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**By: Delegate Edwards**

Introduced and read first time: February 8, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Surface Coal Mining - Permit Revocation - Authorized Transfer**

3 FOR the purpose of providing that the Director of the Bureau of Mines may transfer a  
4 permit to conduct open-pit mining to another operator when an operator's permit is  
5 revoked for specified reasons.

6 BY repealing and reenacting, without amendments,  
7 Article - Environment  
8 Section 15-101(d) and 15-501(o) and (t)  
9 Annotated Code of Maryland  
10 (1993 Replacement Volume and 1995 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Environment  
13 Section 15-514  
14 Annotated Code of Maryland  
15 (1993 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Environment**

19 15-101.

20 (d) "Director" or "Director of the Bureau" means Director of the Bureau of  
21 Mines.

22 15-501.

23 (o) "Operator" means any person, partnership, limited liability company, or  
24 corporation that removes or intends to remove more than 250 tons of coal from the earth  
25 by surface coal mining within 12 consecutive calendar months in any onelocation.

26 (t) "Permit" means a permit to conduct open-pit mining pursuant to this subtitle.

1 15-514.

2 (a) (1) If the Director determines that an operator has failed to comply with any  
3 provision of this subtitle, or any rule, regulation, or permit issued under this subtitle, or  
4 that the operator has not produced coal or removed overburden on the permit site for a  
5 period of 6 months, the Director may issue an order requiring the operator to show cause  
6 why the permit should not be revoked and give the operator 30 days in which to request  
7 a contested case hearing.

8 (2) (i) If a hearing is requested, the Director shall inform the permittee  
9 and all interested parties of the time and place of the hearing.

10 (ii) Any hearing held under this section shall be held in accordance  
11 with Title 10, Subtitle 2 of the State Government Article.

12 (3) If the operator fails to show cause why the permit should not be revoked,  
13 the Director shall revoke the permit and forfeit the bond posted by the operator in  
14 accordance with § 15-507 of this subtitle.

15 (4) IF THE DIRECTOR REVOKES A PERMIT UNDER THIS SUBSECTION,  
16 THE DIRECTOR MAY TRANSFER THE PERMIT TO ANOTHER OPERATOR.

17 (b) (1) If the Director revokes a permit and forfeits the bond, the Director shall  
18 notify the operator and the surety or the holder of any other securities if applicable, in  
19 writing, that all bonds are forfeited and shall make claim for payment.

20 (2) If the surety or the holder of any other securities refuse to make  
21 payment within a reasonable time, the Director shall certify the case to the Attorney  
22 General, who shall file suit to collect the forfeited bond.

23 (3) The Director shall deposit all funds received from the forfeiture of  
24 bonds with the State Treasurer to the credit of the Bituminous Coal Open-Pit Mining  
25 Reclamation Fund.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1996.