

(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 DEEP MINING FUND 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 DEEP MINING FUND 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 (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 DEEP MINING OPERATIONS AFTER BONDS ON THE OPERATIONS HAVE BEEN FORFEITED, THE DEPARTMENT MAY USE FUNDS RECEIVED FROM FORFEITURE ON BONDS, OR FUNDS FROM THE DEEP MINING FUND WHERE FUNDS RECEIVED FROM FORFEITURE ON BONDS ARE NOT SUFFICIENT, TO REPLACE THE WATER SUPPLY.

(2) IF THE DEPARTMENT DETERMINES THAT THE SUPPLY HAS BEEN AFFECTED BY DEEP MINING OPERATIONS AFTER ALL BONDS ON THE OPERATION HAVE BEEN FULLY RELEASED, INSTEAD OF REQUIRING THE OPERATOR TO REPLACE THE WATER SUPPLY UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL USE FUNDS FROM THE DEEP MINING FUND TO REPLACE THE WATER SUPPLY. THE USE OF THESE FUNDS MAY NOT BE CONSTRUED TO EXTEND ANY PERMIT WHERE BONDS HAVE BEEN FULLY RELEASED.

(F) (1) THE OPERATOR SHALL REIMBURSE THE FUND FOR ALL MONEYS EXPENDED BY THE DEPARTMENT TO REPLACE THE WATER SUPPLY IF:

(I) AFTER FINAL ADMINISTRATIVE AND JUDICIAL REVIEW OF THE DEPARTMENT'S DETERMINATION OR ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION, IT IS DETERMINED THAT THE WATER SUPPLY CONTAMINATION, DIMINUTION, OR INTERRUPTION DID PROXIMATELY RESULT FROM THE OPERATOR'S DEEP MINING OPERATION; AND

(II) THE DEPARTMENT HAS EXPENDED MONEYS FROM THE DEEP MINING FUND TO REPLACE THE WATER SUPPLY.