

(a) Nothing in this subtitle shall be construed as affecting in any way the right of any person to enforce or protect his interest in water resources affected by open-pit mining.

(b) [The] BEFORE THE RELEASE OF ALL BONDS ON A PERMIT, THE operator of an open-pit mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where [the Department determines that] such supply has been affected by contamination, diminution, or interruption proximately resulting from such open-pit mine operations.

(C) (1) IF THE DEPARTMENT DETERMINES THAT THE WATER SUPPLY HAS BEEN AFFECTED BY OPEN-PIT MINING OPERATIONS, THE DEPARTMENT SHALL NOTIFY THE OPERATOR OF ITS DETERMINATION AND SHALL ESTABLISH A REASONABLE SCHEDULE FOR THE OPERATOR TO REPLACE THE WATER SUPPLY.

(2) IF THE OPERATOR FAILS TO COMPLY WITH THE SCHEDULE FOR REPLACING THE AFFECTED WATER SUPPLY ESTABLISHED IN THE DEPARTMENT'S NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL ORDER THE OPERATOR TO REPLACE THE AFFECTED WATER SUPPLY.

(3) ON REQUEST FROM THE OPERATOR, THE DEPARTMENT SHALL USE FUNDS FROM THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND, OTHER THAN FUNDS COLLECTED UNDER § 7-505(E) OF THIS SUBTITLE, TO REPLACE THE AFFECTED WATER SUPPLY, IF THE OPERATOR AGREES TO REIMBURSE THE FUND FOR MONEY EXPENDED BY THE DEPARTMENT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION.

(D) (1) ON REQUEST FROM THE OWNER OF THE AFFECTED WATER SUPPLY, THE DEPARTMENT MAY USE FUNDS FROM THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND, OTHER THAN FUNDS COLLECTED UNDER § 7-505(E) OF THIS SUBTITLE, TO REPLACE THE AFFECTED WATER SUPPLY IF THE OPERATOR FAILS TO COMPLY WITH EITHER THE SCHEDULE ESTABLISHED IN THE DEPARTMENT'S NOTIFICATION OR THE DEPARTMENT'S ORDER UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.

(2) THESE FUNDS MAY BE USED TO REPLACE A WATER SUPPLY ONLY AFTER THE OWNER OF THE AFFECTED WATER SUPPLY AGREES TO REIMBURSE THE FUND FOR MONEYS EXPENDED BY THE DEPARTMENT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION.

(E) (1) IF THE DEPARTMENT DETERMINES THAT THE WATER SUPPLY HAS BEEN AFFECTED BY OPEN-PIT MINING OPERATIONS AFTER BONDS ON THE OPERATIONS HAVE BEEN FORFEITED, THE DEPARTMENT MAY USE FUNDS RECEIVED FROM FORFEITURE ON BONDS, OR FUNDS FROM THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND WHERE FUNDS RECEIVED FROM FORFEITURE ON BONDS ARE NOT SUFFICIENT, TO REPLACE THE WATER SUPPLY.