

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1025

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, before “providing” insert “authorizing the Department to impose certain administrative penalties for certain violations related to safe drinking water;”; in line 12, before “orders;” insert “penalties and”; and in line 13, after “date;” insert “making a portion of this Act contingent on the taking effect of certain federal regulations;”.

AMENDMENT NO. 2

On page 10, after line 10, insert:

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

Article - Environment

9-413.

(D) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW AND AFTER AN OPPORTUNITY FOR A HEARING, WHICH MAY BE WAIVED IN WRITING BY THE PERSON ACCUSED OF A VIOLATION, THE DEPARTMENT MAY IMPOSE A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY ORDER, REGULATION, OR PLAN ADOPTED OR ISSUED UNDER THIS SUBTITLE.

(2) THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION SHALL BE:

(I) UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING \$25,000 TOTAL; AND

(Over)

(II) ASSESSED WITH CONSIDERATION GIVEN TO:

1. THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

2. ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH, INCLUDING INJURY TO OR IMPAIRMENT OF THE USE OF THE WATERS OF THIS STATE OR THE NATURAL RESOURCES OF THE STATE;

3. THE COST OF CLEANUP AND THE COST OF RESTORATION OF NATURAL RESOURCES;

4. THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;

5. THE EXTENT TO WHICH THE LOCATION OF THE VIOLATION, INCLUDING LOCATION NEAR WATERS OF THIS STATE OR AREAS OF HUMAN POPULATION, CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;

6. THE AVAILABLE TECHNOLOGY AND ECONOMIC REASONABLENESS OF CONTROLLING, REDUCING, OR ELIMINATING THE VIOLATION;

7. THE DEGREE OF HAZARD POSED BY THE PARTICULAR POLLUTANT OR POLLUTANTS INVOLVED;

8. THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR; AND

9. WHETHER OR NOT PENALTIES WERE ASSESSED OR WILL BE ASSESSED UNDER OTHER PROVISIONS OF THIS SUBTITLE.

(3) EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(4) ANY PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO THE STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE COLLECTION OF PENALTIES.

(5) ALL PENALTIES COLLECTED UNDER THIS SUBTITLE SHALL BE PAID INTO THE MARYLAND CLEAN WATER FUND CREATED UNDER § 9-320 OF THIS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect upon promulgation of 40 CFR Part 142, Subpart B.”;

in line 11, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to Section 3 of this Act.”.