

HOUSE BILL 808

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HB 926/98 - ENV

1999 Regular Session
9r2205

By: **Delegates Owings and Wood**
Introduced and read first time: February 12, 1999
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Governments - Mining Operations**

3 FOR the purpose of authorizing the governing body of a county or municipal
4 corporation to adopt certain provisions and take certain actions relating to a
5 certain authority to conduct mining operations; authorizing the establishment of
6 local mining mediating councils for certain purposes; defining certain terms;
7 providing for the application of this Act; and generally relating to mining
8 operations.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 5-404.1
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

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

16 **Article - Courts and Judicial Proceedings**

17 5-404.1.

18 (A) IN THIS SECTION, "MINING OPERATION" MEANS THE FOLLOWING:

19 (1) THE BREAKING OF THE SURFACE SOIL IN ORDER TO FACILITATE OR
20 ACCOMPLISH THE EXTRACTION OR REMOVAL OF MINERALS;

21 (2) ANY ACTIVITY OR PROCESS CONSTITUTING ALL OR PART OF A
22 PROCESS FOR THE EXTRACTION OR REMOVAL OF MINERALS FROM THEIR ORIGINAL
23 LOCATION; OR

24 (3) THE EXTRACTION OF SAND, GRAVEL, ROCK, STONE, EARTH, OR FILL
25 FROM BORROW PITS FOR HIGHWAY CONSTRUCTION PURPOSES OR OTHER PUBLIC
26 FACILITIES.

27 (B) THIS SECTION DOES NOT APPLY TO:

1 (1) ACTIVITIES GOVERNED UNDER TITLE 15, SUBTITLES 1 THROUGH 7
2 OF THE ENVIRONMENT ARTICLE;

3 (2) A MINING OPERATION THAT DOES NOT CONFORM TO FEDERAL,
4 STATE, OR LOCAL ENVIRONMENTAL, HEALTH, OR ZONING REQUIREMENTS;

5 (3) A FEDERAL, STATE, OR LOCAL AGENCY WHEN ENFORCING AIR,
6 WATER QUALITY, OR OTHER ENVIRONMENTAL STANDARDS UNDER FEDERAL, STATE,
7 OR LOCAL LAW; OR

8 (4) A MINING OPERATION THAT IS CONDUCTED IN A NEGLIGENT
9 MANNER.

10 (C) SUBJECT TO THE PROVISIONS OF THIS SECTION, AND CONSISTENT WITH
11 THE STATE REGULATION OF MINING OPERATIONS UNDER THE ENVIRONMENT
12 ARTICLE, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY
13 ADOPT AN ORDINANCE OR REGULATION RELATING TO THE AUTHORITY TO CONDUCT
14 MINING OPERATIONS WITHIN ITS JURISDICTION BY ESTABLISHING A LOCAL MINING
15 MEDIATING COUNCIL TO ADDRESS CONCERNS RELATED TO MINING AS THEY MAY
16 RELATE TO:

17 (1) PUBLIC OR PRIVATE NUISANCE; OR

18 (2) INTERFERENCE WITH THE PRIVATE USE OR ENJOYMENT OF
19 PROPERTY.

20 (D) BEFORE ADOPTING AN ORDINANCE OR REGULATION UNDER THIS
21 SECTION, THE LOCAL GOVERNING BODY SHALL HOLD A PUBLIC HEARING AND
22 PROVIDE REASONABLE NOTICE OF THE HEARING IN ACCORDANCE WITH LOCAL LAW.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1999.