

Article - Natural Resources

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§3-110.

(a) Upon the failure of a person to comply with an order to abate pollution provided for in Title 7, Subtitle 2 or Title 9, Subtitle 3 of the Environment Article, the Secretary of the Environment, if no remedy provided in Title 7, Subtitle 2 or Title 9, Subtitle 3 of the Environment Article is sought against that person, may direct the Service to provide projects necessary to abate the pollution.

(b) Except as provided in subsection (d) of this section, upon receipt of the directive from the Secretary of the Environment, the Service shall provide the project necessary to abate the pollution, and the person shall discharge or deliver his wastes only to a Service project or avail himself of the projects provided by the Service to abate the pollution. The cost of projects provided by the Service to abate pollution under the terms of this section shall be borne by the person against whom the order to abate pollution was issued. That person and the Service shall determine by agreement the costs, rental, charges, or other fees to be paid by the person to the Service. If the fees and charges remain unpaid for a period of 60 days, the unpaid amount becomes a lien against the property served if it is recorded and indexed as provided in this subtitle, and the matter shall be referred to the Attorney General for collection.

(c) All projects provided by the Service under this section remain under the control and operation of the Service. It is unlawful for a person provided with projects by the Service under this section to duplicate or use any other project serving the same purpose.

(d) (1) In the event the Service determines, at any time, that it will be unable to recoup all or a portion of its costs from the persons subject to the order of the Secretary of the Environment, the Service shall provide to the Secretary a full accounting of all costs incurred or anticipated to be incurred by it in complying with the Secretary's directive.

(2) Within 30 days of receipt of the accounting, the Secretary may request that the Service provide additional information.

(3) Within 90 days of receipt of the accounting or, when applicable, the additional information, the State shall pay to the Service the full amount of the Service's costs that are not paid or reasonably expected to be paid by the persons.

(4) (i) The State's payment of any amount to the Service does not preclude the State from seeking or obtaining reimbursement from the municipality or persons subject to the order of the Secretary.

(ii) The Service shall cooperate fully with the Secretary in seeking reimbursement from the municipality or persons.

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