

SENATE BILL 580

M3, M2

2lr2846
CF 2lr2918

By: **Senator Bailey**

Introduced and read first time: February 2, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Sewer Systems and Wastewater Treatment Plants – Water Pollution – Shellfish**
3 **Harvester Restitution**

4 FOR the purpose of requiring a person responsible for a sewer overflow, treatment plant
5 bypass, or unlawful discharge from a wastewater treatment plant that results in an
6 area being closed to shellfish harvesting to pay restitution to certain shellfish
7 harvesters; and generally relating to water pollution.

8 BY adding to

9 Article – Environment

10 Section 9–342.3

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Natural Resources

15 Section 4–1006(b)

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

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

20 **Article – Environment**

21 **9–342.3.**

22 **(A) THIS SECTION APPLIES TO ANY SEWER OVERFLOW, TREATMENT PLANT**
23 **BYPASS, OR DISCHARGE FROM A WASTEWATER TREATMENT PLANT IN VIOLATION OF**
24 **A PERMIT ISSUED UNDER § 9–323 OF THIS SUBTITLE THAT RESULTS IN AN AREA**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BEING CLOSED TO SHELLFISH HARVESTING UNDER § 4-1006(B) OF THE NATURAL
2 RESOURCES ARTICLE.

3 (B) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
4 DEPARTMENT SHALL ORDER THE PERSON RESPONSIBLE FOR A SEWER OVERFLOW,
5 TREATMENT PLANT BYPASS, OR DISCHARGE DESCRIBED UNDER SUBSECTION (A) OF
6 THIS SECTION TO PAY RESTITUTION TO SHELLFISH HARVESTERS AFFECTED BY THE
7 RESULTING CLOSURE.

8 (C) A SHELLFISH HARVESTER IS ELIGIBLE FOR RESTITUTION UNDER THIS
9 SECTION IF THE SHELLFISH HARVESTER:

10 (1) HOLDS THE APPROPRIATE AUTHORIZATIONS UNDER THE
11 NATURAL RESOURCES ARTICLE TO HARVEST OYSTERS OR CLAMS IN THE AREA
12 AFFECTED BY THE CLOSURE; AND

13 (2) IS ABLE TO DEMONSTRATE, BASED ON CATCH REPORTS
14 SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES, THAT THE SHELLFISH
15 HARVESTER CAUGHT OYSTERS OR CLAMS IN THE AREA AFFECTED BY THE CLOSURE
16 DURING AT LEAST ONE OF THE TWO MOST RECENT HARVEST SEASONS.

17 (D) FOR EACH ELIGIBLE SHELLFISH HARVESTER, RESTITUTION SHALL BE
18 IN AN AMOUNT EQUAL TO THREE TIMES THE ECONOMIC DAMAGES TO THE
19 SHELLFISH HARVESTER CAUSED BY THE CLOSURE, AS DETERMINED BY THE
20 DEPARTMENT.

21 **Article – Natural Resources**

22 4-1006.

23 (b) (1) A person may not catch oysters or clams on any area closed by the
24 Department of the Environment due to pollution.

25 (2) However, oysters may be transplanted from areas deemed polluted
26 during the closed season in accordance with the provisions of § 4-1009 of this subtitle and
27 § 4-1106 of this title.

28 (3) (i) If the Department of the Environment closes any area to the
29 catching of oysters or clams under this subsection, in addition to the notice required in
30 subparagraph (ii) of this paragraph, the Department of Natural Resources shall mark the
31 area so that the area can be seen from the water.

32 (ii) The Department of Natural Resources shall adopt rules and
33 regulations to provide for the marking in a plain and visibly obvious fashion of any area
34 that is closed to the catching of oysters or clams because of pollution. Even in the absence

1 of such marking devices, a person may not catch oysters or clams in a restricted area as
2 designated by the Department of the Environment if notice has been given to the
3 appropriate governing body and the committee of watermen of any county affected by the
4 restriction.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2022.