

(1) REPLACE, AT NO EXPENSE TO THE OWNER OF REAL PROPERTY THAT IS AFFECTED BY THE SURFACE MINE DEWATERING, A WATER SUPPLY THAT FAILS AS A RESULT OF DECLINING GROUND WATER LEVELS; AND

(2) UPON A DETERMINATION BY THE DEPARTMENT OF PROXIMATE CAUSE AFTER THE PERMITTEE HAS RECEIVED PROPER NOTICE AND AN OPPORTUNITY TO RESPOND AND PROVIDE INFORMATION, PAY MONETARY COMPENSATION TO THE AFFECTED PROPERTY OWNER OR REPAIR ANY PROPERTY DAMAGE CAUSED AS A RESULT OF THE SUDDEN SUBSIDENCE OF THE SURFACE OF THE LAND.

(D) (1) AN INDIVIDUAL DOMESTIC WATER SUPPLY WITHIN A ZONE OF DEWATERING INFLUENCE THAT IS NO LONGER CAPABLE OF YIELDING WATER BECAUSE OF DECLINING WATER LEVELS SHALL BE CONSIDERED TO BE REPLACED ADEQUATELY BY A PERMITTEE IF THE PERMITTEE PROVIDES FOR THE AFFECTED PROPERTY OWNER A NEW OR RETROFITTED WELL THAT IS CAPABLE OF MEETING THE MINIMUM YIELD REQUIREMENTS ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT DURING THE PERIOD OF PIT DEWATERING.

(2) A MUNICIPAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR FARMING WATER SUPPLY WITHIN A ZONE OF DEWATERING INFLUENCE THAT IS NO LONGER CAPABLE OF YIELDING WATER BECAUSE OF DECLINING WATER LEVELS SHALL BE CONSIDERED TO BE REPLACED ADEQUATELY BY A PERMITTEE IF THE PERMITTEE PROVIDES FOR THE AFFECTED PROPERTY OWNER A NEW OR RETROFITTED WELL OR OTHER ALTERNATIVE WATER SUPPLY THAT IS CAPABLE OF YIELDING WATER EQUAL TO THE VOLUME USED OR NEEDED BY THE PROPERTY OWNER BEFORE THE DISRUPTION OF WATER SUPPLY.

(E) (1) REAL OR PERSONAL PROPERTY WITHIN THE ZONE OF DEWATERING INFLUENCE IN KARST TERRAIN IN BALTIMORE, CARROLL, FREDERICK, AND WASHINGTON COUNTIES THAT IS FOUND BY THE DEPARTMENT TO HAVE BEEN DAMAGED AS A RESULT OF SUDDEN LAND SURFACE SUBSIDENCE SHALL BE CONSIDERED TO BE REPAIRED ADEQUATELY BY A PERMITTEE IF THE PERMITTEE RETURNS THE DAMAGED PROPERTY TO ITS CONDITION BEFORE THE SUBSIDENCE OF THE SURFACE OF THE LAND.

(2) IF THE DAMAGED REAL OR PERSONAL PROPERTY IS NOT CAPABLE OF BEING RESTORED TO ITS PRE-SUBSIDENCE CONDITION, THE PERMITTEE SHALL COMPENSATE THE OWNER OF THE REAL OR PERSONAL PROPERTY MONETARILY ~~AT~~ BY THE DIFFERENCE OF THE FAIR MARKET VALUE OF THE PROPERTY AS THE PROPERTY WOULD EXIST BUT FOR THE SUDDEN LAND SUBSIDENCE, AND THE FAIR MARKET VALUE OF THE PROPERTY AS A RESULT OF THE DAMAGE.