

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 259  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through “testing;” in line 12 and substitute “requiring certain persons to reimburse a county for certain costs that the county incurs in conducting environmental health monitoring or testing for a certain purpose; prohibiting the county from recovering the reimbursable costs under certain circumstances; authorizing the county to recover the reimbursable costs in a civil action; authorizing the Department of the Environment to recover the reimbursable costs on behalf of the county under certain circumstances; authorizing the Department to adopt certain regulations; requiring a person who discharges a pollutant into the waters of the State in violation of certain provisions of law to reimburse the Department for certain costs incurred by the Department in conducting environmental health monitoring or testing for a certain purpose; authorizing the Department to recover the reimbursable costs in a civil action;”; in line 12, after “counties” insert “and the Department of the Environment”; in line 16, after “1-304” insert “and 9-342.2”; and strike in the their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 12 on page 3, inclusive, and substitute:

**“(A) THE FOLLOWING PERSONS SHALL REIMBURSE A COUNTY FOR THE REASONABLE COSTS INCURRED BY THE COUNTY IN CONDUCTING ENVIRONMENTAL HEALTH MONITORING OR TESTING, INCLUDING THE COST OF COLLECTING AND ANALYZING SOIL SAMPLES, SURFACE WATER SAMPLES, OR GROUNDWATER SAMPLES FOR THE PURPOSE OF ASSESSING THE EFFECT ON PUBLIC HEALTH AND THE ENVIRONMENT OF THE PERSON’S RELEASE OR**

(Over)

**THREAT OF RELEASE OF A HAZARDOUS SUBSTANCE, DISCHARGE OF OIL, OR DISCHARGE OF A POLLUTANT IN THE WATERS OF THE STATE:**

**(1) A RESPONSIBLE PERSON AS DEFINED UNDER TITLE 7, SUBTITLE 2 OF THIS ARTICLE;**

**(2) A PERSON RESPONSIBLE FOR THE DISCHARGE AS DEFINED UNDER TITLE 4, SUBTITLE 4 OF THIS ARTICLE; OR**

**(3) A PERSON RESPONSIBLE FOR THE DISCHARGE OF A POLLUTANT INTO THE WATERS OF THE STATE IN VIOLATION OF § 9-322 OR § 9-323 OF THIS ARTICLE.**

**(B) COSTS INCURRED BY A COUNTY FOR ENVIRONMENTAL HEALTH MONITORING OR TESTING UNDER ACTIVITIES THAT ARE DUPLICATIVE OF STATE ACTIVITIES ARE NOT ELIGIBLE FOR REIMBURSEMENT UNDER SUBSECTION (A) OF THIS SECTION.**

**(C) A COUNTY MAY RECOVER COSTS THAT ARE REIMBURSABLE UNDER SUBSECTION (A) OF THIS SECTION IN A CIVIL ACTION.**

**(D) IF A COUNTY DETERMINES THAT IT WOULD BE MORE EFFICIENT TO COMBINE THE COUNTY'S CLAIM FOR REIMBURSEMENT UNDER SUBSECTION (A) OF THIS SECTION WITH A PENDING CLAIM BY THE DEPARTMENT, THE DEPARTMENT SHALL, ON REQUEST BY THE COUNTY, SEEK TO RECOVER REIMBURSABLE COSTS ON BEHALF OF THE COUNTY.**

**(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

**9-342.2.**

**(A) A PERSON WHO DISCHARGES A POLLUTANT INTO THE WATERS OF THE STATE IN VIOLATION OF § 9-322 OR § 9-323 OF THIS SUBTITLE SHALL REIMBURSE THE DEPARTMENT FOR THE REASONABLE COSTS INCURRED BY THE DEPARTMENT IN CONDUCTING ENVIRONMENTAL HEALTH MONITORING OR TESTING, INCLUDING THE COST OF COLLECTING AND ANALYZING SOIL SAMPLES, SURFACE WATER SAMPLES, OR GROUND WATER SAMPLES FOR THE PURPOSE OF ASSESSING THE EFFECT ON PUBLIC HEALTH AND THE ENVIRONMENT OF THE PERSON'S DISCHARGE.**

**(B) THE DEPARTMENT MAY RECOVER COSTS THAT ARE REIMBURSABLE UNDER SUBSECTION (A) OF THIS SECTION IN A CIVIL ACTION."**