
By: Delegate Edwards

Introduced and read first time: February 8, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

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

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~~ reinstates a revoked permit to conduct open-pit mining
6 in order to reissue all or part of the permit to a certain operator; requiring an
7 operator to provide certain information, enter into a certain agreement, and file a
8 performance bond before obtaining a reissued permit; providing that the operator
9 of a revoked permit forfeits all rights and claims to the permit, certain materials,
10 and certain amendments to the permit; and generally relating to the revocation and
11 reissuance of a permit to conduct open-pit mining.

12 BY repealing and reenacting, without amendments,

13 Article - Environment

14 Section 15-101(d) and 15-501(o) and (t)

15 Annotated Code of Maryland

16 (1993 Replacement Volume and 1995 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Environment

19 Section 15-514

20 Annotated Code of Maryland

21 (1993 Replacement Volume and 1995 Supplement)

22 BY adding to

23 Article - Environment

24 Section 15-514.1

2

1 Annotated Code of Maryland
2 (1993 Replacement Volume and 1995 Supplement)

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

5 **Article - Environment**

6 15-101.

7 (d) "Director" or "Director of the Bureau" means Director of the Bureau of
8 Mines.

9 15-501.

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

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

14 15-514.

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

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

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

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

28 ~~(4) IF THE DIRECTOR REVOKES A PERMIT UNDER THIS SUBSECTION,~~
29 ~~THE DIRECTOR MAY TRANSFER THE PERMIT TO ANOTHER OPERATOR.~~

30 (4) IF THE DIRECTOR REVOKES A PERMIT AND FORFEITS THE BOND
31 UNDER THIS SUBSECTION, THE OPERATOR OF THE PERMIT FORFEITS:

32 (I) ALL RIGHTS AND CLAIMS TO THE PERMIT;

33 (II) ALL MATERIALS FURNISHED WITH THE APPLICATION FOR THE
34 PERMIT; AND

35 (III) ANY SUBSEQUENT AMENDMENTS TO THE PERMIT.

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

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

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

10 15-514.1.

11 (A) IN THIS SECTION, "PERMIT" INCLUDES ALL AREAS APPROVED IN THE
12 APPLICATION FOR MINING.

13 (B) A PERMIT THAT HAS BEEN REVOKED UNDER § 15-514(A) OF THIS SUBTITLE
14 MAY BE REINSTATED FOR THE SOLE PURPOSE OF REISSUING ALL OR PART OF THE
15 PERMIT TO ANOTHER QUALIFIED OPERATOR IN ACCORDANCE WITH SUBSECTION
16 (C) OF THIS SECTION.

17 (C) IN ORDER TO BE QUALIFIED TO OBTAIN A REISSUED PERMIT UNDER THIS
18 SECTION, AN OPERATOR SHALL:

19 (1) PROVIDE TO THE DIRECTOR PROOF OF THE RIGHT TO MINE AS
20 REQUIRED BY § 15-505(G) OF THIS SUBTITLE;

21 (2) ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO ASSUME
22 THE DUTIES AND RESPONSIBILITIES OF THE PERMIT AND TO CONDUCT MINING
23 OPERATIONS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE,
24 REGULATIONS ISSUED UNDER THIS SUBTITLE, AND THE CONDITIONS OF THE
25 PERMIT;

26 (3) FILE WITH THE DEPARTMENT A PERFORMANCE BOND AS
27 REQUIRED UNDER § 15-507 OF THIS SUBTITLE; AND

28 (4) PROVIDE TO THE DIRECTOR ANY OTHER INFORMATION REQUIRED
29 TO REISSUE THE PERMIT IN ACCORDANCE WITH THIS SUBTITLE.

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