
By: **Delegates Redmer, Klausmeier, Mohorovic, Morhaim, Sher, Stern, and Weir**

Introduced and read first time: February 1, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2001

CHAPTER _____

1 AN ACT concerning

2 **Water Pollution - ~~Criminal~~ Penalties - Statute of Limitations**

3 FOR the purpose of altering the statute of limitations for ~~a violation~~ prosecution of
4 and suits for violations of certain water pollution provisions of law; and
5 providing for the application of this Act.

6 BY repealing and reenacting, without amendments,
7 Article - Environment
8 Section 9-343
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2000 Supplement)

11 BY adding to
12 Article - Environment
13 Section 9-343.1
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

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

1

Article - Environment

2 9-343.

3 (a) (1) A person who violates any provision of or fails to perform any duty
4 imposed by this subtitle, or who violates any provision of or fails to perform any duty
5 imposed by a rule, regulation, order, or permit adopted or issued under this subtitle,
6 is guilty of a misdemeanor and on conviction is subject to:

7 (i) For a first offense, a fine not exceeding \$25,000 or
8 imprisonment not exceeding 1 year or both; or

9 (ii) If the conviction is for a violation committed after a first
10 conviction of the person under this subsection, a fine not exceeding \$50,000 for each
11 day of violation or imprisonment not exceeding 2 years or both.

12 (2) In addition to any criminal penalties imposed on a person convicted
13 under this subsection, the person may be enjoined from continuing the violation.

14 (3) Each day on which a violation occurs is a separate violation under
15 this subsection.

16 (b) A person is guilty of a misdemeanor and on conviction is subject to a fine
17 not exceeding \$10,000 or imprisonment not exceeding 6 months or both if the person:

18 (1) Knowingly makes any false statement, representation, or
19 certification in any application, record, report, plan, or other document filed or
20 required to be maintained under this subtitle or any rule, regulation, order, or permit
21 adopted or issued under this subtitle; or

22 (2) Falsifies, tampers with, or knowingly renders inaccurate any
23 monitoring device or method required to be maintained under this subtitle or any
24 rule, regulation, order, or permit adopted or issued under this subtitle.

25 9-343.1.

26 ~~PROSECUTION OF A CRIMINAL PROSECUTION OR SUIT FOR A FINE OR CIVIL~~
27 ~~PENALTY FOR VIOLATION OF ANY PROVISION OF THIS SUBTITLE, FOR FAILURE TO~~
28 ~~PERFORM ANY DUTY IMPOSED BY THIS SUBTITLE, OR FOR FAILURE TO PERFORM~~
29 ~~ANY DUTY IMPOSED BY A RULE, REGULATION, ORDER, OR PERMIT ADOPTED~~
30 ~~OR ISSUED UNDER THIS SUBTITLE, SHALL BE INSTITUTED WITHIN 2 YEARS AFTER~~
31 ~~THE OFFENSE WAS COMMITTED.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
33 construed only prospectively and may not be applied or interpreted to have any effect
34 on or application to any water pollution violation committed before the effective date
35 of this Act.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2001.

