
By: Senators Frosh, Conway, Sfikas, Teitelbaum, Pinsky, Dyson, Hollinger, Collins, and Van Hollen

Introduced and read first time: January 24, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment - Annual Enforcement Reports**

3 FOR the purpose of requiring the Secretary of the Environment to submit to the
4 Legislative Policy Committee a certain report on certain enforcement activities by a
5 certain date each year; specifying the requirements for the report; requiring the
6 Department to make the report available to the public as of a certain date each
7 year; and generally relating to the annual reporting of enforcement activities by the
8 Department of the Environment.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 1-301
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1996 Supplement)

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

16 **Article - Environment**

17 1-301.

18 (a) The Secretary shall carry out and enforce the provisions of this article and the
19 rules and regulations adopted under this article.

20 (b) The Secretary may delegate duties, powers, and functions as provided in this
21 article to a health officer for a county or to another county official authorized to
22 administer and enforce environmental laws.

23 (c) In those counties where a county official other than the health officer is
24 authorized to administer and enforce State environmental laws under this section, the
25 county shall establish minimum qualifications for that county official that include
26 standards of education and experience related to environmental issues.

27 (D) (1) (I) ON OR BEFORE SEPTEMBER 15 OF EACH YEAR, THE
28 SECRETARY, IN CONSULTATION WITH THE ATTORNEY GENERAL, SHALL SUBMIT TO
29 THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1312 OF THE

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1 STATE GOVERNMENT ARTICLE, A REPORT ON ENFORCEMENT ACTIVITIES
2 CONDUCTED BY THE DEPARTMENT DURING THE PREVIOUS FISCAL YEAR.

3 (II) THE REPORT SHALL:

4 1. INCLUDE THE INFORMATION REQUIRED UNDER THIS
5 SUBSECTION AND ANY ADDITIONAL INFORMATION CONCERNING ENVIRONMENTAL
6 ENFORCEMENT THAT THE SECRETARY DECIDES TO PROVIDE;

7 2. BE AVAILABLE TO THE PUBLIC AS SOON AS IT IS
8 FORWARDED TO THE LEGISLATIVE POLICY COMMITTEE;

9 3. INCLUDE INFORMATION ON THE TOTAL NUMBER OF
10 PERMITS, LICENSES, CERTIFICATES, ACCREDITATIONS, AND REGISTRATIONS ISSUED
11 BY OR FILED WITH THE DEPARTMENT AT ANY TIME AND STILL IN EFFECT AS OF THE
12 LAST DATE OF THE FISCAL YEAR IMMEDIATELY PRECEDING THE DATE ON WHICH
13 THE REPORT IS FILED; AND

14 4. INCLUDE INFORMATION CONCERNING SPECIFIC
15 ENFORCEMENT ACTIONS TAKEN WITH RESPECT TO THE PERMITS, LICENSES,
16 CERTIFICATES, ACCREDITATIONS, AND REGISTRATIONS DURING THE
17 IMMEDIATELY PRECEDING FISCAL YEAR.

18 (III) THE INFORMATION REQUIRED IN THE REPORT UNDER
19 PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ORGANIZED ACCORDING TO EACH
20 PROGRAM SPECIFIED.

21 (2) THE REPORT SHALL STATE THE TOTAL AMOUNT OF MONEY, AS OF
22 THE END OF THE IMMEDIATELY PRECEDING FISCAL YEAR:

23 (I) DEPOSITED IN THE MARYLAND CLEAN AIR FUND;

24 (II) DEPOSITED IN THE OIL CONTAMINATED SITE
25 ENVIRONMENTAL CLEANUP FUND;

26 (III) DEPOSITED IN THE NONTIDAL WETLAND COMPENSATION
27 FUND;

28 (IV) DEPOSITED IN THE MARYLAND HAZARDOUS SUBSTANCE
29 CONTROL FUND;

30 (V) RECOVERED BY THE DEPARTMENT FROM RESPONSIBLE
31 PARTIES IN ACCORDANCE WITH § 7-221 OF THIS ARTICLE;

32 (VI) DEPOSITED IN THE SEWAGE SLUDGE UTILIZATION FUND; AND

33 (VII) DEPOSITED IN THE MARYLAND CLEAN WATER FUND.

34 (3) (I) THE REPORT SHALL INCLUDE THE INFORMATION SPECIFIED IN
35 SUBPARAGRAPHS (II), (III), (IV), AND (V) OF THIS PARAGRAPH FOR EACH OF THE
36 FOLLOWING PROGRAMS IN THE DEPARTMENT:

37 1. AMBIENT AIR EMISSIONS UNDER TITLE 2, SUBTITLE 4 OF
38 THIS ARTICLE;

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- 1 2. OIL POLLUTION UNDER TITLE 4, SUBTITLE 4 OF THIS
2 ARTICLE;
- 3 3. NONTIDAL WETLANDS UNDER TITLE 5, SUBTITLE 9 OF
4 THIS ARTICLE;
- 5 4. ASBESTOS UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;
- 6 5. LEAD PAINT UNDER TITLE 6, SUBTITLE 8 OF THIS
7 ARTICLE;
- 8 6. HAZARDOUS MATERIALS UNDER TITLE 7, SUBTITLE 1 OF
9 THIS ARTICLE;
- 10 7. CONTROLLED HAZARDOUS SUBSTANCES UNDER TITLE 7,
11 SUBTITLE 2 OF THIS ARTICLE;
- 12 8. WATER SUPPLY, SEWERAGE SYSTEMS, AND REFUSE
13 DISPOSAL SYSTEMS UNDER TITLE 9, SUBTITLE 2 OF THIS ARTICLE;
- 14 9. WATER DISCHARGES UNDER TITLE 9, SUBTITLE 3 OF THIS
15 ARTICLE;
- 16 10. DRINKING WATER UNDER TITLE 9, SUBTITLE 4 OF THIS
17 ARTICLE; AND
- 18 11. WETLANDS UNDER TITLE 16, SUBTITLE 2 OF THIS
19 ARTICLE.

20 (II) FOR EACH OF THE PROGRAMS SET FORTH IN SUBPARAGRAPH
21 (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL PROVIDE THE TOTAL NUMBER
22 OR AMOUNT OF:

- 23 1. FINAL PERMITS, LICENSES, CERTIFICATES, OR
24 REGISTRATIONS ISSUED TO A PERSON OR FACILITY, AS APPROPRIATE, AND NOT
25 SURRENDERED, SUSPENDED, OR REVOKED;
- 26 2. INSPECTIONS, AUDITS, OR SPOT CHECKS PERFORMED AT
27 FACILITIES PERMITTED;
- 28 3. INJUNCTIONS OBTAINED;
- 29 4. SHOW CAUSE, REMEDIAL, AND CORRECTIVE ACTION
30 ORDERS ISSUED;
- 31 5. STOP WORK ORDERS;
- 32 6. ADMINISTRATIVE OR CIVIL PENALTIES OBTAINED;
- 33 7. CRIMINAL ACTIONS INSTITUTED, CONVICTIONS
34 OBTAINED, IMPRISONMENT TIME ORDERED, AND CRIMINAL FINES RECEIVED; AND
- 35 8. ANY OTHER ACTIONS TAKEN BY THE DEPARTMENT TO
36 ENFORCE THE REQUIREMENTS OF THE APPLICABLE ENVIRONMENTAL PROGRAM,
37 INCLUDING:

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1 A. NOTICES OF THE REMOVAL OR ENCAPSULATION OF
2 ASBESTOS UNDER § 6-414.1 OF THIS ARTICLE; AND

3 B. ACTIONS ENFORCING USER CHARGES AGAINST
4 INDUSTRIAL USERS UNDER § 9-341 OF THIS ARTICLE.

5 (III) IN ADDITION TO THE INFORMATION REQUIRED IN
6 SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR THE LEAD PAINT PROGRAM UNDER
7 TITLE 6, SUBTITLE 8 OF THIS ARTICLE, THE REPORT SHALL INCLUDE THE TOTAL
8 NUMBER OR AMOUNT OF:

- 9 1. AFFECTED PROPERTIES REGISTERED; AND
- 10 2. INSPECTORS OR OTHER PERSONS ACCREDITED BY THE
11 DEPARTMENT, FOR WHOM ACCREDITATION HAS NOT BEEN SURRENDERED,
12 SUSPENDED, OR REVOKED.

13 (IV) IN ADDITION TO THE INFORMATION REQUIRED IN
14 SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR THE CONTROLLED HAZARDOUS
15 SUBSTANCES PROGRAM UNDER TITLE 7, SUBTITLE 2 OF THIS ARTICLE, THE REPORT
16 SHALL INCLUDE THE FOLLOWING LISTS, UPDATED TO REFLECT THE MOST RECENT
17 INFORMATION AVAILABLE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR:

18 1. POSSIBLE CONTROLLED HAZARDOUS SUBSTANCE SITES
19 COMPILED IN ACCORDANCE WITH § 7-223(A) OF THIS ARTICLE;

20 2. PROPOSED SITES LISTED IN ACCORDANCE WITH § 7-223(C)
21 OF THIS ARTICLE AT WHICH THE DEPARTMENT INTENDS TO CONDUCT
22 PRELIMINARY SITE ASSESSMENTS; AND

23 3. HAZARDOUS WASTE SITES IN THE DISPOSAL SITE
24 REGISTRY COMPILED IN ACCORDANCE WITH § 7-223(F) OF THIS ARTICLE.

25 (V) IN ADDITION TO THE INFORMATION REQUIRED IN
26 SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR THE DRINKING WATER PROGRAM,
27 THE REPORT SHALL INCLUDE THE TOTAL NUMBER OF:

28 1. ACTIONS TO PREVENT PUBLIC WATER SYSTEM
29 CONTAMINATION OR TO RESPOND TO A SAFE DRINKING WATER ACT EMERGENCY
30 UNDER §§ 9-405 AND 9-406 OF THIS ARTICLE; AND

31 2. NOTICES GIVEN TO THE PUBLIC BY PUBLIC WATER
32 SYSTEMS UNDER § 9-410 OF THIS ARTICLE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 1997.