

SENATE BILL 62

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2000 Regular Session  
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(PRE-FILED)

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By: **Chairman, Economic and Environmental Affairs Committee**  
**(Departmental - Environment)**

Requested: November 3, 1999  
Introduced and read first time: January 12, 2000  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 20, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Air Quality - Administrative Civil Penalty**

3 FOR the purpose of altering the amount of certain penalties that the Department of  
4 the Environment is authorized to collect for violation of certain provisions of law  
5 related to air quality and asbestos removal; and generally relating to the  
6 imposition of penalties for certain environmental violations.

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 2-610.1  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1999 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 2-610.1.

16 (a) In addition to any other remedies available at law or in equity and after an  
17 opportunity for a hearing which may be waived in writing by the person accused of a  
18 violation, the Department may impose a penalty for violation of any provision of this  
19 title, Subtitle 4 of Title 6, or any rule, regulation, order, plan for compliance,  
20 registration, or permit adopted or issued under those provisions.

1 (b) Before taking any action under this section, the Department shall provide  
2 the alleged violator with written notice of the proposed action and an opportunity for  
3 an informal meeting.

4 (c) (1) The penalty imposed on a person under this section shall be:

5 (i) Up to [\$2,500] ~~\$25,000~~ \$10,000 for each violation;

6 (ii) Not more than [\$50,000] \$200,000 total for any single  
7 administrative hearing; and

8 (iii) Assessed with consideration given to:

9 1. The willfulness of the violation, the extent to which the  
10 existence of the violation was known to the violator but uncorrected by the violator,  
11 and the extent to which the violator exercised reasonable care;

12 2. Any actual harm to human health or to the environment,  
13 including injury to or impairment of the air quality or the natural resources of this  
14 State;

15 3. The cost of control;

16 4. The nature and degree of injury to or interference with  
17 general welfare, health, and property;

18 5. The extent to which the location of the violation, including  
19 location near areas of human population, creates the potential for harm to the  
20 environment or to human health or safety;

21 6. The available technology and economic reasonableness of  
22 controlling, reducing, or eliminating the emissions that caused the violation; and

23 7. The extent to which the current violation is part of a  
24 recurrent pattern of the same or similar type of violation committed by the violator.

25 (2) Each day a violation occurs is a separate violation under this section.

26 (3) Any penalty imposed under this section is payable to this State and  
27 collectible in any manner provided at law for the collection of debts.

28 (4) If any person who is liable to pay a penalty imposed under this  
29 section fails to pay it after demand, the amount, together with interest and any costs  
30 that may accrue, shall be:

31 (i) A lien in favor of this State on any property, real or personal, of  
32 the person; and

33 (ii) Recorded in the office of the clerk of court for the county in  
34 which the property is located.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2000.