

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1423 (Delegates Wood and Stup)
Environmental Matters

Mining Operations - Nuisance Actions

This bill provides that mining “operations” may not be considered a public or private nuisance if the mining operation, including any change in the operation, has been under way for at least one year and was not considered a nuisance at the date of inception. Any such operation may not be subject to a private action on the grounds that it has interfered with the use or enjoyment of other property, public or private. These provisions do not apply to: (1) a mining operation that does not conform with federal, State, or local health or zoning requirements; (2) a federal, State, or local agency when enforcing legal requirements; or (3) a mining operation that is conducted in a negligent manner.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: None. Any decreases in the number of nuisance actions filed should not substantially affect local finances.

Small Business Effect: Potential meaningful impact on small businesses as discussed below.

Fiscal Analysis

Small Business Effect: Under this bill, mining operations would be less likely to be subject to a nuisance complaint. There are approximately 400 such facilities throughout the State; it is not known at this time how many would qualify as small businesses. The impact of this bill on these operations would depend upon the current likelihood of each facility being subject to a nuisance complaint, and if the facility meets the bill’s exemption.

Information Source(s): Maryland Department of the Environment, Allegany County,
Department of Fiscal Services

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