

SB0108/473826/1

BY: Education, Energy, and the Environment Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 108
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert “requiring the Department to take certain actions before imposing certain civil or administrative penalties.”.

AMENDMENT NO. 2

On page 3, in line 15, strike “AND”; in line 18, after “VIOLATOR” insert “; AND

9. THE DEGREE OF COOPERATION WITH THE DEPARTMENT AFTER BEING NOTIFIED OF THE VIOLATION AND ANY GOOD FAITH EFFORTS TO ADDRESS THE VIOLATION”;

and after line 32, insert:

“(D) BEFORE TAKING ANY CIVIL OR ADMINISTRATIVE ACTION TO RECOVER A PENALTY UNDER SUBSECTION (A) OR (C) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) PROVIDE THE PERSON ALLEGED TO HAVE VIOLATED THIS SUBTITLE WITH WRITTEN NOTICE OF THE PROPOSED PENALTY AND AN OPPORTUNITY FOR AN INFORMAL MEETING CONCERNING SETTLEMENT OF THE PROPOSED CIVIL OR ADMINISTRATIVE PENALTY;

(2) USE DISCRETION TO DETERMINE WHETHER A FORMAL ENFORCEMENT ACTION UNDER THIS SECTION IS APPROPRIATE; AND

(3) IF APPLICABLE, REVIEW ANY GOOD FAITH APPLICATION FROM THE PERSON, OR AN AUTHORIZED REPRESENTATIVE OF THE PERSON, FOR A LOAN FROM THE PRIVATE DAM REPAIR FUND.

On page 4, in line 1, strike “(D)” and substitute “(E)”.

On page 7, strike beginning with “Before” in line 21 down through “(D)” in line 25.

On page 8, in line 22, strike “AND”; and in line 25, after “VIOLATOR” insert “; AND”

9. THE DEGREE OF COOPERATION WITH THE DEPARTMENT AFTER BEING NOTIFIED OF THE VIOLATION AND ANY GOOD FAITH EFFORTS TO ADDRESS THE VIOLATION

On page 9, after line 9, insert:

“(D) Before taking any civil OR ADMINISTRATIVE action to recover a penalty under subsection (a) OR (C) of this section, the Department shall:

(1) [provide] PROVIDE the person alleged to have violated this title with written notice of the proposed penalty and an opportunity for an informal meeting concerning settlement of the proposed civil OR ADMINISTRATIVE action; AND

(2) USE DISCRETION TO DETERMINE WHETHER A FORMAL ENFORCEMENT ACTION UNDER THIS SECTION IS APPROPRIATE.