

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 893

(Allegany County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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**Department of the Environment - Open-Pit Strip Mining - Application for Permit**

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This bill requires the Maryland Department of the Environment (MDE) to review applications for open-pit mining permits in a timely manner. The bill establishes specified time periods (45 or 90 days, depending on the type of application) in which MDE must grant, require modification of, or deny a permit and notify the applicant of its decision. The bill authorizes MDE to provide for one extension of those deadlines (of up to 30 days) by notifying the applicant in writing prior to the expiration of the original deadlines.

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**Fiscal Summary**

**State Effect:** The bill would not significantly affect State finances or operations. MDE generally makes permit decisions and notifications within the time limits specified in the bill.

**Local Effect:** The bill would not materially affect local operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person must obtain a permit from MDE before the person conducts open-pit mining. If a public informational hearing is requested regarding a permit application, MDE must notify the applicant and any requestor of the date, time, and location of the hearing and must publish that information. The hearing must be at least

15 but not more than 60 days after MDE provides public notice of the hearing. The public must be provided an opportunity to comment on the application in writing until the date of any hearing, and copies of the application must be available for public inspection at MDE 15 days before any hearing.

MDE must review all aspects of the permit application, including information pertaining to any other permit required for the proposed strip mining operation. Upon completion of the review, MDE must grant, require modification of, or deny the application for a permit and notify the applicant and any participant to a public informational hearing, in writing, of its decision. MDE must immediately notify the operator, local governments, and any participants to a public informational hearing of the decision. Within 30 days of notification, any person adversely affected by the decision may request an adjudicatory hearing. The department must hold the adjudicatory hearing within 30 days of the request and render a decision within 30 days after the hearing. Any applicant, or any person with an interest which is or may be adversely affected, who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision, has the right to judicial review in accordance with the Administrative Procedure Act. The right to judicial review also exists if MDE fails to act within the time limits specified.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Office of Administrative Hearings, Allegany County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2003  
ncs/jr

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