

# HOUSE BILL 834

M3  
HB 799/13 – ENV

4r1196  
CF SB 564

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By: **Delegates Frush and Hubbard**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Water Pollution Control – Penalty**

3 FOR the purpose of increasing a certain penalty for certain violations of the water  
4 pollution control law; and generally relating to water pollution control.

5 BY repealing and reenacting, with amendments,  
6 Article – Environment  
7 Section 9–342  
8 Annotated Code of Maryland  
9 (2007 Replacement Volume and 2013 Supplement)

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

12 **Article – Environment**

13 9–342.

14 (a) In addition to being subject to an injunctive action under this subtitle, a  
15 person who violates any provision of this subtitle or of any rule, regulation, order, or  
16 permit adopted or issued under this subtitle is liable to a civil penalty not exceeding  
17 \$10,000, to be collected in a civil action brought by the Department. Each day a  
18 violation occurs is a separate violation under this subsection.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (1) In addition to any other remedies available at law or in equity and  
2 after an opportunity for a hearing which may be waived in writing by the person  
3 accused of a violation, the Department may impose a penalty for violation of any  
4 provision of this subtitle or any rule, regulation, order, or permit adopted or issued  
5 under this subtitle.

6 (2) The penalty imposed on a person under this subsection shall be:

7 (i) Up to ~~[\$5,000]~~ **\$10,000** for each violation, but not exceeding  
8 ~~[\$50,000]~~ **\$100,000** total; and

9 (ii) Assessed with consideration given to:

10 1. The willfulness of the violation, the extent to which  
11 the existence of the violation was known to but uncorrected by the violator, and the  
12 extent to which the violator exercised reasonable care;

13 2. Any actual harm to the environment or to human  
14 health, including injury to or impairment of the use of the waters of this State or the  
15 natural resources of this State;

16 3. The cost of cleanup and the cost of restoration of  
17 natural resources;

18 4. The nature and degree of injury to or interference  
19 with general welfare, health, and property;

20 5. The extent to which the location of the violation,  
21 including location near waters of this State or areas of human population, creates the  
22 potential for harm to the environment or to human health or safety;

23 6. The available technology and economic  
24 reasonableness of controlling, reducing, or eliminating the violation;

25 7. The degree of hazard posed by the particular  
26 pollutant or pollutants involved; and

27 8. The extent to which the current violation is part of a  
28 recurrent pattern of the same or similar type of violation committed by the violator.

29 (3) Each day a violation occurs is a separate violation under this  
30 subsection.

31 (4) Any penalty imposed under this subsection is payable to this State  
32 and collectible in any manner provided at law for the collection of debts.

1           (5) If any person who is liable to pay a penalty imposed under this  
2 subsection fails to pay it after demand, the amount, together with interest and any  
3 costs that may accrue, shall be:

4                   (i) A lien in favor of this State on any property, real or  
5 personal, of the person; and

6                   (ii) Recorded in the office of the clerk of court for the county in  
7 which the property is located.

8           (6) Any penalty collected under this subsection shall be placed in a  
9 special fund to be used for monitoring and surveillance by the Department to assure  
10 and maintain an adequate record of any violations, including discharge of waste  
11 material and other pollutants into the waters of this State or into the environment.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.