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

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Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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.

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

5 (D) (1) (I) ON OR BEFORE ~~SEPTEMBER 15~~ OCTOBER 1 OF EACH YEAR, THE
6 SECRETARY, IN CONSULTATION WITH THE ATTORNEY GENERAL, SHALL SUBMIT TO
7 THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1312 OF THE
8 STATE GOVERNMENT ARTICLE, A REPORT ON ENFORCEMENT ACTIVITIES
9 CONDUCTED BY THE DEPARTMENT DURING THE PREVIOUS FISCAL YEAR.

10 (II) THE REPORT SHALL:

11 1. INCLUDE THE INFORMATION REQUIRED UNDER THIS
12 SUBSECTION AND ANY ADDITIONAL INFORMATION CONCERNING ENVIRONMENTAL
13 ENFORCEMENT THAT THE SECRETARY DECIDES TO PROVIDE;

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

16 3. INCLUDE INFORMATION ON THE TOTAL NUMBER OF
17 ~~PERMITS, LICENSES, CERTIFICATES, ACCREDITATIONS, AND REGISTRATIONS~~ AND
18 LICENSES ISSUED BY OR FILED WITH THE DEPARTMENT AT ANY TIME AND STILL IN
19 EFFECT AS OF THE LAST DATE OF THE FISCAL YEAR IMMEDIATELY PRECEDING THE
20 DATE ON WHICH THE REPORT IS FILED; AND

21 4. INCLUDE INFORMATION CONCERNING SPECIFIC
22 ENFORCEMENT ACTIONS TAKEN WITH RESPECT TO THE ~~PERMITS, LICENSES,~~
23 ~~CERTIFICATES, ACCREDITATIONS, AND REGISTRATIONS~~ AND LICENSES DURING
24 THE IMMEDIATELY PRECEDING FISCAL YEAR.

25 (III) THE INFORMATION REQUIRED IN THE REPORT UNDER
26 PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ORGANIZED ACCORDING TO EACH
27 PROGRAM SPECIFIED.

28 (2) THE REPORT SHALL STATE THE TOTAL AMOUNT OF MONEY AS A
29 RESULT OF ENFORCEMENT ACTIONS, AS OF THE END OF THE IMMEDIATELY
30 PRECEDING FISCAL YEAR:

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

32 (II) DEPOSITED IN THE ~~OIL-CONTAMINATED SITE~~
33 ~~ENVIRONMENTAL CLEANUP FUND~~ MARYLAND OIL DISASTER CONTAINMENT,
34 CLEAN-UP AND CONTINGENCY FUND;

35 (III) DEPOSITED IN THE NONTIDAL WETLAND COMPENSATION
36 FUND;

37 (IV) DEPOSITED IN THE MARYLAND HAZARDOUS SUBSTANCE
38 CONTROL FUND;

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

3

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

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

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

6 1. AMBIENT AIR ~~EMISSIONS~~ QUALITY CONTROL UNDER
7 TITLE 2, SUBTITLE 4 OF THIS ARTICLE;

8 2. OIL POLLUTION UNDER TITLE 4, SUBTITLE 4 OF THIS
9 ARTICLE;

10 3. NONTIDAL WETLANDS UNDER TITLE 5, SUBTITLE 9 OF
11 THIS ARTICLE;

12 4. ASBESTOS UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;

13 5. LEAD PAINT UNDER TITLE 6, SUBTITLE 8 OF THIS
14 ARTICLE;

15 ~~6. HAZARDOUS MATERIALS UNDER TITLE 7, SUBTITLE 1 OF~~
16 ~~THIS ARTICLE;~~

17 ~~7. 6.~~ CONTROLLED HAZARDOUS SUBSTANCES UNDER TITLE 7,
18 SUBTITLE 2 OF THIS ARTICLE;

19 ~~8. 7.~~ WATER SUPPLY, SEWERAGE SYSTEMS, AND REFUSE
20 DISPOSAL SYSTEMS UNDER TITLE 9, SUBTITLE 2 OF THIS ARTICLE;

21 ~~9. 8.~~ WATER DISCHARGES UNDER TITLE 9, SUBTITLE 3 OF THIS
22 ARTICLE;

23 ~~10. 9.~~ DRINKING WATER UNDER TITLE 9, SUBTITLE 4 OF THIS
24 ARTICLE; AND

25 ~~11. 10.~~ WETLANDS UNDER TITLE 16, SUBTITLE 2 OF THIS
26 ARTICLE.

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

30 1. FINAL PERMITS, ~~LICENSES, CERTIFICATES, OR~~
31 ~~REGISTRATIONS OR LICENSES~~ ISSUED TO A PERSON OR FACILITY, AS APPROPRIATE,
32 AND NOT SURRENDERED, SUSPENDED, OR REVOKED;

33 2. INSPECTIONS, AUDITS, OR SPOT CHECKS PERFORMED AT
34 FACILITIES PERMITTED;

35 3. INJUNCTIONS OBTAINED;

36 4. SHOW CAUSE, REMEDIAL, AND CORRECTIVE ACTION
37 ORDERS ISSUED;

4

1 5. STOP WORK ORDERS;

2 6. ADMINISTRATIVE OR CIVIL PENALTIES OBTAINED;

3 7. CRIMINAL ACTIONS ~~INSTITUTED~~ CHARGED,
4 CONVICTIONS OBTAINED, IMPRISONMENT TIME ORDERED, AND CRIMINAL FINES
5 RECEIVED; AND

6 8. ANY OTHER ACTIONS TAKEN BY THE DEPARTMENT TO
7 ENFORCE THE REQUIREMENTS OF THE APPLICABLE ENVIRONMENTAL PROGRAM,
8 INCLUDING:

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

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

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

17 1. AFFECTED PROPERTIES REGISTERED; AND

18 2. INSPECTORS OR OTHER PERSONS ACCREDITED BY THE
19 DEPARTMENT, FOR WHOM ACCREDITATION HAS NOT BEEN SURRENDERED,
20 SUSPENDED, OR REVOKED.

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

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

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

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

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

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

