that if the operator desires to use the open cut as a haulageway for the removal of coal from other operations, he may, with the consent of the Director, postpone the covering of the exposed face of the unmined coal for the duration of such use.*

(B) AT THE REQUEST OF THE LAND OWNER AND WITH THE APPROVAL OF THE DIRECTOR, A POND MAY BE CONSTRUCTED IN LIEU OF BACKFILL TO THE EXTENT OF THE AREA COVERED BY SUCH POND.

672. THE PROVISIONS OF THIS SUB-TITLE SHALL NOT APPLY TO ANY PERSON, PARTNERSHIP OR CORPORATION ENGAGED IN PROSPECTING FOR COAL AND FROM WHICH NO COAL IS MARKETED. ANY OPERATOR FAILING TO BACKFILL PROSPECTED AREA SHALL BE FINED NOT LESS