

SENATE BILL 16

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2001 Regular Session
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(PRE-FILED)

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

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Drinking Water - Administrative Penalty Authority**

3 FOR the purpose of authorizing the Department of the Environment to impose
4 certain administrative penalties for certain violations related to safe drinking
5 water; and generally relating to public water systems and drinking water
6 standards and requirements.

7 BY repealing and reenacting, with amendments,
8 Article - Environment
9 Section 9-413
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2000 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 9-413.

16 (a) A person who willfully violates § 9-412(a)(4) or (5) of this subtitle is subject
17 to a civil penalty of up to \$5,000 for each day on which the violation exists.

18 (b) A person who violates § 9-412(a)(1), (2), or (3) of this subtitle is guilty of a
19 misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each day
20 on which the violation occurs or failure to comply continues.

21 (c) In an action brought in the appropriate court to enforce the order, a person
22 who willfully violates or fails or refuses to comply with any order issued by the
23 Secretary under this subtitle may be fined not more than \$5,000 for each day on
24 which the violation occurs or failure to comply continues.

25 (d) (1) In addition to any other remedies available at law and after an
26 opportunity for a hearing, which may be waived in writing by the person accused of a

1 violation, the Department may impose a penalty for violation of any provision of this
2 subtitle or any order, regulation, or plan adopted or issued under this subtitle.

3 (2) The penalty imposed on a supplier of water [serving a population of
4 more than 10,000] under this subsection shall be:

5 (i) Up to \$1,000 PER DAY for each violation, but not exceeding
6 \$25,000 total FOR EACH VIOLATION; and

7 (ii) Assessed with consideration given to:

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

11 2. Any actual harm to the environment or to human health,
12 including injury to or impairment of the use of the waters of this State or the natural
13 resources of the State;

14 3. The cost of cleanup and the cost of restoration of natural
15 resources;

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 waters of this State or areas of human population, creates the potential
20 for harm to the environment or to human health or safety;

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

23 7. The degree of hazard posed by the particular pollutant or
24 pollutants involved;

25 8. The extent to which the current violation is part of a
26 recurrent pattern of the same or similar type of violation committed by the violator;
27 and

28 9. Whether or not penalties were assessed or will be assessed
29 under other provisions of this subtitle.

30 (3) Each day a violation occurs is a separate violation under this
31 subsection.

32 (4) Any penalty imposed under this subsection is payable to the State
33 and collectible in any manner provided at law for the collection of penalties.

34 (5) All penalties collected under this subtitle shall be paid into the
35 Maryland Clean Water Fund created under § 9-320 of this article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2001.