

HOUSE BILL 509

M3

(5lr1073)

ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced by **Delegates McMillan, Beidle, Fisher, Frush, O'Donnell, and Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Statute of Limitations – Administrative Penalties**

3 FOR the purpose of establishing a statute of limitations for an action for administrative
4 penalties for certain violations of certain laws relating to the environment; *requiring*
5 *the statute of limitations for an action for an administrative penalty for an ongoing*
6 *violation to be tolled until the action that caused the ongoing violation has ceased;*
7 providing that this Act may not be construed as limiting certain authority of the
8 Department of the Environment to issue administrative orders or seek injunctive
9 relief for certain violations; and generally relating to laws relating to the
10 environment.

11 BY repealing and reenacting, with amendments,

12 Article – Environment

13 Section 1–303

14 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2013 Replacement Volume and 2014 Supplement)

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

Article – Environment

1–303.

(a) A criminal prosecution or A suit for a civil penalty by the Department for violation of any provision of this article or any rule, regulation, order, or permit adopted or issued under this article, shall be instituted within 3 years after the date the Department knew or reasonably should have known of the violation.

(B) (1) ~~AN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION FOR AN ADMINISTRATIVE PENALTY BY THE DEPARTMENT FOR VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, SHALL BE INSTITUTED WITHIN 5 YEARS AFTER THE DATE THE DEPARTMENT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

(2) THE STATUTE OF LIMITATIONS FOR AN ACTION FOR AN ADMINISTRATIVE PENALTY FOR AN ONGOING VIOLATION SHALL BE TOLLED UNTIL THE ACTION THAT CAUSED THE ONGOING VIOLATION HAS CEASED.

[(b)] (C) A suit for a civil penalty by a political subdivision for violation of any provision of this article or any rule, regulation, order, or permit adopted or issued under this article, or for a violation under any regulatory program the political subdivision is required to adopt and enforce under the provisions of this article, shall be instituted within 3 years after the date the political subdivision knew or reasonably should have known of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed as limiting the authority of the Department of the Environment to issue administrative orders or seek injunctive relief for any violation of any provision of the Environment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.