

HOUSE BILL 1161

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HB 407/01 - ENV

2002 Regular Session
2lr2518

By: **Delegates Redmer, Ports, and Morhaim**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering the statute of limitations for prosecution of and suits for
4 violations of certain water pollution provisions of law; and providing for the
5 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 2001 Supplement)

11 BY adding to
12 Article - Environment
13 Section 9-343.1
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 Supplement)

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

18 **Article - Environment**

19 9-343.

20 (a) (1) A person who violates any provision of or fails to perform any duty
21 imposed by this subtitle, or who violates any provision of or fails to perform any duty

1 imposed by a rule, regulation, order, or permit adopted or issued under this subtitle,
2 is guilty of a misdemeanor and on conviction is subject to:

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

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

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

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

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

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

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

21 9-343.1.

22 A CRIMINAL PROSECUTION OR SUIT FOR A CIVIL PENALTY FOR VIOLATION OF
23 ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, ORDER, OR PERMIT
24 ADOPTED OR ISSUED UNDER THIS SUBTITLE, SHALL BE INSTITUTED WITHIN ~~2~~ 3
25 YEARS AFTER THE ~~OFFENSE~~ VIOLATION WAS COMMITTED.

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2002.

