

[(b) After receiving notification from the Department that the application for a permit has been approved, but before the permit is issued, the operator shall file, a bond for the operation payable to the State and conditioned that the operator will perform faithfully every requirement of this subtitle, rules and regulations issued pursuant to this subtitle and permit conditions. The amount of the bond shall be determined by the Department and may not be less than \$500 per acre based on the number of acres of land permitted. The liability of the operator under the bond shall be for the duration of open-pit mining operation and for a period coincidental with the operator's responsibility under § 7-511.]

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "OPEN-ACRE" MEANS THE DISTURBED AREA, EXCLUDING ANY AREA WHICH HAS NOT BEEN CLEARED AND GRUBBED AND ANY AREA WHICH HAS BEEN SATISFACTORILY BACKFILLED, REGRADED, TOPSOILED, SEEDED, AND MULCHED (OR RECLAIMED TO AN ALTERNATE POST-MINING LAND USE) IN ACCORDANCE WITH AN APPROVED RECLAMATION PLAN, AND WHICH WILL NOT BE REDISTURBED.

(3) "OPEN-ACRE LIMIT" MEANS THE NUMBER OF ACRES APPROVED TO BE BONDED AS OPEN-ACRES AND FOR WHICH A BOND IS POSTED BEFORE THE ISSUANCE OF A PERMIT.

(B) (1) AFTER RECEIVING NOTIFICATION FROM THE DEPARTMENT THAT THE PERMIT APPLICATION HAS BEEN APPROVED, BUT BEFORE THE PERMIT IS ISSUED, THE OPERATOR SHALL FILE WITH THE DEPARTMENT A BOND FOR PERFORMANCE PAYABLE TO THE STATE AND CONDITIONED ON THE OPERATOR FAITHFULLY PERFORMING EVERY REQUIREMENT OF THIS SUBTITLE, THE RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE, AND PERMIT CONDITIONS.

(2) (I) THE AMOUNT OF THE BOND SHALL BE DETERMINED BY THE DEPARTMENT AND MAY NOT BE LESS THAN \$500 PER ACRE OR A FRACTION THEREOF BASED ON THE NUMBER OF ACRES OF LAND PERMITTED.

(II) HOWEVER, THE AMOUNT OF BOND MAY NOT BE ~~LESS THAN \$1,500 PER ACRE OR A FRACTION THEREOF~~ FOR THE OPEN-ACRE LIMIT APPROVED BY THE DEPARTMENT IN THE PERMIT APPLICATION MAY NOT BE LESS THAN AN ADDITIONAL \$1,500 PER ACRE OR FRACTION THEREOF.

(3) THE LIABILITY OF THE OPERATOR UNDER THE BOND SHALL BE FOR THE DURATION OF THE OPEN-PIT MINING OPERATION AND FOR A PERIOD COINCIDENTAL WITH THE OPERATOR'S RESPONSIBILITY UNDER § 7-511 OF THIS SUBTITLE.

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