

---

By: **Delegates Hubbard and Conroy**

Introduced and read first time: March 6, 2006

Assigned to: Rules and Executive Nominations

---

A BILL ENTITLED

1 AN ACT concerning

2                           **Environment - Oil and Other Unctuous Substances - Zoning and Land Use**  
3                           **Requirements**

4 FOR the purpose of prohibiting a person from engaging in an operation involving  
5 certain activities related to oil and other unctuous substances unless the person  
6 submits to the Department of the Environment satisfactory evidence that the  
7 operation meets all applicable county zoning and land use requirements;  
8 making certain stylistic changes; and generally relating to county zoning and  
9 land use requirements for operations involving oil and other unctuous  
10 substances.

11 BY repealing and reenacting, without amendments,  
12 Article - Environment  
13 Section 4-405(a)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Environment  
18 Section 4-405(b)  
19 Annotated Code of Maryland (1996 Replacement Volume and 2005 Supplement)

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

22                           **Article - Environment**

23 4-405.

24 (a) For the purposes of this subtitle, the Department of the Environment shall  
25 have and may exercise the following powers and duties:

26 (1) General supervision over the administration and enforcement of this  
27 subtitle and all rules, regulations, and orders promulgated pursuant to it;

1 (2) Develop comprehensive programs and plans for prevention, control,  
2 and abatement of pollution of the waters of the State by oil or sediment;

3 (3) Advise, consult, and cooperate with other units of the State, the  
4 federal government, other state and interstate agencies, affected groups, political  
5 subdivisions, and industries to further the purposes of this subtitle;

6 (4) Accept and administer loans and grants from the federal government  
7 and other sources, public or private, to carry out any of its functions;

8 (5) Encourage, participate in, finance, or conduct studies, investigations,  
9 research, and demonstrations relating to water pollution and its causes, prevention,  
10 control, and abatement;

11 (6) Collect and disseminate information relating to water pollution and  
12 its prevention, control, and abatement;

13 (7) Adopt, modify, repeal, and promulgate, after due notice and hearing,  
14 and enforce rules and regulations implementing or effectuating its powers and duties;

15 (8) Hold hearings, issue notices of hearing and subpoenas requiring the  
16 attendance of witnesses and production of evidence, administer oaths, and take  
17 necessary testimony; any of these powers may be exercised by the designee of the  
18 Secretary; and

19 (9) Exercise every incidental power necessary to carry out the purposes  
20 of this subtitle.

21 (b) (1) The Department shall prescribe by [rule or] regulation approved  
22 methods, facilities, standards, and devices for transfer, storage, separating, removing,  
23 treating, transporting, or disposing of oil and other unctuous substances to prevent  
24 pollution of waters of the State, [which] THAT may include rules and regulations:

25 (i) Outlining procedures for addressing water pollution episodes or  
26 emergencies which constitute an acute danger to health or the environment; and

27 (ii) Requiring:

28 1. Spill prevention and response training;

29 2. Spill contingency plans for oil storage facilities, vessels,  
30 and barges;

31 3. Spill prevention and containment equipment at oil storage  
32 facilities and on vessels and barges or at other locations necessary to control oil spills  
33 from vessels or barges;

34 4. Inspection of oil storage facilities, vessels, and barges;

35 5. Escorts for vessels and barges or any other measure in lieu  
36 of an escort necessary to detect and control oil spills from tank vessels;

