

Chapter 517

(House Bill 703)

AN ACT concerning

Environmental Violations – Reporting Requirements

FOR the purpose of requiring certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of certain laws, regulations, ordinances, and permits on or before a certain date each year; requiring the Department to provide certain technical assistance to certain jurisdictions under certain circumstances; requiring the Department to post certain information ~~and a certain interactive map~~ on its website; requiring the Department to report to the Governor and the General Assembly on or before a certain date each year; defining ~~a certain term~~ terms; and generally relating to reporting requirements for environmental violations.

BY adding to

Article – Environment

Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8. Report on Environmental Violations”

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–1802(a)(1), (3), (5), and (7)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Environment

SUBTITLE 8. REPORT ON ENVIRONMENTAL VIOLATIONS.

4–801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMPLIANCE ASSISTANCE” MEANS AN ACTION TAKEN BY A JURISDICTION WITH DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE THAT:

(1) CORRECTS A VIOLATION BEFORE A FORMAL ENFORCEMENT ACTION IS NECESSARY; OR

(2) WAS VOLUNTARILY TAKEN TO PREVENT FUTURE VIOLATIONS.

(C) "CRITICAL AREA" HAS THE MEANING STATED IN § 8-1802 OF THE NATURAL RESOURCES ARTICLE.

~~(C)~~ (D) (1) "SENSITIVE AREA" MEANS AN AREA OF CRITICAL CONCERN.

(2) "SENSITIVE AREA" INCLUDES:

(I) BUFFERS, AS DEFINED IN COMAR 27.01.01.01;

(II) HABITAT PROTECTION AREAS, AS DEFINED IN COMAR 27.01.01.01;

(III) MODIFIED BUFFER AREAS, AS DEFINED IN COMAR 27.01.01.01;

(IV) NONTIDAL WETLANDS, AS DEFINED IN COMAR 26.23.01.01;

(V) TIDAL WETLANDS, AS DEFINED IN COMAR 26.24.01.02;

(VI) 100-YEAR FLOODPLAINS, AS DEFINED IN COMAR 08.19.03.01; AND

(VII) STREAM BUFFERS, AS DEFINED IN COMAR 08.19.03.01.

4-802.

(A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, EACH JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS SHALL REPORT TO THE DEPARTMENT ON:

(I) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS OF:

1. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND

2. BUILDING AND GRADING PERMITS; AND

(II) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS IN THE ~~CHESAPEAKE BAY~~ CRITICAL AREA ~~AND THE ATLANTIC COASTAL BAYS~~ ~~CRITICAL AREA~~ OF:

1. SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS; AND

2. BUILDING AND GRADING PERMITS.

(2) THE INFORMATION REPORTED TO THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE NUMBER AND NATURE OF:

1. FORMAL COMPLAINTS ISSUED BY THE JURISDICTION AND WHETHER THE COMPLAINT IS IN THE ~~CRITICAL AREA~~ CRITICAL AREA;

2. STOP WORK ORDERS ISSUED BY THE JURISDICTION;
AND

3. ALLEGED VIOLATIONS REPORTED BY CITIZENS TO THE JURISDICTION;

(II) THE NUMBER OF COURT PROCEEDINGS INVOLVING AN ALLEGED VIOLATION, INCLUDING THE FINAL DISPOSITION OF EACH COURT PROCEEDING;

(III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED BY THE JURISDICTION AS A RESULT OF A VIOLATION;

(IV) THE DOLLAR AMOUNT OF CIVIL AND CRIMINAL PENALTIES IMPOSED AND COLLECTED AS A RESULT OF A VIOLATION;

(V) 1. WHETHER THE JURISDICTION PROVIDED COMPLIANCE ASSISTANCE TO CORRECT A VIOLATION AND THE NATURE OF THAT ASSISTANCE; AND

2. WHETHER THE COMPLIANCE ASSISTANCE PROVIDED BY THE JURISDICTION LED TO COMPLIANCE; AND

(VI) THE NUMBER OF INSPECTORS AND OTHER STAFF OF THE JURISDICTION ASSIGNED TO INSPECTION AND ENFORCEMENT OF:

ARTICLE;

REGULATIONS; AND

1. TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES
2. SENSITIVE AREAS ORDINANCES;
3. 100-YEAR FLOODPLAIN ORDINANCES;
4. SEDIMENT AND EROSION CONTROL LAWS AND
5. BUILDING AND GRADING PERMITS.

(B) ON REQUEST OF A JURISDICTION THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE JURISDICTION TO MEET THE REPORTING REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.

~~(B)~~ (C) THE DEPARTMENT SHALL POST ~~ON ITS WEBSITE;~~

~~(1)~~ ~~THE~~ THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION ON ITS WEBSITE; ~~AND~~

~~(2)~~ ~~AN INTERACTIVE MAP DEPICTING THE LOCATION OF EACH VIOLATION.~~

~~(C)~~ (D) ON OR BEFORE MARCH 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) ANY OTHER INFORMATION PROVIDED TO THE DEPARTMENT BY A JURISDICTION THAT HAS BEEN DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS.

Article – Natural Resources

8-1802.

(a) (1) In this subtitle the following words have the meanings indicated.

(3) “Atlantic Coastal Bays Critical Area” means the initial planning area identified under § 8–1807 of this subtitle.

(5) “Chesapeake Bay Critical Area” means the initial planning area identified under § 8–1807 of this subtitle.

(7) “Critical Area” means the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.