

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Senate Bill 82 (Chairman, Education, Health, and Environmental Affairs Committee)
(Departmental - Environment)

Education, Health, and Environmental Affairs

Surface Mining - Zones of Influence

This departmental bill amends the process by which the Maryland Department of the Environment (MDE) develops a zone of dewatering influence for specified surface mining permits. Specifically, the bill authorizes MDE, after determining the areal extent of the zone of dewatering influence based on specified factors, to extend the entire or any portion of the zone of dewatering influence to add a margin of safety. The extension may not exceed 10% of the zone.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: MDE has determined that this bill will have minimal or no impact on small business beyond the regulated mining industry (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: If a surface mining permittee (quarry mine operator) is issued a water appropriation permit to dewater a pit located in karst terrain (basically limestone) in Baltimore, Carroll, Frederick, and Washington counties, MDE must establish a zone of dewatering influence around the surface mine as a condition of the permittee's surface mining permit. MDE bases the limits of zones of influence on several scientific

parameters, including local topography, watersheds, aquifer limits, and other hydrogeologic factors, including the occurrence of natural fractures, cracks, crevices, lineaments, igneous dikes, changes in rock type, and variations in the water-bearing characteristics of formations.

Background: The purpose of a zone of dewatering influence is to provide relief for a property owner within the zone who experiences a sinkhole or water supply failure. When a water supply failure occurs, the quarry operator is presumed to be the cause of a water supply loss and must replace that water supply. When a sinkhole occurs, the quarry operator must repair any sinkhole damage within the zone unless the operator can prove that he/she did not cause the sinkhole.

Zones of influence are based upon scientific data; however, the geology is often inconsistent or overlapping making the definition of a zone difficult. Extending the zone by up to 10% could provide protection to property owners on the fringe of a proposed zone.

MDE began establishing the zones in 1995. As of October 10, 2001, MDE had established 12 of the 18 required zones.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Legislative Services

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