
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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 11, 1997

CHAPTER ____

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;

2

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

3 (III) THE EXTENT TO WHICH THE APPLICANT EXERCISED
4 REASONABLE CARE; AND

5 (IV) THE EXTENT TO WHICH THE VIOLATION IS PART OF A
6 RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED
7 BY THE APPLICANT.

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