

# Chapter 222

(Senate Bill 302)

AN ACT concerning

## **Environment – Water Pollution Control – Reporting ~~and Penalties~~**

FOR the purpose of requiring the Department of the Environment to publish annually on its Web site the total amount of sewage overflow into the Chesapeake Bay and its tributaries and the total amount of fines collected by the Department as a result of sewage overflows into the Chesapeake Bay and its tributaries; ~~altering certain civil and administrative penalties for violations of certain provisions relating to water pollution control;~~ and generally relating to water pollution control.

BY adding to

Article – Environment

Section 9–317

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Environment~~

~~Section 9–342~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2012 Supplement)~~

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

### **Article – Environment**

**9–317.**

**THE DEPARTMENT SHALL PUBLISH ANNUALLY ON ITS WEB SITE THE TOTAL AMOUNT OF:**

**(1) SEWAGE OVERFLOW, IN GALLONS, FROM STATE SEWERAGE SYSTEMS INTO THE CHESAPEAKE BAY AND ITS TRIBUTARIES DURING THE PREVIOUS YEAR; AND**

**(2) FINES COLLECTED AS A RESULT OF SEWAGE OVERFLOWS INTO THE CHESAPEAKE BAY AND ITS TRIBUTARIES DURING THE PREVIOUS YEAR.**

~~9-342.~~

~~(a) In addition to being subject to an injunctive action under this subtitle, a person who violates any provision of this subtitle or of any rule, regulation, order, or permit adopted or issued under this subtitle is liable to a civil penalty not exceeding ~~[\$10,000] \$20,000~~, to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.~~

~~(b) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle.~~

~~(2) The penalty imposed on a person under this subsection shall be:~~

~~(i) Up to ~~[\$5,000] \$10,000~~ for each violation, but not exceeding ~~[\$50,000] \$100,000~~ total; and~~

~~(ii) Assessed with consideration given to:~~

~~1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;~~

~~2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;~~

~~3. The cost of cleanup and the cost of restoration of natural resources;~~

~~4. The nature and degree of injury to or interference with general welfare, health, and property;~~

~~5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;~~

~~6. The ~~available~~ technology and ~~economic~~ reasonableness of controlling, reducing, or eliminating the violation;~~

~~7. The degree of hazard posed by the particular pollutant or pollutants involved; and~~

~~8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.~~

~~(3) Each day a violation occurs is a separate violation under this subsection.~~

~~(4) Any penalty imposed under this subsection is payable to this State and collectible in any manner provided at law for the collection of debts.~~

~~(5) If any person who is liable to pay a penalty imposed under this subsection fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:~~

~~(i) A lien in favor of this State on any property, real or personal, of the person; and~~

~~(ii) Recorded in the office of the clerk of court for the county in which the property is located.~~

~~(6) Any penalty collected under this subsection shall be placed in a special fund to be used for monitoring and surveillance by the Department to assure and maintain an adequate record of any violations, including discharge of waste material and other pollutants into the waters of this State or into the environment.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 2, 2013.