

**CHAPTER 454**

**(House Bill 1670)**

AN ACT concerning

**Mining – Sediment and Erosion Control Authority**

FOR the purpose of providing that the Department of Natural Resources is the sole enforcement authority for sediment and erosion control of certain mining operations and abandoned mine reclamation projects; providing that the Department of Natural Resources is the approving authority for certain sediment and erosion control plans of certain abandoned mine reclamation projects; specifying certain requirements concerning standards; and generally relating to mining operations and sediment and erosion control.

BY repealing and reenacting, with amendments,

Article – Environment

Section 4-103(e)(1) and 4-105(a)

Annotated Code of Maryland

(1993 Replacement Volume)

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

**Article – Environment**

4-103.

(e) (1) (I) [Notwithstanding] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT NOTWITHSTANDING any other provision of State law or local ordinance, effective April 1, 1985, it shall be the sole responsibility of the Department of the Environment to enforce compliance with the provisions of this subtitle and of any approved plan, except in those counties and municipalities to which enforcement authority has been delegated in accordance with paragraph (2) of this subsection.

(II) THE DEPARTMENT OF NATURAL RESOURCES HAS THE EXCLUSIVE AUTHORITY TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE AND OF ANY APPROVED PLAN WITH RESPECT TO MINING OPERATIONS THAT REQUIRE A PERMIT UNDER TITLE 7 OF THE NATURAL RESOURCES ARTICLE, AND ON ABANDONED MINE RECLAMATION PROJECTS.

4-105.

(a) (1) (i) In this section “construction” means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise disturbing land for any purpose.

(ii) “Construction” includes land disturbing activities for the purpose of: