
By: Senator Collins

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Oil Disaster Containment, Clean-Up and Contingency Fund**

3 FOR the purpose of requiring that the Maryland Oil Disaster Containment, Clean-Up
4 and Contingency Fund be used for certain cleanup practices that will limit or
5 eliminate certain State liability.

6 BY renumbering

7 Article - Environment

8 Section 4-411(g) and (h), respectively

9 to be Section 4-411(h) and (i), respectively

10 Annotated Code of Maryland

11 (1993 Replacement Volume and 1995 Supplement)

12 BY adding to

13 Article - Environment

14 Section 4-411(g)

15 Annotated Code of Maryland

16 (1993 Replacement Volume and 1995 Supplement)

17 Preamble

18 WHEREAS, The State is required to respond to numerous instances where
19 discharges of oil have occurred upon or adjacent to the waters of the State; and

20 WHEREAS, The State makes expenditures to perform this task from the Maryland
21 Oil Disaster Containment, Clean-Up and Contingency Fund; and

22 WHEREAS, Expenditures from the Fund can result in the State incurring liability
23 for any disposal actions that result in additional contamination; and

24 WHEREAS, Elimination of the State's liability when performing tasks related to
25 the cleanup of oil will reduce future claims against the Fund; and

26 WHEREAS, Improper or inadequate treatment or disposal of oil-contaminated
27 media has resulted in past claims against the State for cleanup costs at off-site treatment
28 or disposal facilities; and

2

1 WHEREAS, The U.S. Environmental Protection Agency has identified preferred
2 remedies for certain types of oil; and

3 WHEREAS, These preferred remedies insure the destruction of the contamination
4 and elimination of liability from the contaminant; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That Section(s) 4-411(g) and (h), respectively, of Article - Environment
7 of the Annotated Code of Maryland be renumbered to be Section(s) 4-411(h) and (i),
8 respectively.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - Environment**

12 4-411.

13 (G) (1) THE FUND MUST BE USED TO PROVIDE FOR COST EFFECTIVE
14 CLEANUP OF SOIL AND GROUNDWATER.

15 (2) TO THE EXTENT PRACTICABLE, THE FUND MUST BE USED TO
16 PROVIDE FOR CLEANUP ACTIONS THAT LIMIT THE STATE'S LIABILITY.

17 (3) IF AVAILABLE, EXPENDITURES FROM THE FUND MAY ONLY BE
18 USED FOR PRACTICES THAT ENSURE THE DESTRUCTION OF OIL AND, TO THE
19 EXTENT PRACTICABLE, THE ELIMINATION OF FUTURE STATE LIABILITY.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1996.