

(2) THE PROPERTY OWNER 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 NOT PROXIMATELY RESULT FROM THE OPERATOR'S DEEP MINING OPERATION; AND

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

(3) (I) THE OPERATOR MAY REQUEST REIMBURSEMENT FROM THE DEPARTMENT FOR THE ACTUAL DIRECT COSTS INCURRED BY THE OPERATOR TO REPLACE THE WATER SUPPLY IF:

1. 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 NOT PROXIMATELY RESULT FROM THE OPERATOR'S DEEP MINING OPERATION; AND

2. THE OPERATOR HAS REPLACED THE WATER SUPPLY.

(II) THE REQUEST SHALL BE IN WRITING, SIGNED BY THE OPERATOR, AND INCLUDE A STATEMENT OF THE ACTUAL DIRECT COSTS INCURRED BY THE OPERATOR TO REPLACE THE WATER SUPPLY AND A STATEMENT THAT THE OPERATOR IS NOT ELIGIBLE FOR REIMBURSEMENT FOR ALL OR ANY PART OF THE COSTS FOR WHICH REIMBURSEMENT IS REQUESTED FROM ANY OTHER SOURCE.

(III) THE DEPARTMENT SHALL REIMBURSE THE OPERATOR FOR THE OPERATOR'S ELIGIBLE COSTS TO REPLACE THE WATER SUPPLY FROM THE DEEP MINING FUND.

(G) (1) THE OPERATOR SHALL BE LIABLE FOR ANY EXPENDITURES FROM THE DEEP MINING FUND IN EXCESS OF FUNDS RECEIVED FROM FORFEITURE ON BONDS REQUIRED TO REPLACE THE WATER SUPPLY UNDER SUBSECTION (E) OF THIS SECTION.

(2) THE DEPARTMENT MAY RECOVER FROM THE OPERATOR ALL COSTS OF WATER SUPPLY REPLACEMENT IN EXCESS OF FUNDS RECEIVED FROM FORFEITURE ON BONDS.

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(c) The amount of the bond shall be equal to the amount the [Secretary] DEPARTMENT determines to be the cost of reclamation of the affected area. Liability under the bond shall be for the duration of the mining operation, and for a period of five years after the mine has been [abandoned or operations] completed,