

THAT THE DEPARTMENT DETERMINES NECESSARY TO ASSURE COMPLETION OF RECLAMATION AND REVEGETATION.

(E) IF THE DEPARTMENT DETERMINES, AFTER REVIEW OF THE NOTICE FILED PURSUANT TO THIS SECTION, THAT THE PROPOSED PROSPECTING OPERATION IS REASONABLY LIKELY TO CAUSE SUBSTANTIAL DISTURBANCE TO THE NATURAL LAND SURFACE OR TO CAUSE SERIOUS HARM TO A WATER SUPPLY OR WATER QUALITY, THE DEPARTMENT SHALL SO INFORM THE PERSON SUBMITTING THE NOTICE, AND THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION SHALL APPLY TO SUCH PERSONS AND OPERATIONS.

(F) THE DEPARTMENT SHALL DENY WRITTEN APPROVAL TO PROSPECT WHERE IT FINDS THAT THE PERSON INTENDING TO PROSPECT HAS FAILED TO RECLAIM ANY OTHER PROSPECTING OR SURFACE COAL MINING OPERATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE APPLICABLE TO THAT OPERATION.

(G) A PERSON MAY NOT REMOVE MORE THAN 200 TONS OF COAL PURSUANT TO THIS SECTION.

(H) PROSPECTING OPERATIONS, AND ANY OF ITS RELATED ACTIVITIES, INCLUDING BUT NOT LIMITED TO EXCAVATIONS, CONSTRUCTION OF ROADS, DRILL HOLES, THE REMOVAL OF FACILITIES AND EQUIPMENT, AND RECLAMATION SHALL BE CONDUCTED IN ACCORDANCE WITH PERFORMANCE AND RECLAMATION REGULATIONS ESTABLISHED FOR PROSPECTING.

(I) INFORMATION SUBMITTED TO THE DEPARTMENT PURSUANT TO THIS SECTION CONCERNING TRADE SECRETS OR CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION WHICH RELATES TO THE COMPETITIVE RIGHTS OF THE PERSON OR ENTITY INTENDING TO PROSPECT SHALL NOT BE AVAILABLE FOR PUBLIC EXAMINATION.

(J) A PERSON WHO CONDUCTS ANY PROSPECTING ACTIVITY IN VIOLATION OF THIS SECTION, OR RULES OR REGULATIONS PROMULGATED UNDER THIS SECTION, SHALL BE SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF THIS SUBTITLE.

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(b) Within 6 months after completion of a project pursuant to this [section] SUBTITLE, the Department shall itemize the moneys expended by the Department and file a notarized statement prepared by an independent appraiser as to the increase in value of the land attributable to the reclamation project with the clerk of the circuit court for the county in which the affected land lies. The statement shall constitute a lien upon the land for an amount equal to the increase in the value attributable to the project; provided that, no lien shall be filed:

(1) If the owner of the surface rights acquired the property prior to May 2, 1977, and neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation project;