



March 26, 2024

Senator Brian Feldman, Chair  
Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

**RE: HB 245 – UNFAVORABLE – Department of the Environment – Fees, Penalties, Funding, and Regulation**

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

Please accept this testimony as our formal opposition to **House Bill 245 – Department of the Environment – Fees, Penalties, Funding and Regulation.**

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry and advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

House Bill 245 increases permitting fees within the surface mining program in the Department of the Environment (MDE). While we recognize that these fees have remained untouched for years, sometimes decades, our association is extremely concerned by the rates of these increases, at over 10 times the current cost. This is simply unsustainable to our members’ businesses and not something they can absorb.

Currently, the surface mining program sets a \$1,000 cap annually on permits. The amended bill would raise that cap to \$10,000 in Fiscal Year 25 up to \$12,000 by Fiscal Year 29. **This is a 1,100 percent increase and it will cost our industry an additional \$1 Million annually!!**

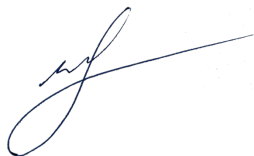
These fees will be the highest in our region by far. Compared to states like Virginia, where the fee is \$24 per disturbed acre with an annual license fee of \$330, Maryland's approach will significantly increase operational costs for larger projects. This discrepancy will make Maryland less competitive in attracting large-scale developments or operations. Maryland's fee structure adds a layer of complexity and unpredictability, with fees increasing annually. By contrast, West Virginia offer a straightforward \$500 renewal fee for a five-year period, providing businesses with cost stability and predictability. Maryland's proposed fee structure stands out as potentially the most burdensome. Pennsylvania's model, based on permit type and activities (like blasting), allows for a more nuanced approach that could be seen as more favorable for specific operations.

It's important to note that the Maryland Code itself states that the General Assembly declares that the extraction of minerals by mining is a basic and essential activity making an important contribution to the economic well-being of the State and the Nation. Making surface mine permit holders pay these significantly increased fees annually jeopardizes the mining of Maryland's recognized assets. Moreover, many mines here in Maryland are not actively being mined. Often, operators like myself, maintain our permits because to do otherwise would involve a lengthy re-approval process both with the local zoning department and MDE.

**Given this, our industry strongly recommends creating a workgroup over the interim to review the surface mining program to assess how the program should be appropriately assessed and what the proper fee structure should look like.**

We appreciate you taking the time to consider our request, and for the reasons stated above, we respectfully request an **UNFAVORABLE** report on House Bill 245.

Thank you,

A handwritten signature in black ink, appearing to read 'Michael Sakata', with a long horizontal flourish extending to the right.

Michael Sakata  
President and CEO  
Maryland Transportation Builders and Materials Association

## **Surface Mining – By State**

### **Maryland Currently**

- \$12 per acre and \$1,000 cap

### **Maryland (Proposed)**

- \$75 per acre and \$10,000 cap in FY 25, raising by \$500 annually until FY 29 at \$12,000

### **Pennsylvania**

- Annual fees only
  - o Active Large permit- \$1,750
  - o Active Large permit with blasting- \$2,250
  - o Active Small permit- \$500
  - o Active Small permit with blasting- \$700
  - o Inactive permit- \$175

### **Virginia**

- \$24 per disturbed acre only
- \$330 annual license fee

### **West Virginia**

- \$500 renewal fee which is good for 5 years

### **North Carolina**

- Annual operating fee- \$400
- Up to 25 acres
  - o New permits- \$3,750
  - o Permit modifications- \$750
  - o Permit Transfers- \$100
- 26+ acres
  - o New permits- \$5,000
  - o Permit modifications- \$1,000
  - o Permit Transfers- \$100

### **New York**

- Annual fee based on acreage size
  - o Up to 5 acres- \$700
  - o 5 to 10 acres- \$900
  - o 10-20 acres- \$1,500
  - o 20-30 acres- \$4,000
  - o Greater than 30 acres- \$8,000