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**By: Senators Kelley, Hollinger, Green, Pinsky, Forehand, Van Hollen, Teitelbaum, Collins, and Sfikas**

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Natural Wood Waste Recycling Facilities - Permits**

3 FOR the purpose of requiring the Department of the Environment to consider certain  
4 effects of certain violations of certain laws and regulations when making decisions  
5 on whether to issue or renew certain permits to operate certain natural wood waste  
6 recycling facilities.

7 BY adding to

8 Article - Environment  
9 Section 9-1708(a)(3)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1996 Supplement)

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

14 **Article - Environment**

15 9-1708.

16 (a) (3) WHEN MAKING A DECISION WHETHER TO ISSUE OR RENEW A  
17 PERMIT UNDER THIS SECTION, THE DEPARTMENT SHALL CONSIDER WHETHER THE  
18 APPLICANT HAS CAUSED ACTUAL HARM TO PUBLIC HEALTH OR THE ENVIRONMENT  
19 BY:

20 (I) VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY  
21 REGULATION ADOPTED BY THE DEPARTMENT IN ACCORDANCE WITH THIS  
22 ARTICLE;

23 (II) THE EXTENT TO WHICH THE PAST VIOLATION WAS KNOWN TO  
24 THE APPLICANT, BUT WAS UNCORRECTED BY THE APPLICANT;

25 (III) THE EXTENT TO WHICH THE APPLICANT EXERCISED  
26 REASONABLE CARE; AND

27 (IV) THE EXTENT TO WHICH THE VIOLATION IS PART OF A  
28 RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED  
29 BY THE APPLICANT.

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