

6-104.3.

(A) THE DEPARTMENT MAY BIFURCATE AN APPLICATION TO DRILL FOR OIL OR GAS WHEN THE DRILLING WILL BE CONDUCTED IN GEOLOGIC FORMATIONS NOT YET PROVEN TO BE PRODUCTIVE.

(B) IF THE DEPARTMENT BIFURCATES THE PERMIT PROCESS IT MAY ISSUE A PERMIT FOR EXPLORATION ONLY. PRODUCTION MAY NOT COMMENCE UNTIL THE ENVIRONMENTAL ASSESSMENT REQUIRED BY § 6-104.1 OF THIS SUBTITLE HAS BEEN COMPLETED AND APPROVED BY THE DEPARTMENT AND THE DEPARTMENT HAS ISSUED A PERMIT FOR PRODUCTION. AN ADDITIONAL OPPORTUNITY FOR A PUBLIC HEARING SHALL BE PROVIDED IN ACCORDANCE WITH § 6-104.1(B) OF THIS SUBTITLE PRIOR TO THE ISSUANCE OF ANY PERMIT FOR PRODUCTION.

(C) IF THE DEPARTMENT BIFURCATES THE PERMIT PROCESS, THE ENVIRONMENTAL ASSESSMENT REQUIRED UNDER § 6-104.1(A)(4) OF THIS SUBTITLE MAY ALSO BE BIFURCATED TO ADDRESS SEPARATELY ENVIRONMENTAL ISSUES ASSOCIATED WITH EXPLORATION AND PRODUCTION. HOWEVER, PRIOR TO GRANTING A PERMIT TO CONDUCT EXPLORATORY DRILLING IN THE COASTAL PLAIN, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT AN ENVIRONMENTAL ASSESSMENT THAT CONTAINS GENERAL INFORMATION REGARDING THE ENVIRONMENTAL IMPACTS OF POSSIBLE PRODUCTION, INCLUDING THE POTENTIAL EFFECTS OF TRANSPORTING AND STORING OIL OR GAS AND THE POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS THAT MAY ARISE DUE TO THE ENVIRONMENTAL CHARACTERISTICS OF THE DRILLING SITE.

~~6-104.3.~~ 6-104.4.

Notwithstanding any other law, a person may not drill for oil or gas in the waters of the Chesapeake Bay [or], any of its tributaries; ~~OR IN THE CHESAPEAKE BAY CRITICAL AREA.~~

~~6-104.4.~~ 6-104.5.

(A) THE DEPARTMENT SHALL DENY THE PERMIT IF THE DEPARTMENT DETERMINES THAT:

(1) THE PROPOSED OPERATION SHALL VIOLATE A REQUIREMENT OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE;

(2) THE PROPOSED DRILLING OR WELL OPERATION POSES A SUBSTANTIAL THREAT TO PUBLIC SAFETY OR A RISK OF SIGNIFICANT ADVERSE ENVIRONMENTAL DAMAGE IMPACT TO, BUT NOT LIMITED TO, THE FOLLOWING:

(I) THE CHESAPEAKE BAY;

(II) THE CHESAPEAKE BAY CRITICAL AREA;

(III) TIDAL OR NONTIDAL WETLANDS;

(IV) ENDANGERED OR THREATENED SPECIES, SPECIES IN NEED OF CONSERVATION, OR THE HABITAT OF ANY OF THEM;