

SENATE BILL 505

M3

9lr2872
CF HB 703

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

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER _____

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 provide certain technical assistance to
7 certain jurisdictions under certain circumstances; requiring the Department to post
8 certain information ~~and a certain interactive map~~ on its website; requiring the
9 Department to report to the Governor and the General Assembly on or before a
10 certain date each year; defining ~~a certain term~~ terms; and generally relating to
11 reporting requirements for environmental violations.

12 BY adding to

13 Article – Environment

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

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Natural Resources

20 Section 8–1802(a)(1), (3), (5), and (7)

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2018 Supplement)

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

3 **Article – Environment**

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

5 **4–801.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

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

11 (I) CORRECTS A VIOLATION BEFORE A FORMAL ENFORCEMENT
12 ACTION IS NECESSARY; OR

13 (II) WAS VOLUNTARILY TAKEN TO PREVENT FUTURE VIOLATIONS.

14 (C) “CRITICAL AREA” HAS THE MEANING STATED IN § 8–1802 OF THE
15 NATURAL RESOURCES ARTICLE.

16 ~~(C)~~ (D) (I) “SENSITIVE AREA” MEANS AN AREA OF CRITICAL CONCERN.

17 (II) “SENSITIVE AREA” INCLUDES:

18 (1) BUFFERS, AS DEFINED IN COMAR 27.01.01.01;

19 (2) HABITAT PROTECTION AREAS, AS DEFINED IN COMAR
20 27.01.01.01;

21 (3) MODIFIED BUFFER AREAS, AS DEFINED IN COMAR
22 27.01.01.01;

23 (4) NONTIDAL WETLANDS, AS DEFINED IN COMAR
24 26.23.01.01;

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

26 (6) 100–YEAR FLOODPLAINS, AS DEFINED IN COMAR
27 08.19.03.01; AND

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

1 4-802.

2 (A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, EACH JURISDICTION
3 THAT HAS DELEGATED AUTHORITY UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE
4 SEDIMENT AND EROSION CONTROL LAWS AND REGULATIONS SHALL REPORT TO THE
5 DEPARTMENT ON:

6 (I) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS OF:

7 1. SEDIMENT AND EROSION CONTROL LAWS AND
8 REGULATIONS; AND

9 2. BUILDING AND GRADING PERMITS; AND

10 (II) THE TOTAL NUMBER OF CASES ALLEGING VIOLATIONS IN
11 THE ~~CHESAPEAKE BAY~~ CRITICAL AREA ~~AND THE ATLANTIC COASTAL BAYS~~
12 ~~CRITICAL AREA~~ OF:

13 1. SEDIMENT AND EROSION CONTROL LAWS AND
14 REGULATIONS; AND

15 2. BUILDING AND GRADING PERMITS.

16 (2) THE INFORMATION REPORTED TO THE DEPARTMENT UNDER
17 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

18 (I) THE NUMBER AND NATURE OF:

19 1. FORMAL COMPLAINTS ISSUED BY THE JURISDICTION
20 AND WHETHER THE COMPLAINT IS IN THE ~~CRITICAL AREA~~ CRITICAL AREA;

21 2. STOP WORK ORDERS ISSUED BY THE JURISDICTION;
22 AND

23 3. ALLEGED VIOLATIONS REPORTED BY CITIZENS TO
24 THE JURISDICTION;

25 (II) THE NUMBER OF COURT PROCEEDINGS INVOLVING AN
26 ALLEGED VIOLATION, INCLUDING THE FINAL DISPOSITION OF EACH COURT
27 PROCEEDING;

28 (III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED
29 BY THE JURISDICTION AS A RESULT OF A VIOLATION;

1 (IV) THE DOLLAR AMOUNT OF CIVIL AND CRIMINAL PENALTIES
2 IMPOSED AND COLLECTED AS A RESULT OF A VIOLATION;

3 (V) 1. WHETHER THE JURISDICTION PROVIDED
4 COMPLIANCE ASSISTANCE TO CORRECT A VIOLATION AND THE NATURE OF THAT
5 ASSISTANCE; AND

6 2. WHETHER THE COMPLIANCE ASSISTANCE PROVIDED
7 BY THE JURISDICTION LED TO COMPLIANCE; AND

8 (VI) THE NUMBER OF INSPECTORS AND OTHER STAFF OF THE
9 JURISDICTION ASSIGNED TO INSPECTION AND ENFORCEMENT OF:

10 1. TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES
11 ARTICLE;

12 2. SENSITIVE AREAS ORDINANCES;

13 3. 100-YEAR FLOODPLAIN ORDINANCES;

14 4. SEDIMENT AND EROSION CONTROL LAWS AND
15 REGULATIONS; AND

16 5. BUILDING AND GRADING PERMITS.

17 (B) ON REQUEST OF A JURISDICTION THAT HAS DELEGATED AUTHORITY
18 UNDER SUBTITLE 1 OF THIS TITLE TO ENFORCE SEDIMENT AND EROSION CONTROL
19 LAWS AND REGULATIONS, THE DEPARTMENT SHALL PROVIDE TECHNICAL
20 ASSISTANCE TO THE JURISDICTION TO MEET THE REPORTING REQUIREMENTS
21 UNDER SUBSECTION (A) OF THIS SECTION.

22 ~~(B)~~ (C) THE DEPARTMENT SHALL POST ~~ON ITS WEBSITE;~~

23 ~~(1)~~ ~~THE~~ THE INFORMATION COLLECTED UNDER SUBSECTION (A) OF
24 THIS SECTION ON ITS WEBSITE; ~~AND~~

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

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

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

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

6 Article – Natural Resources

7 8–1802.

8 (a) (1) In this subtitle the following words have the meanings indicated.

9 (3) “Atlantic Coastal Bays Critical Area” means the initial planning area
10 identified under § 8–1807 of this subtitle.

11 (5) “Chesapeake Bay Critical Area” means the initial planning area
12 identified under § 8–1807 of this subtitle.

13 (7) “Critical Area” means the Chesapeake Bay Critical Area and the
14 Atlantic Coastal Bays Critical Area.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.