

number of acres as that for which a bond is required. Notwithstanding the provisions of § 7-514 of this subtitle, the Secretary shall use the funds produced by the fee under this subsection to backfill, grade, and plant areas affected by open-pit mining where the funds received from forfeiture on bonds, cash, securities, and other collateral are not sufficient to do the necessary backfilling, grading, and planting. However, if at any time the money produced by this fee and at that time in the Bituminous Coal Open-Pit Mining Reclamation Fund exceed the sum of \$750,000, then the Secretary may use this excess money in accordance with the provisions of § 7-514 of this subtitle.

(f) The operator is responsible for the prevention of stream pollution in excess of standards established by the Department.

(g) Unless a lease in existence on June 1, 1967 does not so provide or permit, the application for a permit shall include, on a form furnished by the Bureau, the written consent of the landowner for the operator or the State or any of its authorized agents, to enter on any land affected by the operator within a period of five years after the operation is completed or abandoned, for the purpose of backfilling, planting, reclamation, and inspection.

(h) The Department may not issue a permit to an applicant if any strip mining operation owned or controlled by the applicant is currently in violation of the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), any other law pertaining to air or water environmental protection, or any provisions of this subtitle or any rule, regulation, notice, order or permit issued under this subtitle unless the applicant submits proof that the violation is in the process of being corrected to the satisfaction of the appropriate jurisdictional agency.

(i) [(1)] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, IF the requirements of this subtitle are met and no claim is outstanding under this subtitle against the operator, or any officer or director of a corporation, a permit shall MAY be issued. Any additional permit is subject to each requirement for the original permit.

†(2)--However (J) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, the Bureau DEPARTMENT may not issue a strip mining permit on slopes of 20 degrees or more from the horizontal. Slope measurements shall be made every 200 feet along the contour of 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--permit--may--be--issued--in--the--case--of--a--previously--orphaned--mining--operation,--on--slopes--more--than--20