
By: **Delegates Hubbard and Conroy**

Introduced and read first time: March 6, 2006

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 13, 2006

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 2006

CHAPTER _____

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
20 (1996 Replacement Volume and 2005 Supplement)

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

Article - Environment

1 4-405.

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

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

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

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

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

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

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

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

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

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

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

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

32 (ii) Requiring:

33 1. Spill prevention and response training;

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

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

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

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

9 6. Detection and control of oil spills from oil storage facilities,
10 vessels, and barges; and

11 7. Notification of vessel and barge movement.

12 (2) A person other than a vessel or barge may not engage in any
13 commercial or industrial operation involving these activities unless [he has obtained]
14 THE PERSON HAS:

15 (I) SUBMITTED TO THE DEPARTMENT SATISFACTORY EVIDENCE
16 THAT THE OPERATION MEETS ALL APPLICABLE COUNTY ZONING AND LAND USE
17 REQUIREMENTS; AND

18 (II) OBTAINED a permit from the Department indicating that the
19 activities are in conformity with the prescribed rules and regulations.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2006.