



LEGISLATIVE POSITION:

Unfavorable

House Bill 402

Department of the Environment – Enforcement Authority

House Environment & Transportation Committee

Friday, February 25, 2022

Dear Chairman Barve and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

HB 402 seeks to enhance the enforcement authority of the Maryland Department of the Environment under various provisions of law relating to waterway construction and dam safety, tidal and non-tidal wetlands, drinking water, waterworks, wastewater works, and industrial waterworks.

Understanding that the purpose of the legislation is to provide MDE with civil as well as administrative authority, the Maryland Chamber's primary concern pertains to the fine structure. The language *"UP TO \$5,000 FOR EACH VIOLATION, BUT NOT EXCEEDING \$100,000 TOTAL"* has the potential to lead to exorbitant fines taking into account the later language *"EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION."* Additionally, there is concern over language establishing the ability to place a lien on any property, real or personal, in the State in the event someone is unable to pay an imposed penalty.

The Maryland Chamber is willing to work with MDE or the Attorney General to come to a more aggregable fine structure but as introduced, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **HB 402**.