

Article - Natural Resources
Section 7-514.6
Annotated Code of Maryland
(1974 Volume and 1982 Supplement)

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

Article - Natural Resources

7-506.

(h) Prior to the release of any bond required by this subtitle, the [Department] OPERATOR shall publish an advertisement of the release at least once a week for 4 consecutive weeks in a newspaper of general circulation in the jurisdiction affected. The operator shall notify adjoining property owners, local governmental bodies, sewage authorities and water companies by certified mail. The Department shall afford interested persons an opportunity to submit written comments and to request a hearing on the proposed bond release. Upon receipt of an application for release of bonds, INCLUDING PROOF OF THE ADVERTISEMENT AND NOTIFICATION-TO-ADJOINING-PROPERTY OWNERS NOTIFICATIONS, the Department shall conduct an evaluation of the reclamation work involved. The Department shall notify the operator in writing of its approval or disapproval. No bond may be fully released until all requirements of this subtitle, rules and regulations adopted pursuant to this subtitle, and permit conditions have been met.

7-507.

(c) (1) The Department and its agents may enter on and inspect any open-pit mining OR PROSPECTING operation to determine conditions of safety and assure compliance with the provisions of this subtitle, any rules and regulations promulgated under it and permit conditions, and shall have access to and the right to copy any records, reports, or other information required by the Bureau under this subtitle. FOR THE PURPOSE OF PERFORMING THE DUTIES REQUIRED UNDER THIS SUBTITLE AND APPLICABLE REGULATIONS, INCLUDING BUT NOT LIMITED TO INSPECTION, ENFORCEMENT OF THIS SUBTITLE, AND RECLAMATION, THE DEPARTMENT, ITS AGENTS, EMPLOYEES, AND CONTRACTORS MAY ENTER UPON PRIVATE PROPERTY FOR ACCESS TO OR RECLAMATION OF ANY OPEN-PIT MINING AND RECLAMATION OPERATION OR PROSPECTING OPERATION WHICH IS NOT OTHERWISE ACCESSIBLE TO THE DEPARTMENT FROM A PUBLIC ROAD. ENTRY ONTO PRIVATE PROPERTY FOR THESE PURPOSES SHALL NOT BE UNDERTAKEN WITHOUT PRIOR CONSENT OF THE PROPERTY OWNER. IF, AFTER REAL AND BONA FIDE EFFORT, THE CONSENT OF THE PROPERTY OWNER CANNOT BE SECURED, THE DEPARTMENT MAY APPLY TO A LAW OR EQUITY COURT WHERE THE PROPERTY OR ANY PART OF IT IS LOCATED FOR AN ORDER DIRECTING THAT ENTRY BE PERMITTED. "BONA FIDE EFFORT" SHALL INCLUDE EITHER 30 DAYS ADVANCE NOTICE IN WRITING BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR POSTING NOTICE ON THE