

ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.

[[7-7B04]] 7-6A04. SURFACE MINED LAND RECLAMATION FUND.

(A) ALL FUNDS RECEIVED BY THE DEPARTMENT FROM LICENSE FEES, PERMIT FEES, THE FORFEITURE OF BONDS AND OF CASH DEPOSITS AND SECURITIES, AND FINES COLLECTED UPON CONVICTION OF AN OPERATOR UNDER §§ [[7-7B06]] 7-6A06 (C) AND [[7-7B07]] 7-6A07 (F) SHALL BE DEPOSITED TO THE CREDIT OF THE STATE TREASURER IN A BANK HE DESIGNATES, AND SHALL BE MAINTAINED AS A SPECIAL FUND ON THE BOOKS OF THE COMPTROLLER OF THE TREASURY IN AN ACCOUNT, TO BE KNOWN AS THE "SURFACE MINED LAND RECLAMATION FUND." THIS FUND SHALL BE USED BY THE DEPARTMENT FOR REHABILITATING THE AREA OF LAND AFFECTED BY THE OPERATION UPON WHICH LIABILITY WAS CHARGED ON THE BOND.

(B) FOR THE RECLAMATION OF SURFACE MINED LANDS OTHER THAN COAL ABANDONED AND UNRECLAIMED BEFORE JULY [[1974]] 1975, THE DEPARTMENT MAY USE FUNDS RECEIVED FROM THE FOLLOWING SOURCES:

(1) A FORFEITURE IN EXCESS OF THE AMOUNT REQUIRED FOR RECLAIMING THE AREA OF LAND AFFECTED BY THE OPERATION ON WHICH THE LIABILITY WAS CHARGED;

(2) A FORFEITURE RELATING TO LAND WHICH THE DEPARTMENT DETERMINES TO BE PHYSICALLY IMPOSSIBLE TO RECLAIM; AND

(3) LICENSING FEES, PERMITTING FEES, FINES, FUNDS RECEIVED FROM THE SPECIAL RECLAMATION FEES ESTABLISHED BY §[[7-7B07]] 7-6A07 (E), OR ANY OTHER SOURCE.

[[7-7B05]] 7-6A05. SURFACE MINE INSPECTORS.

THE DEPARTMENT MAY EMPLOY QUALIFIED SURFACE MINE INSPECTORS AND OTHER PERSONNEL DEEMED NECESSARY BY THE DEPARTMENT TO ENFORCE THE PROVISIONS OF THIS SUBTITLE AND ANY RULES AND REGULATIONS ADOPTED UNDER IT. THE DEPARTMENT SHALL ESTABLISH STANDARDS OF QUALIFICATION FOR SURFACE MINE INSPECTORS, PARTICULARLY AS REGARDS THE DISCIPLINES OF MINING ENGINEERING, CIVIL ENGINEERING, WATER QUALITY, GEOLOGY, HYDROLOGY, AGRONOMY, FORESTRY, BIOLOGY, HEALTH, SAFETY, AND ANY OTHER FIELD DEEMED NECESSARY FOR QUALIFICATION.

[[7-7B06]] 7-6A06. OPERATOR'S LICENSE.

(A) AFTER JANUARY 1, [[1976]] 1977, NO PERSON MAY CONDUCT AN ACTIVE OPERATION TO EXTRACT MINERALS BY THE SURFACE MINING METHOD AS AN OPERATOR WITHIN THE STATE