

# SENATE BILL 505

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9lr2872  
CF 9lr2068

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By: **Senators Elfreth, Ellis, Lam, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Violations – Reporting Requirements**

3 FOR the purpose of requiring certain jurisdictions to report to the Department of the  
4 Environment on certain information relating to the number of cases alleging  
5 violations of certain laws, regulations, ordinances, and permits on or before a certain  
6 date each year; requiring the Department to post certain information and a certain  
7 interactive map on its website; requiring the Department to report to the Governor  
8 and the General Assembly on or before a certain date each year; defining a certain  
9 term; and generally relating to reporting requirements for environmental violations.

10 BY adding to

11 Article – Environment

12 Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8. Report on  
13 Environmental Violations”

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2018 Supplement)

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

18 **Article – Environment**

19 **SUBTITLE 8. REPORT ON ENVIRONMENTAL VIOLATIONS.**

20 **4–801.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) “COMPLIANCE ASSISTANCE” MEANS AN ACTION TAKEN BY A**  
2 **JURISDICTION WITH DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE**  
3 **THAT:**

4           **(I) CORRECTS A VIOLATION BEFORE A FORMAL ENFORCEMENT**  
5 **ACTION IS NECESSARY; OR**

6           **(II) WAS VOLUNTARILY TAKEN TO PREVENT FUTURE VIOLATIONS.**

7           **(C) (I) “SENSITIVE AREA” MEANS AN AREA OF CRITICAL CONCERN.**

8           **(II) “SENSITIVE AREA” INCLUDES:**

9                   **(1) BUFFERS, AS DEFINED IN COMAR 27.01.01.01;**

10                   **(2) HABITAT PROTECTION AREAS, AS DEFINED IN COMAR**  
11 **27.01.01.01;**

12                   **(3) MODIFIED BUFFER AREAS, AS DEFINED IN COMAR**  
13 **27.01.01.01;**

14                   **(4) NONTIDAL WETLANDS, AS DEFINED IN COMAR**  
15 **26.23.01.01;**

16                   **(5) TIDAL WETLANDS, AS DEFINED IN COMAR 26.24.01.02;**

17                   **(6) 100-YEAR FLOODPLAINS, AS DEFINED IN COMAR**  
18 **08.19.03.01; AND**

19                   **(7) STREAM BUFFERS, AS DEFINED IN COMAR 08.19.03.01.**

20 **4-802.**

21           **(A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, EACH JURISDICTION**  
22 **THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE**  
23 **SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS SHALL REPORT TO THE**  
24 **DEPARTMENT ON:**

25                   **(I) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS OF:**

26                           **1. SEDIMENT AND EROSION CONTROL LAWS AND**  
27 **REGULATIONS; AND**

28                           **2. BUILDING AND GRADING PERMITS; AND**

1                   **(II) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS IN**  
2 **THE CHESAPEAKE BAY CRITICAL AREA AND THE ATLANTIC COASTAL BAYS**  
3 **CRITICAL AREA OF:**

4                   1.     **SEDIMENT AND EROSION CONTROL LAWS AND**  
5 **REGULATIONS; AND**

6                   2.     **BUILDING AND GRADING PERMITS.**

7                   **(2) THE INFORMATION REPORTED TO THE DEPARTMENT UNDER**  
8 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:**

9                   **(I) THE NUMBER AND NATURE OF:**

10                   1.     **FORMAL COMPLAINTS ISSUED BY THE JURISDICTION**  
11 **AND WHETHER THE COMPLAINT IS IN THE CRITICAL AREA;**

12                   2.     **STOP WORK ORDERS ISSUED BY THE JURISDICTION;**  
13 **AND**

14                   3.     **ALLEGED VIOLATIONS REPORTED BY CITIZENS TO**  
15 **THE JURISDICTION;**

16                   **(II) THE NUMBER OF COURT PROCEEDINGS INVOLVING AN**  
17 **ALLEGED VIOLATION, INCLUDING THE FINAL DISPOSITION OF EACH COURT**  
18 **PROCEEDING;**

19                   **(III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED**  
20 **BY THE JURISDICTION AS A RESULT OF A VIOLATION;**

21                   **(IV) THE DOLLAR AMOUNT OF CIVIL AND CRIMINAL PENALTIES**  
22 **IMPOSED AND COLLECTED AS A RESULT OF A VIOLATION;**

23                   **(V) 1. WHETHER THE JURISDICTION PROVIDED**  
24 **COMPLIANCE ASSISTANCE TO CORRECT A VIOLATION AND THE NATURE OF THAT**  
25 **ASSISTANCE; AND**

26                   2.     **WHETHER THE COMPLIANCE ASSISTANCE PROVIDED**  
27 **BY THE JURISDICTION LED TO COMPLIANCE; AND**

28                   **(VI) THE NUMBER OF INSPECTORS AND OTHER STAFF OF THE**  
29 **JURISDICTION ASSIGNED TO INSPECTION AND ENFORCEMENT OF:**

1  
2 ARTICLE;

1. TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES

3

2. SENSITIVE AREAS ORDINANCES;

4

3. 100-YEAR FLOODPLAIN ORDINANCES;

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4. SEDIMENT AND EROSION CONTROL LAWS AND

6 REGULATIONS; AND

7

5. BUILDING AND GRADING PERMITS.

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(B) THE DEPARTMENT SHALL POST ON ITS WEBSITE:

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(1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

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(2) AN INTERACTIVE MAP DEPICTING THE LOCATION OF EACH VIOLATION.

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(C) ON OR BEFORE MARCH 1 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

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(1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

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(2) ANY OTHER INFORMATION PROVIDED TO THE DEPARTMENT BY A JURISDICTION THAT HAS BEEN DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS.

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

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