

WHEREAS, Only limited controls over open-pit or strip mining existed at the time the present State legislation was enacted, and now more extensive prohibitions and controls over such mining exist under the federal Surface Mining and Reclamation Act of 1977 (P.L. 95-87); and

WHEREAS, Open-pit or strip mining will continue to be subject to the permit and regulatory procedures of the State Department of Natural Resources and the federal Surface Mining and Reclamation Act of 1977 (P.L. 95-87); now, therefore,

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

Article - Natural Resources

7-505.

(a) Before any person conducts open-pit mining, he shall obtain a permit on a form furnished by the Department for each separate operation. All permits shall require the operator to comply with all amendments to this subtitle and rules and regulations adopted pursuant thereto. A permit may not be issued if the Department determines that reclamation cannot be accomplished in accordance with the requirements of this subtitle or rules and regulations adopted pursuant thereto. The permit is valid for a term not to exceed 5 years, unless the Department suspends or cancels it prior to that time. If an applicant demonstrates that a specified longer term is necessary to obtain financing for equipment and opening the operation, the Department may grant a permit for such longer term. A permit may be renewed or amended following a hearing as provided in subsection (d) if the permit meets the requirements of this subtitle and rules and regulations adopted pursuant thereto, except that a hearing is not necessary for the approval of incidental boundary revisions. A permit may not be transferred or assigned without written approval from the Department. After 8 months from the date of federal approval of the State program, a person may not conduct open-pit mining without obtaining a permit issued pursuant to the approved State program, except that a person may continue to mine under a prior permit if an application for a permit is filed within 2 months following federal approval even if the permit has not been issued.

(b) (1) Subject to paragraph (2) of this subsection, the Department may not issue, extend or renew any permit to mine coal by the open-pit or strip method on any land the State owns whether or not the ownership includes mineral rights incident to the land, except when the Secretary, with the recommendation of the Land Reclamation Committee and the approval of the Board of Public Works, determines that an abandoned mine on State land will be reclaimed in conjunction with the proposed mining or