

HOUSE BILL 1381

M3

8lr2713

By: **Delegate Lafferty**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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 report to the Governor and the General
7 Assembly on or before a certain date each year; and generally relating to reporting
8 requirements for environmental violations.

9 BY adding to

10 Article – Environment

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

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2017 Supplement)

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

16 That the Laws of Maryland read as follows:

17 **Article – Environment**

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

19 **4–801.**

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

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

6 1. **TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES**
7 **ARTICLE;**

8 2. **SENSITIVE AREAS ORDINANCES; AND**

9 3. **100-YEAR FLOODPLAIN ORDINANCES; 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 2. **STOP WORK ORDERS ISSUED BY THE JURISDICTION;**

21 **AND**

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

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

27 **(III) THE DOLLAR AMOUNT OF FINES LEVIED AND COLLECTED**
28 **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 OR BEFORE MARCH 1 EACH YEAR, THE DEPARTMENT SHALL
18 REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
19 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE INFORMATION
20 COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.