

Article - Environment

15-810.

(b) The Department may deny the permit on finding that:

(1) Any requirement of this subtitle or any rule or regulation adopted under it will be violated by the proposed operation;

(2) The operation will have an unduly adverse effect on wildlife or fresh water, estuarine, or marine fisheries;

(3) ~~The applicant has failed to provide applicable permits or approvals covering the operation from all State and local regulatory agencies responsible for air and water pollution; AND sediment control; and zoning;~~

(4) ~~The operation will constitute a substantial physical hazard to a neighboring dwelling house, school, church, hospital, commercial or industrial building, public road, or other public or private property in existence at the time of application for the permit;~~

(5) ~~The operation will have a significantly adverse effect on the uses of a publicly owned park, forest, or recreation area in existence at the time of application for the permit;~~

(6) ~~The applicant does not possess a valid surface mining license from the State;~~

(7) ~~The applicant has not corrected all violations which he may have committed under any prior permit and which resulted in:~~

(i) Revocation of his permit;

(ii) Termination of the operation by order of the Department;

(iii) Forfeiture of part or all of his bond or other security;

(iv) Conviction of a misdemeanor under §§ 15-807(f) and 15-808(k) of this subtitle; or

(v) Any other court order issued against the applicant as a result of departmental action; or

(8) ~~Previous experience with similar operations indicates a substantial probability that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or other water pollution.~~

(C) ~~THE DEPARTMENT SHALL DENY THE PERMIT ON FINDING THAT THE APPLICANT HAS FAILED TO PROVIDE APPLICABLE PERMITS OR APPROVALS COVERING THE OPERATION FROM ALL STATE AND LOCAL REGULATORY AGENCIES RESPONSIBLE FOR AIR AND WATER POLLUTION, SEDIMENT CONTROL, AND ZONING MAY NOT ISSUE THE PERMIT UNTIL THE APPROPRIATE COUNTY HAS:~~

(1) COMPLETED ITS REVIEW OF THE PROPOSED LAND USE; AND