

SB0054/610017/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 54
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “specifying” in line 5 down through “change” in line 10 and substitute “requiring a certain surface mining permittee to permanently replace a certain water supply within a certain zone of dewatering influence within a certain period of time under certain circumstances; authorizing a certain surface mining permittee to seek reimbursement for certain water supply replacement costs under certain circumstances; providing for the construction of certain provisions of law relating to a contested case hearing; making a stylistic change; correcting an obsolete cross-reference”; and after line 11, insert:

“BY repealing and reenacting, without amendments,
Article - Environment
Section 15–801(a), (e), (f), (g), (n), (p), and (u) and 15–812
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“15–801.

- (a) In this subtitle the following words have the meanings indicated.
- (e) “Department” means the Department of the Environment.
- (f) “Land” means the surface of the land upon which surface mining is conducted.

(Over)

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(g) “Landowner” means a person who possesses legal title to the land.

(n) “Permittee” means a person who holds a valid permit to conduct surface mining and reclamation operations approved by the Department under § 15–810 of this subtitle.

(p) “Pit” means the place any minerals are being mined by the surface mining method.

(u) “Surface mining” means all of the following:

(1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;

(2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; or

(3) The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities.

15–812.

(a) The General Assembly finds that in certain regions of the State dewatering of surface mines located in karst terrain may significantly interfere with water supply wells and may cause in some instances sudden subsidence of land, known as sinkholes. Dewatering in karst terrain may result in property damage to landowners in a definable zone of dewatering influence around a surface mine.

(b) It is the intent of the General Assembly to protect affected property owners in Baltimore, Carroll, Frederick, and Washington counties where karst terrain is found by directing the Department to establish zones of dewatering influence around surface

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mines in karst terrain and to administer a program requiring permittees to mitigate or compensate affected property owners in these counties.”.

On page 2, in line 22, after “(c)” insert “**(1)**”; in lines 24, 27, and 30, strike “(1)”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; and after line 33, insert:

“(2) A PERMITTEE SHALL PERMANENTLY REPLACE A WATER SUPPLY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION WITHIN 45 DAYS OF THE DATE ON WHICH THE PERMITTEE KNEW OF THE WATER SUPPLY FAILURE.”.

AMENDMENT NO. 3

On page 3, in line 26, after “(f)” insert “**(1)**”; after line 29, insert:

“(2) THE PERMITTEE MAY SEEK REIMBURSEMENT FOR THE COST OF A WATER SUPPLY REPLACEMENT FROM THE OWNER OF REAL PROPERTY THAT IS AFFECTED BY THE SURFACE MINE DEWATERING IF AFTER THE PERMITTEE REPLACES THE WATER SUPPLY IT IS DETERMINED THAT THE PERMITTEE’S DEWATERING ACTIVITY IS NOT THE PROXIMATE CAUSE OF THE WATER SUPPLY FAILURE.”;

in line 34, after “TO” insert “**PERMANENTLY**”; and in line 35, strike “UNDER” and substitute “**IN ACCORDANCE WITH**”.