

# SENATE BILL 324

M3, M1

(11r0755)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senators Elfreth and Bailey**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Environment and Natural Resources – Complaints, Inspections, and**  
3 **Enforcement – Information Maintenance and Reporting**

4 FOR the purpose of requiring the Department of the Environment to receive and process  
5 complaints involving ~~suspected environmental~~ alleged violations of certain air and  
6 water quality requirements in a certain manner; requiring the Department of the  
7 Environment to keep an electronic record of certain complaints for a certain number  
8 of years; requiring the Department of the Environment to maintain and update  
9 certain information involving ~~suspected environmental~~ alleged violations of certain  
10 air and water quality requirements; requiring the Department of the Environment  
11 to update and publish on its website a certain list that includes certain information;  
12 requiring the Department of the Environment to develop and maintain a certain  
13 website to provide certain complaint, inspection, ~~and~~ enforcement, and sewage  
14 overflow information; requiring certain information posted on a certain website to be  
15 kept in a certain manner; requiring the Department of Natural Resources to report

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 to the Governor and the General Assembly on or before a certain date each year on  
 2 information relating to the enforcement of natural resources and conservation laws;  
 3 declaring the intent of the General Assembly; providing for the construction of this  
 4 Act; providing for the application of certain provisions of this Act; defining ~~a~~ certain  
 5 ~~term~~ terms; and generally relating to complaints, inspections, and enforcement  
 6 under environment and natural resources laws.

7 BY adding to

8 Article – Environment

9 Section 1–305

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2020 Supplement)

12 BY adding to

13 Article – Natural Resources

14 Section 1–211

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 **1–305.**

21 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS  
 22 INDICATED.

23 (2) “~~SUSPECTED~~ ALLEGED VIOLATION” MEANS ~~A SUSPECTED AN~~  
 24 ALLEGED VIOLATION OF ANY REQUIREMENT IN THIS ARTICLE OR ANY REGULATION  
 25 AUTHORIZED BY A PROVISION OF THIS ARTICLE, INCLUDING FEDERAL  
 26 REQUIREMENTS AND STANDARDS DELEGATED TO THE STATE.

27 (3) “COMPLAINT” MEANS A COMPLAINT REGARDING AN ALLEGED  
 28 VIOLATION OF ANY AIR OR WATER QUALITY REQUIREMENT IN THIS ARTICLE OR ANY  
 29 AIR OR WATER QUALITY REGULATION AUTHORIZED BY A PROVISION OF THIS  
 30 ARTICLE, INCLUDING FEDERAL REQUIREMENTS AND STANDARDS DELEGATED TO  
 31 THE STATE.

32 (B) THIS SECTION APPLIES ONLY TO:

33 (1) BEGINNING OCTOBER 1, 2021, WATER QUALITY PROGRAMS  
 34 WITHIN THE DEPARTMENT’S WATER AND SCIENCE ADMINISTRATION THAT ARE

1 TRACKED THROUGH THE DEPARTMENT'S ENVIRONMENTAL TRACKING SYSTEM OR  
2 A COMPARABLE DATABASE; AND

3 (2) BEGINNING JUNE 30, 2022:

4 (I) WATER QUALITY PROGRAMS WITHIN THE DEPARTMENT'S  
5 LAND AND MATERIALS ADMINISTRATION THAT ARE TRACKED THROUGH THE  
6 DEPARTMENT'S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE  
7 DATABASE; AND

8 (II) AIR QUALITY PROGRAMS WITHIN THE DEPARTMENT'S AIR  
9 AND RADIATION ADMINISTRATION THAT ARE TRACKED THROUGH THE  
10 DEPARTMENT'S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE  
11 DATABASE.

12 ~~(B)~~ (C) THE DEPARTMENT SHALL:

13 (1) RECEIVE AND PROCESS COMPLAINTS THAT INVOLVE ~~SUSPECTED~~  
14 ALLEGED VIOLATIONS;

15 (2) KEEP AN ELECTRONIC RECORD OF EACH COMPLAINT THAT IS  
16 RECEIVED UNDER THIS SECTION FOR 10 YEARS, INCLUDING INFORMATION ON:

17 (I) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED  
18 VIOLATION OCCURRED; AND

19 (II) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
20 AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION; AND

21 (3) MAINTAIN AND UPDATE, ON AT LEAST A QUARTERLY BASIS, A LIST  
22 OF:

23 (I) NEW COMPLAINTS THAT HAVE BEEN RECEIVED BY THE  
24 DEPARTMENT THAT INVOLVE ~~SUSPECTED~~ ALLEGED VIOLATIONS, INCLUDING  
25 INFORMATION ON:

26 1. THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED  
27 VIOLATION OCCURRED; AND

28 2. WHICH ADMINISTRATION WITHIN THE DEPARTMENT  
29 IS AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION;

30 (II) COMPLAINTS THAT REMAIN OPEN; AND

1 (III) COMPLAINTS THAT HAVE BEEN ~~RECENTLY~~ CLOSED.

2 ~~(C)~~ (D) ON AT LEAST A MONTHLY BASIS, THE DEPARTMENT SHALL  
 3 UPDATE AND PUBLISH ON ITS WEBSITE A LIST OF ~~NEW~~ LEGAL SETTLEMENTS  
 4 ~~PROPOSED~~ FINALIZED BY THE DEPARTMENT THAT INVOLVE ~~SUSPECTED~~  
 5 VIOLATIONS, INCLUDING INFORMATION ON:

6 (1) THE DATE ~~THE~~ A SETTLEMENT WAS ~~PROPOSED~~ FINALIZED;

7 (2) THE RELEVANT LAW OR REGULATION THAT IS THE BASIS OF THE  
 8 ~~SUSPECTED~~ VIOLATION; ~~AND~~

9 (3) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
 10 AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ VIOLATION;

11 (4) THE NAME OF THE SITE OR REGULATED ENTITY AND THE  
 12 LOCATION OF THE SITE AT ISSUE;

13 (5) THE AMOUNT OF ANY PENALTY ASSESSED;

14 (6) A DESCRIPTION OF THE VIOLATION; AND

15 (7) A LINK TO A DOWNLOADABLE DOCUMENT CONTAINING THE FINAL  
 16 SETTLEMENT AGREEMENT.

17 ~~(D)~~ (E) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A WEBSITE TO  
 18 PROVIDE:

19 (1) A LIST OF EACH COMPLAINT RECEIVED BY THE DEPARTMENT  
 20 THAT INCLUDES ONLY:

21 (I) THE DATE ON WHICH THE COMPLAINT WAS SUBMITTED;

22 (II) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED  
 23 VIOLATION OCCURRED;

24 (III) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
 25 AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION; ~~AND~~

26 (IV) ANY COMPLAINT OR CASE IDENTIFICATION NUMBER; AND

27 (V) IF A COMPLAINT HAS BEEN CLOSED, THE DATE ON WHICH  
 28 THE COMPLAINT WAS CLOSED;

1           (2) A LIST OF EACH INSPECTION THAT HAS BEEN CONDUCTED BY THE  
2 DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS UNDER THE  
3 AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO MANAGING  
4 OR PROTECTING ~~AMBIENT AIR QUALITY OR WATER QUALITY~~ THE ENVIRONMENT  
5 THAT INCLUDES ONLY:

6           (I) THE NAME OF THE SITE OR REGULATED ENTITY;

7           (II) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN  
8 WHICH THE INSPECTION OCCURRED;

9           (III) ~~THE~~ IF APPLICABLE, THE PERMIT NUMBER ASSOCIATED  
10 WITH THE SITE;

11           (IV) ANY INSPECTION IDENTIFICATION NUMBER;

12           (V) ~~THE FINDINGS OF THE INSPECTOR ON WHETHER~~ WHETHER  
13 THE SITE IS IN COMPLIANCE OR WHETHER ANY ADDITIONAL INVESTIGATION IS  
14 NECESSARY;

15           (VI) THE STATUS OF THE INSPECTION; AND

16           (VII) ~~WHETHER THE BASIS OF THE INSPECTION INVOLVED~~  
17 ~~AMBIENT AIR QUALITY, WATER QUALITY, OR OTHER MEDIA~~ THE MEDIA BASIS FOR  
18 THE INSPECTION;

19           (3) AN ELECTRONIC LINK OR OTHER MEANS OF DOWNLOADING A  
20 DIGITAL COPY, IF READILY AVAILABLE, OF AN INSPECTION REPORT THAT INCLUDES  
21 INFORMATION THAT IS LISTED UNDER ITEM (2) OF THIS SUBSECTION IF THE  
22 INFORMATION IS MAINTAINED BY THE DEPARTMENT IN ~~A~~ THE ENVIRONMENTAL  
23 TRACKING SYSTEM OR A COMPARABLE DATABASE;

24           (4) A LIST OF EACH ENFORCEMENT ACTION THAT HAS BEEN  
25 INITIATED BY THE DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS  
26 UNDER THE AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO  
27 PROTECTING OR MANAGING ~~AMBIENT AIR QUALITY OR WATER QUALITY~~ THE  
28 ENVIRONMENT THAT INCLUDES ONLY:

29           (I) WHETHER ANY PENALTIES WERE IMPOSED AND THE  
30 AMOUNT OF THE PENALTIES COLLECTED;

31           (II) WHETHER ANY ORDERS WERE ISSUED;

1 (III) WHETHER THE CASE WAS REFERRED FOR PROSECUTION OR  
2 FURTHER ENFORCEMENT ACTION;

3 (IV) WHETHER COMPLIANCE ASSISTANCE WAS RENDERED;

4 (V) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN  
5 WHICH THE ENFORCEMENT ACTION OCCURRED;

6 (VI) THE ENFORCEMENT ACTION IDENTIFICATION NUMBER;

7 (VII) ~~THE~~ IF APPLICABLE, THE PERMIT NUMBER; AND

8 (VIII) WHICH ADMINISTRATION WITHIN THE DEPARTMENT  
9 CARRIED OUT THE ENFORCEMENT ACTION; ~~AND~~

10 (5) A LIST OF EACH VIOLATION DISCOVERED WITHIN THE  
11 IMMEDIATELY PRECEDING 365 DAYS THAT THE DEPARTMENT HAS DEEMED  
12 “SIGNIFICANT NONCOMPLIANCE”, OR A “HIGH-PRIORITY VIOLATION”, ~~OR ANY~~  
13 ~~OTHER ELEVATED STATUS OF CONCERN~~ THAT INCLUDES ONLY:

14 (I) THE DATE ON WHICH THE VIOLATION WAS IDENTIFIED AS  
15 ~~AN ELEVATED STATUS OF CONCERN~~ “SIGNIFICANT NONCOMPLIANCE” OR A  
16 “HIGH-PRIORITY VIOLATION”;

17 (II) THE DATE ON WHICH THE ~~FACILITY~~ SITE OR REGULATED  
18 ENTITY REGAINED COMPLIANCE, IF APPLICABLE;

19 (III) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN  
20 WHICH THE ~~SUSPECTED~~ VIOLATION OCCURRED;

21 (IV) WHETHER ANY ENFORCEMENT ACTION HAS BEEN  
22 INITIATED OR CORRECTIVE ACTION REQUESTED; AND

23 (V) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS  
24 AUTHORIZED TO ENFORCE THE VIOLATION;

25 ~~(VI)~~ (6) A LIST OF ALL EXPIRED AND ADMINISTRATIVELY  
26 CONTINUED ENVIRONMENTAL PERMITS ~~ISSUED BY THE DEPARTMENT~~ SUBJECT TO  
27 THIS SECTION, INCLUDING INFORMATION ON:

28 ~~1.~~ (I) ~~THE FACILITY NAME~~ NAME OF THE PERMITTEE;

29 ~~2.~~ (II) THE EXPIRATION DATE OF THE PERMIT;

1                    ~~3.~~ (III)            THE PERMIT NUMBER;

2                    ~~4.~~ (IV)            THE COUNTY AND, IF READILY AVAILABLE, THE  
3 ZIP CODE IN WHICH THE ~~FACILITY~~ SITE OR REGULATED ENTITY IS LOCATED; AND

4                    ~~5.~~ (V) ANY INFORMATION ON THE STATUS OF THE PERMIT  
5 RENEWAL PROCESS, INCLUDING WHETHER AN APPLICATION TO RENEW THE PERMIT  
6 HAS BEEN SUBMITTED AND WHETHER THE PERMIT IS DEEMED TO BE EXPIRED OR  
7 ADMINISTRATIVELY CONTINUED; ~~AND~~

8                    ~~(VII)~~ (7)        ALL INFORMATION REQUIRED TO BE POSTED ON THE  
9 DEPARTMENT'S WEBSITE IN ACCORDANCE WITH § 4-802 OF THIS ARTICLE; AND

10                    (8) A LIST OF EACH SEWAGE OVERFLOW INCIDENT IN THE STATE,  
11 INCLUDING INFORMATION ON:

12                    (I) THE LOCATION OF THE SEWAGE OVERFLOW;

13                    (II) THE ENTITY FROM WHICH THE SEWAGE OVERFLOW  
14 ORIGINATED; AND

15                    (III) WHETHER THE SEWAGE WAS TREATED OR RAW SEWAGE.

16                    ~~(E)~~ (F)        THE INFORMATION POSTED ON THE WEBSITE IN ACCORDANCE  
17 WITH ~~SUBSECTION (D)~~ SUBSECTIONS (D) AND (E) OF THIS SECTION SHALL BE:

18                    (1) KEPT FOR AT LEAST 10 YEARS;

19                    (2) UPDATED ON AT LEAST A MONTHLY BASIS; AND

20                    (3) MAINTAINED IN A DATABASE FORMAT TO ENSURE THAT THE  
21 INFORMATION IS SEARCHABLE BY CATEGORY OF INFORMATION.

22                    Article – Natural Resources

23                    1-211.

24                    (A) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL  
25 REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
26 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON INFORMATION FOR THE  
27 IMMEDIATELY PRECEDING FISCAL YEAR RELATING TO THE ENFORCEMENT OF  
28 NATURAL RESOURCES AND CONSERVATION LAWS.

1 (B) THE REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION  
2 SHALL INCLUDE:

3 (1) THE FOLLOWING INFORMATION ON A STATEWIDE BASIS:

4 (I) WITH RESPECT TO THE ENFORCEMENT OF STATE  
5 CONSERVATION LAWS, ~~THE TOTAL NUMBER OF:~~

6 1. ~~INSPECTIONS~~ THE TOTAL NUMBER OF INSPECTIONS  
7 CONDUCTED, INCLUDING THE TOTAL NUMBER OF INSPECTIONS CONDUCTED PER  
8 NATURAL RESOURCES POLICE OFFICER;

9 2. ~~CITATIONS~~ THE TOTAL NUMBER OF CITATIONS AND  
10 WARNINGS ISSUED; AND

11 3. ~~VIOLATIONS~~ THE TOTAL NUMBER OF VIOLATIONS  
12 THAT LED TO A CONVICTION;

13 (II) WITH RESPECT TO THE ENFORCEMENT OF THE STATE BOAT  
14 ACT, THE TOTAL:

15 1. NUMBER OF INSPECTIONS;

16 2. NUMBER OF CITATIONS AND WARNINGS ISSUED,  
17 INCLUDING OPERATING-UNDER-THE-INFLUENCE CITATIONS; AND

18 3. NUMBER OF BOATING ACCIDENTS, INCLUDING THE  
19 TOTAL NUMBER OF FATALITIES AND TOTAL DOLLAR AMOUNT OF RESULTING  
20 PROPERTY DAMAGE; AND

21 (III) WITH RESPECT TO ACTIVITIES REPORTED TO THE  
22 MARYLAND WILDLIFE CRIME STOPPERS, THE TOTAL NUMBER OF:

23 1. REPORTED INCIDENTS, INCLUDING THE TOTAL  
24 NUMBER THAT LED TO FORMAL CHARGES AND, IF APPLICABLE, CONVICTIONS; AND

25 2. REWARDS OF FINANCIAL COMPENSATION  
26 DISTRIBUTED, INCLUDING THE TOTAL DOLLAR AMOUNT DISTRIBUTED; AND

27 (2) FOR EACH OF THE EASTERN REGION, SOUTHERN REGION,  
28 WESTERN REGION, AND CENTRAL REGION, THE FOLLOWING INFORMATION:

29 (I) THE TOTAL NUMBER OF INSPECTIONS RELATING TO EACH  
30 OF THE FOLLOWING:



- 1                   1.     **COMMERCIAL FISHING;**
- 2                   2.     **RECREATIONAL FISHING;**
- 3                   3.     **CRABS;**
- 4                   4.     **OYSTERS;**
- 5                   5.     **GAME AND WILDLIFE; AND**
- 6                   6.     **BOATING; AND**

7                   **(II) THE TOTAL NUMBER OF:**

- 8                   1.     **OYSTER CITATIONS AND WARNINGS ISSUED;**
- 9                   2.     **OPERATING-UNDER-THE-INFLUENCE     CITATIONS**
- 10                  **ISSUED; AND**
- 11                  3.     **BOATING ACCIDENTS, INCLUDING THE TOTAL**
- 12                  **NUMBER OF FATALITIES AND THE TOTAL DOLLAR AMOUNT OF RESULTING**
- 13                  **PROPERTY DAMAGE.**

14                  SECTION 2. AND BE IT FURTHER ENACTED, That:

15                  (a)     It is the intent of the General Assembly that:

16                   (1)     this Act enhance efficiency and reduce the burden on State agencies by  
 17 taking advantage of modern technology, maximizing collaboration, minimizing redundancy  
 18 in agency activities, reducing the amount of agency staff time needed to respond to and  
 19 complete Public Information Act requests, and marshalling nongovernmental resources  
 20 through the facilitation and enablement of public participation; and

21                   (2)     government agencies responsible for implementing this Act rely on, to  
 22 the maximum extent practicable, existing budgeted resources to implement this Act,  
 23 including by realizing the efficiencies gained under this Act, reallocating newly available  
 24 resources, and relying on newly available data systems and technologies to undertake tasks  
 25 that are currently processed manually.

26                   (b)     Nothing in this Act shall be construed to require any unit of State government  
 27 to undertake additional data collection, publish any confidential information not already  
 28 subject to disclosure under State law, or perform any additional redaction of information to  
 29 implement this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.