

7-6A-09.

(a) The Department shall approve and grant or deny the permit requested as expeditiously as possible, but not later than 30 days after the application forms or any supplemental information required are filed with the Department. The Department shall process the permit application concurrently with any local or county land use and zoning reviews.

(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, 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 §§ 7-6A-06(f) and 7-6A-07(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) In the absence of any of these findings, a permit shall be granted. However, no permit becomes effective until the applicant has deposited with the Department an acceptable performance bond or other security pursuant to § 7-6A-20 of this subtitle.