

However, funds received from the reclamation surcharge under § 7-507.1 of this article shall only be used by the Secretary for reclamation of land affected by open-pit or strip method mining in the county in which the surcharge is assessed and collected. [However, funds received from forfeiture on bonds, cash, or securities shall be used to backfill, grade, and plant the area of land affected by the operation on which the liability was charged on the bond. Funds received on a forfeiture in excess of the amount required for reclamation may be used to reclaim any other land affected by open-pit mining of bituminous coal.]

(2) (I) FUNDS RECEIVED FROM FORFEITURE ON BONDS SHALL BE USED TO RECLAIM THE LAND AFFECTED BY THE OPERATION ON WHICH THE LIABILITY WAS CHARGED ON THE BOND AND TO PERFORM THE REQUIREMENTS OF THIS SUBTITLE, REGULATIONS ISSUED UNDER THIS SUBTITLE, AND PERMIT CONDITIONS THAT THE OPERATOR HAS FAILED TO PERFORM.

(II) FUNDS RECEIVED ON A FORFEITURE IN EXCESS OF THE AMOUNT REQUIRED TO RECLAIM THE LAND AFFECTED AND TO PERFORM THE REQUIREMENTS THAT THE OPERATOR HAS FAILED TO PERFORM MAY BE USED TO RECLAIM ANY OTHER LAND AFFECTED BY OPEN-PIT MINING OF BITUMINOUS COAL.

(3) FUNDS PLACED IN THE RESERVE IN ACCORDANCE WITH § 7-514.1 OF THIS SUBTITLE SHALL BE USED TO REPLACE WATER SUPPLIES AFFECTED BY ANY OPEN-PIT MINING OPERATION AFTER ALL BONDS ON THE OPERATION HAVE BEEN FULLY RELEASED.

7-514.1.

(A) THE SECRETARY SHALL ESTABLISH WITHIN THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND A RESERVE TO BE USED TO REPLACE WATER SUPPLIES THAT ARE DETERMINED TO HAVE BEEN AFFECTED BY AN OPEN-PIT MINING OPERATION, AFTER ALL THE BONDS UNDER § 7-506 OF THIS SUBTITLE COVERING THE OPERATION THAT AFFECTED THE WATER SUPPLY HAVE BEEN RELEASED IN ACCORDANCE WITH § 7-506 OF THIS SUBTITLE.

(B) OF THE 9 CENT MINE RECLAMATION SURCHARGE THAT THE DEPARTMENT ASSESSES FOR EACH TON OF COAL REMOVED BY THE OPEN-PIT OR STRIP METHOD UNDER § 7-507.1(1) OF THIS SUBTITLE, 1 CENT SHALL BE PAID INTO THE WATER SUPPLY REPLACEMENT RESERVE.

(C) (1) WHEN THE AMOUNT OF THE RESERVE EQUALS OR EXCEEDS \$50,000, PAYMENT OF THE 1 CENT INTO THE RESERVE SHALL END TEMPORARILY.

(2) WHEN THE AMOUNT OF THE RESERVE IS REDUCED BELOW \$25,000 BECAUSE OF PAYMENT MADE UNDER THIS SECTION, PAYMENT OF THE 1 CENT INTO THE RESERVE SHALL RESUME.

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