

HOUSE BILL 204

M3, M1

(PRE-FILED)

11r0754
CF SB 324

By: **Delegate Lierman**

Requested: September 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 6, 2021

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
16 to the Governor and the General Assembly on or before a certain date each year on
17 information relating to the enforcement of natural resources and conservation laws;
18 declaring the intent of the General Assembly; providing for the construction of this
19 Act; providing for the application of certain provisions of this Act; defining ~~a~~ certain
20 ~~term~~ terms; and generally relating to complaints, inspections, and enforcement
21 under environment and natural resources laws.

22 BY adding to
23 Article – Environment

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 1–305
 2 Annotated Code of Maryland
 3 (2013 Replacement Volume and 2020 Supplement)

4 BY adding to
 5 Article – Natural Resources
 6 Section 1–211
 7 Annotated Code of Maryland
 8 (2018 Replacement Volume and 2020 Supplement)

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

11 **Article – Environment**

12 **1–305.**

13 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

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

19 (3) “COMPLAINT” MEANS A COMPLAINT REGARDING AN ALLEGED
 20 VIOLATION OF ANY AIR OR WATER QUALITY REQUIREMENT IN THIS ARTICLE OR ANY
 21 AIR OR WATER QUALITY REGULATION AUTHORIZED BY A PROVISION OF THIS
 22 ARTICLE, INCLUDING FEDERAL REQUIREMENTS AND STANDARDS DELEGATED TO
 23 THE STATE.

24 (B) THIS SECTION APPLIES ONLY TO:

25 (1) BEGINNING OCTOBER 1, 2021, WATER QUALITY PROGRAMS
 26 WITHIN THE DEPARTMENT’S WATER AND SCIENCE ADMINISTRATION THAT ARE
 27 TRACKED THROUGH THE DEPARTMENT’S ENVIRONMENTAL TRACKING SYSTEM OR
 28 A COMPARABLE DATABASE; AND

29 (2) BEGINNING JUNE 30, 2022:

30 (i) WATER QUALITY PROGRAMS WITHIN THE DEPARTMENT’S
 31 LAND AND MATERIALS ADMINISTRATION THAT ARE TRACKED THROUGH THE
 32 DEPARTMENT’S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE
 33 DATABASE; AND

1 **(II) AIR QUALITY PROGRAMS WITHIN THE DEPARTMENT'S AIR**
2 **AND RADIATION ADMINISTRATION THAT ARE TRACKED THROUGH THE**
3 **DEPARTMENT'S ENVIRONMENTAL TRACKING SYSTEM OR A COMPARABLE**
4 **DATABASE.**

5 **~~(B)~~ (C) THE DEPARTMENT SHALL:**

6 **(1) RECEIVE AND PROCESS COMPLAINTS THAT INVOLVE ~~SUSPECTED~~**
7 **ALLEGED VIOLATIONS;**

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

10 **(I) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED**
11 **VIOLATION OCCURRED; AND**

12 **(II) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS**
13 **AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION; AND**

14 **(3) MAINTAIN AND UPDATE, ON AT LEAST A QUARTERLY BASIS, A LIST**
15 **OF:**

16 **(I) NEW COMPLAINTS THAT HAVE BEEN RECEIVED BY THE**
17 **DEPARTMENT THAT INVOLVE ~~SUSPECTED~~ ALLEGED VIOLATIONS, INCLUDING**
18 **INFORMATION ON:**

19 **1. THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED**
20 **VIOLATION OCCURRED; AND**

21 **2. WHICH ADMINISTRATION WITHIN THE DEPARTMENT**
22 **IS AUTHORIZED TO ENFORCE THE ~~SUSPECTED~~ ALLEGED VIOLATION;**

23 **(II) COMPLAINTS THAT REMAIN OPEN; AND**

24 **(III) COMPLAINTS THAT HAVE BEEN ~~RECENTLY~~ CLOSED.**

25 **~~(C)~~ (D) ON AT LEAST A MONTHLY BASIS, THE DEPARTMENT SHALL**
26 **UPDATE AND PUBLISH ON ITS WEBSITE A LIST OF ~~NEW~~ LEGAL SETTLEMENTS**
27 **~~PROPOSED~~ FINALIZED BY THE DEPARTMENT THAT INVOLVE ~~SUSPECTED~~**
28 **VIOLATIONS, INCLUDING INFORMATION ON:**

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

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

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

5 (4) THE NAME OF THE SITE OR REGULATED ENTITY AND THE
6 LOCATION OF THE SITE AT ISSUE;

7 (5) THE AMOUNT OF ANY PENALTY ASSESSED;

8 (6) A DESCRIPTION OF THE VIOLATION; AND

9 (7) A LINK TO A DOWNLOADABLE DOCUMENT CONTAINING THE FINAL
10 SETTLEMENT AGREEMENT.

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

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

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

16 (II) THE COUNTY IN WHICH THE ~~SUSPECTED~~ ALLEGED
17 VIOLATION OCCURRED;

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

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

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

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

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

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

3 (III) ~~THE~~ IF APPLICABLE, THE PERMIT NUMBER ASSOCIATED
4 WITH THE SITE;

5 (IV) ANY INSPECTION IDENTIFICATION NUMBER;

6 (V) ~~THE FINDINGS OF THE INSPECTOR ON WHETHER~~ WHETHER
7 THE SITE IS IN COMPLIANCE OR WHETHER ANY ADDITIONAL INVESTIGATION IS
8 NECESSARY;

9 (VI) THE STATUS OF THE INSPECTION; AND

10 (VII) ~~WHETHER THE BASIS OF THE INSPECTION INVOLVED~~
11 ~~AMBIENT AIR QUALITY, WATER QUALITY, OR OTHER MEDIA~~ THE MEDIA BASIS FOR
12 THE INSPECTION;

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

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

23 (I) WHETHER ANY PENALTIES WERE IMPOSED AND THE
24 AMOUNT OF THE PENALTIES COLLECTED;

25 (II) WHETHER ANY ORDERS WERE ISSUED;

26 (III) WHETHER THE CASE WAS REFERRED FOR PROSECUTION OR
27 FURTHER ENFORCEMENT ACTION;

28 (IV) WHETHER COMPLIANCE ASSISTANCE WAS RENDERED;

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

31 (VI) THE ENFORCEMENT ACTION IDENTIFICATION NUMBER;

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

2 (VIII) WHICH ADMINISTRATION WITHIN THE DEPARTMENT
3 CARRIED OUT THE ENFORCEMENT ACTION; ~~AND~~

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

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

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

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

15 (IV) WHETHER ANY ENFORCEMENT ACTION HAS BEEN
16 INITIATED OR CORRECTIVE ACTION REQUESTED; AND

17 (V) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS
18 AUTHORIZED TO ENFORCE THE VIOLATION;

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

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

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

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

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

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

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

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

5 (I) THE LOCATION OF THE SEWAGE OVERFLOW;

6 (II) THE ENTITY FROM WHICH THE SEWAGE OVERFLOW
7 ORIGINATED; AND

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

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

11 (1) KEPT FOR AT LEAST 10 YEARS;

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

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

15 Article – Natural Resources

16 1-211.

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

22 (B) THE REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION
23 SHALL INCLUDE:

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

25 (i) WITH RESPECT TO THE ENFORCEMENT OF STATE
26 CONSERVATION LAWS, ~~THE TOTAL NUMBER OF:~~

1 1. ~~INSPECTIONS~~ THE TOTAL NUMBER OF INSPECTIONS
2 CONDUCTED, INCLUDING THE TOTAL NUMBER OF INSPECTIONS CONDUCTED PER
3 NATURAL RESOURCES POLICE OFFICER;

4 2. ~~CITATIONS~~ THE TOTAL NUMBER OF CITATIONS AND
5 WARNINGS ISSUED; AND

6 3. ~~VIOLATIONS~~ BEGINNING WITH THE REPORT DUE ON
7 OR BEFORE SEPTEMBER 30, 2023, THE TOTAL NUMBER OF VIOLATIONS THAT LED
8 TO A CONVICTION;

9 (ii) WITH RESPECT TO THE ENFORCEMENT OF THE STATE BOAT
10 ACT, THE TOTAL:

11 1. NUMBER OF INSPECTIONS;

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

14 3. NUMBER OF BOATING ACCIDENTS, INCLUDING THE
15 TOTAL NUMBER OF FATALITIES AND TOTAL DOLLAR AMOUNT OF RESULTING
16 PROPERTY DAMAGE; AND

17 (iii) WITH RESPECT TO ACTIVITIES REPORTED TO THE
18 MARYLAND WILDLIFE CRIME STOPPERS, THE TOTAL NUMBER OF:

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

21 2. REWARDS OF FINANCIAL COMPENSATION
22 DISTRIBUTED, INCLUDING THE TOTAL DOLLAR AMOUNT DISTRIBUTED; AND

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

25 (i) THE TOTAL NUMBER OF INSPECTIONS RELATING TO EACH
26 OF THE FOLLOWING:

27 1. COMMERCIAL FISHING;

28 2. RECREATIONAL FISHING;

29 3. CRABS;

1 4. **OYSTERS;**

2 5. **GAME AND WILDLIFE; AND**

3 6. **BOATING; AND**

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

5 1. **OYSTER CITATIONS AND WARNINGS ISSUED;**

6 2. **OPERATING–UNDER–THE–INFLUENCE CITATIONS**
7 **ISSUED; AND**

8 3. **BOATING ACCIDENTS, INCLUDING THE TOTAL**
9 **NUMBER OF FATALITIES AND THE TOTAL DOLLAR AMOUNT OF RESULTING**
10 **PROPERTY DAMAGE.**

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

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

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

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

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

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