

HOUSE BILL 259

L2, M3

9lr0422

By: **Delegates King, Love, Kipke, and Schuh**
Introduced and read first time: January 29, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Health Monitoring and Testing - Reimbursement of Costs**

3 FOR the purpose of authorizing the Department of the Environment to factor in costs
4 incurred by a county in conducting certain environmental health monitoring or
5 testing related to a certain violation when assessing a certain penalty; requiring
6 the Department to reimburse a county from the Maryland Clean Water Fund
7 for certain costs incurred by the county in conducting environmental health
8 monitoring or testing related to a certain violation; limiting reimbursement to
9 certain circumstances and certain amounts; requiring the Department to use
10 the Maryland Clean Water Fund for the reimbursement of counties for certain
11 costs incurred in conducting certain environmental health monitoring or
12 testing; and generally relating to reimbursement of counties for costs of
13 conducting environmental health monitoring or testing.

14 BY adding to
15 Article – Environment
16 Section 1–304
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section 9–320
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2008 Supplement)

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

26 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1-304.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
3 DEPARTMENT MAY FACTOR IN ANY COSTS INCURRED BY A COUNTY IN
4 CONDUCTING ENVIRONMENTAL HEALTH MONITORING OR TESTING RELATED TO
5 A VIOLATION OF THIS ARTICLE WHEN ASSESSING A PENALTY AGAINST A PERSON
6 FOR A VIOLATION OF THIS ARTICLE THAT OCCURS ON A PROPERTY THAT IS
7 ISSUED A LICENSE OR PERMIT UNDER THIS ARTICLE.

8 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND
9 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL
10 REIMBURSE A COUNTY FROM THE MARYLAND CLEAN WATER FUND FOR COSTS
11 INCURRED BY THE COUNTY IN CONDUCTING ENVIRONMENTAL HEALTH
12 MONITORING OR TESTING RELATED TO A VIOLATION OF THIS ARTICLE THAT
13 OCCURS ON A PROPERTY THAT IS ISSUED A LICENSE OR PERMIT UNDER THIS
14 ARTICLE.

15 (2) A REIMBURSEMENT UNDER THIS SECTION:

16 (I) IS REQUIRED ONLY IF THE DEPARTMENT COLLECTS A
17 FINE AS A RESULT OF THE VIOLATION; AND

18 (II) MAY NOT EXCEED THE AMOUNT OF THE FINE.

19 9-320.

20 (a) There is a Maryland Clean Water Fund.

21 (b) The following payments shall be made into the Maryland Clean Water
22 Fund:

23 (1) All application fees, permit fees, renewal fees, and funds collected
24 by the Department under this subtitle, including any civil or administrative penalty or
25 any fine imposed by a court under the provisions of this subtitle; and

26 (2) Any civil penalty or any fine imposed by a court under the
27 provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use.

28 (c) The Department shall use the Maryland Clean Water Fund for activities
29 that are related to:

30 (1) The identification, monitoring, and regulation of the proper
31 discharge of effluent into the waters of the State including program development of
32 these activities as provided by the State budget; [and]

1 (2) The management, conservation, protection, and preservation of the
2 State's groundwater and surface water including program development of these
3 activities as provided by the State budget; **AND**

4 **(3) THE REIMBURSEMENT OF COUNTIES FOR COSTS INCURRED**
5 **BY THE COUNTIES IN CONDUCTING ENVIRONMENTAL HEALTH MONITORING OR**
6 **TESTING RELATED TO A VIOLATION OF THIS ARTICLE THAT OCCURS ON A**
7 **PROPERTY THAT IS ISSUED A LICENSE OR PERMIT UNDER THIS ARTICLE.**

8 (d) In determining the use of the Maryland Clean Water Fund, priority shall
9 be given to activities relating to the water quality of the Chesapeake Bay and its
10 tributaries.

11 (e) Notwithstanding any law to the contrary, unexpended moneys in the
12 Fund shall not revert to the general treasury at the end of a fiscal year.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.