

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 658

(Delegates Glassman and James)

Environmental Matters

Education, Health, and Environmental Affairs

**Department of the Environment - Surface Mining - Issuance of
Permits - Prohibition**

This bill prohibits the Maryland Department of the Environment (MDE) from issuing a surface mining permit until the appropriate county has completed its review of the proposed land use and has provided MDE with a written statement that the proposed land use conforms with all applicable county zoning and land use requirements.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: Some counties that currently require State approvals prior to local approvals, such as Harford County, may need to revise their local zoning ordinances. It is assumed, however, that this could be handled with existing resources. It is also assumed that counties could provide the required notice with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: A licensee may not engage in surface mining within the State except on affected land that is covered by a valid surface mining permit. MDE must approve and grant or deny the permit requested as expeditiously as possible, but no later than 30 days after the application forms or any supplemental information required are filed with MDE. MDE is authorized to deny a surface mining permit on finding that:

- any requirement of the Surface Mining Subtitle of the Mines and Mining Title of the Environment Article will be violated by the proposed operation;
- the operation will have an unduly adverse effect on wildlife or fisheries;
- the applicant has failed to provide applicable State and local permits or approvals;
- the operation will constitute a physical hazard to existing facilities in the surrounding area;
- the operation will have a significant adverse effect on the uses of any existing publicly owned park, forest, or recreation area;
- the applicant does not possess a valid surface mining license from the State;
- the applicant has not corrected specified violations committed under a prior permit; or
- previous experience with similar mining operations indicates a substantial probability that the operation will result in sediment or other water pollution.

Background: According to MDE, in most counties, local zoning decisions are made prior to the State making a final decision on a permit. Some counties, such as Harford County, require the applicant to obtain a State permit prior to applying for zoning approval. Under this bill, a county would need to provide written documentation that the project conforms with all county zoning and land use requirements before MDE could issue the State permit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Kent County, Montgomery County, Washington County, Worcester County, Department of Legislative Services

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