

certain environmental conditions could not be adequately controlled; or the applicant for the permit fails to demonstrate an ability, or has a history of failing, to comply with the permit requirements. Senate Bill 230 would require the denial of a permit for any of the above reasons. The Department has indicated that the practical effect of the two bills is the same.

Steep slope mining presents serious environmental risks. It combines the forces of gravity with the factors of water and weathering to produce rapid soil runoff. Consequently, steep slope mining can potentially lead to such environmental hazards as sediment loading in the streams, soil erosion, acid mine drainage, and stormwater flooding. These environmental hazards present substantial risk in Western Maryland because large residential communities exist downslope from the potential mining sites. Because the affected land has steep contours, environmental damage resulting from sedimentation and stormwater runoff is often difficult, if not impossible, to correct. I have also been advised that due to the characteristics in Maryland topography and geology, these risks may be further magnified. This impact may adversely affect the water supply of these communities and impair, as well, the water resources of our State.

House Bill 466 and Senate Bill 230, as amended, would authorize the Department of Natural Resources to consider several factors, including the control of slope stability, soil erosion, and stormwater runoff, as the basis for denying a permit for steep slope mining. While the criteria in the bill for permit issuance or denial appear to be adequate, proper regulation does not end at the permit issuance stage. Once a permit is issued, its terms and conditions must be continuously and strictly observed by the operator. Although the Department of Natural Resources currently has the authority to inspect the mine site and order the operation to be closed for persistent and repeated violations of the permit requirements, it does not have either the authority or the financial ability to enter a steep slope mining site after a single violation and implement measures to prevent further and more serious damage from occurring. A proposed, but not adopted, House amendment offered by the Department would have required an operator to obtain a separate and additional bond for steep slope mining and to allow the Department upon forfeiture to use the proceeds of the bond to install environmental controls. The need for quick and effective enforcement capability is essential given the environmental risks involved.

Assuming the long term viability of the surface mining industry will be enhanced by the repeal of the steep slope prohibition, the immediate employment gains are marginal at best. Surface mining is a machine intensive industry and steep slope mining would, at the outset, most likely be conducted at existing sites where operators have been forced to mine around steep contours. I note that while Allegany and Garrett counties