

HOUSE BILL 977

M3

8lr0130

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Hazardous Substances – Discharge or Release – Reporting**
3 **Requirements**

4 FOR the purpose of requiring a person who discharges or releases, participates in the
5 discharge or release, or has evidence of a discharge or release of a hazardous
6 substance to report the incident to the Department of the Environment;
7 authorizing the Department to adopt certain regulations; and generally relating
8 to controlled hazardous substances.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 7–222
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2007 Supplement)

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

16 **Article – Environment**

17 7–222.

18 (A) **NOTWITHSTANDING ANY PROVISION OF THIS SUBTITLE OR ANY**
19 **FEDERAL REPORTING REQUIREMENT, ANY PERSON WHO DISCHARGES OR**
20 **RELEASES, ACTIVELY OR PASSIVELY PARTICIPATES IN THE DISCHARGE OR**
21 **RELEASE, OR POSSESSES EVIDENCE OF A DISCHARGE OR RELEASE OF A**
22 **HAZARDOUS SUBSTANCE SHALL REPORT THE INCIDENT OR FINDING**
23 **IMMEDIATELY TO THE DEPARTMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(a)] (B) If any hazardous substance is released or there is a substantial
2 threat of a release into the environment, unless the Secretary determines that a
3 removal and remedial action will be done properly and in a timely manner by the
4 owner or operator of the facility from which the release or threat of release emanates,
5 or by any other responsible party, the Secretary may:

6 (1) Enter any site or facility to carry out the provisions of this section;
7 and

8 (2) (i) Act consistent with the State Hazardous Substance
9 Response Plan to remove or arrange for the removal of and provide for remedial action
10 relating to the hazardous substance at any time, including its removal from any
11 contaminated natural resources;

12 (ii) When the Secretary determines that there may be an
13 imminent and substantial endangerment to the public health or welfare or the
14 environment, take any other response measure consistent with the State Hazardous
15 Substance Response Plan necessary to protect the public health or welfare or the
16 environment; or

17 (iii) In addition to any other action authorized under this
18 subtitle, when the Secretary determines that there may be an imminent and
19 substantial endangerment to the public health or welfare or to the environment, issue
20 orders to or seek injunctive relief against responsible persons as may be necessary to
21 protect the public health and welfare or the environment.

22 [(b)] (C) The Department in any removal or remedial action under this
23 subtitle may not duplicate removal or remedial actions taken under the federal act.

24 [(c)] (D) If entry to enable the Secretary to carry out the provisions of this
25 section is denied, the Secretary may:

26 (1) Obtain a search warrant pursuant to § 7-256.1 of this subtitle; or

27 (2) Obtain an injunction to enter.

28 (E) **THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE**
29 **PROVISIONS OF THIS SECTION.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2008.