
By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Environment)

Introduced and read first time: January 21, 2005

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Water Pollution Control - Corrective Orders**

3 FOR the purpose of altering the time by which a hearing must be scheduled and a
4 decision rendered on certain corrective orders issued in accordance with certain
5 enforcement provisions of the water pollution control law; and generally relating
6 to enforcement of the water pollution control law.

7 BY repealing and reenacting, with amendments,
8 Article - Environment
9 Section 9-337
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2004 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 9-337.

16 (a) The Department shall give notice and hold any hearing under this subtitle
17 in accordance with the Administrative Procedure Act.

18 (b) (1) Within 10 days after being served with an order under § 9-335(a)(1)
19 of this subtitle, the person served may request in writing a hearing before the
20 Department.

21 (2) [If a request for a hearing is made under this subsection, the
22 Department shall:

23 (i) Hold the hearing within 10 days after receiving the request;

24 and

25 (ii) Render a decision within 10 days after the hearing.]

1 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, IF A REQUEST FOR A HEARING IS MADE UNDER THIS SUBSECTION, THE
3 DEPARTMENT SHALL:

4 1. HOLD THE HEARING PROMPTLY AFTER RECEIVING THE
5 REQUEST; AND

6 2. RENDER A DECISION PROMPTLY AFTER THE HEARING.

7 (II) IF A REQUEST FOR A HEARING IS MADE UNDER THIS
8 SUBSECTION AND THE DEPARTMENT ALLEGES IN THE ORDER THAT THERE IS AN
9 IMMINENT THREAT OR DANGER TO THE PUBLIC HEALTH OR SAFETY OR TO THE
10 ENVIRONMENT, THE DEPARTMENT SHALL:

11 1. HOLD THE HEARING WITHIN 10 DAYS AFTER RECEIVING
12 THE REQUEST; AND

13 2. RENDER A DECISION WITHIN 10 DAYS AFTER THE
14 HEARING.

15 (c) Within 10 days after being served with a notice under § 9-335(a)(2) of this
16 subtitle, the person served may request in writing a hearing before the Department.

17 (d) The Department may make a verbatim record of the proceedings of any
18 hearing held under this subtitle.

19 (e) (1) In connection with any hearing under this subtitle, the Department
20 may:

21 (i) Subpoena any person or evidence; and

22 (ii) Order a witness to give evidence.

23 (2) A subpoenaed witness shall receive the same fees and mileage
24 reimbursement as if the hearing were part of a civil action.

25 (3) If a person fails to comply with a subpoena or order issued under this
26 subsection, on petition of the Department, a circuit court, by order, may:

27 (i) Compel obedience to the Department's order or subpoena; or

28 (ii) Compel testimony or the production of evidence.

29 (4) The court may punish as a contempt any failure to obey its order
30 issued under this section.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect October 1, 2005.