

the original premining natural slope beginning with the proposed initial point of mining and including the proposed terminal point of mining. If any 200-foot section has a slope of 20 degrees or more a strip mining permit may not be issued for that 200-foot section, except that a A permit may be issued in the case of a previously orphaned mining operation, on slopes more than 20 degrees from the horizontal, when in the opinion of the land reclamation committee the land could be restored to its original contour. }

{2} THE BUREAU MAY DENY A STRIP MINING PERMIT ON SLOPES OF 20 DEGREES OR MORE FROM THE HORIZONTAL BASED ON THE FOLLOWING CONSIDERATIONS:

{I} POPULATION DENSITY WHERE THE MINING COULD ENDANGER LIFE OR PROPERTY;

{II} MANAGEMENT OF DRAINAGE AND STORMWATER RUNOFF;

{III} ADVERSE EFFECT ON THE QUALITY OF THE WATER SUPPLY;

{IV} SLOPE INSTABILITY;

{V} SOIL EROSION, OR

{VI} PRIOR HISTORY OF PERFORMANCE OF THE APPLICANT.

{3} (2) THE BUREAU SHALL PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY BY JANUARY 1, 1990 A SUMMARY REPORT ON THE EFFECTIVENESS OF STEEP SLOPE MINING IN THIS STATE.

(3) THE DEPARTMENT SHALL DENY A STRIP MINING PERMIT ON SLOPES OF 20 DEGREES OR MORE FROM THE HORIZONTAL IF IT FINDS THAT ANY OF THE REQUIREMENTS OF THIS SUBTITLE OR REGULATIONS ADOPTED UNDER AUTHORITY OF THIS SUBTITLE ARE NOT MET, INCLUDING A FINDING THAT ANY OF THE FOLLOWING ARE TRUE:

(I) THE PROPOSED MINING POSES A LIKELIHOOD OF HARM TO ANY PERSON OR PROPERTY;

(II) DRAINAGE AND STORMWATER RUNOFF COULD NOT BE ADEQUATELY MANAGED;

(III) THE PROPOSED MINING WOULD ADVERSELY AFFECT THE QUALITY OF THE WATER SUPPLY OR OF OTHER WATERS OF THE STATE;

(IV) THERE IS SLOPE INSTABILITY AT THE SITE OF THE PROPOSED MINING WHICH COULD NOT BE ADEQUATELY CONTROLLED;

(V) SOIL EROSION COULD NOT BE ADEQUATELY CONTROLLED; OR