

HOUSE BILL 509

M3
HB 1073/14 – ENV

5lr1073

By: **Delegates McMillan, Beidle, Fisher, Frush, O'Donnell, and Stein**
Introduced and read first time: February 11, 2015
Assigned to: Environment and Transportation

A BILL ENTITLED

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; providing
5 that this Act may not be construed as limiting certain authority of the Department
6 of the Environment to issue administrative orders or seek injunctive relief for certain
7 violations; and generally relating to laws relating to the environment.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 1–303
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2014 Supplement)

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

15 **Article – Environment**

16 1–303.

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

21 **(B) AN ACTION FOR AN ADMINISTRATIVE PENALTY BY THE DEPARTMENT**
22 **FOR VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION,**
23 **ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, SHALL BE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 INSTITUTED WITHIN 5 YEARS AFTER THE DATE THE DEPARTMENT KNEW OR
2 REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

3 **[(b)] (C)** A suit for a civil penalty by a political subdivision for violation of any
4 provision of this article or any rule, regulation, order, or permit adopted or issued under
5 this article, or for a violation under any regulatory program the political subdivision is
6 required to adopt and enforce under the provisions of this article, shall be instituted within
7 3 years after the date the political subdivision knew or reasonably should have known of
8 the violation.

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

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