

HOUSE BILL 614

P1, M1, M3

01r0617
CF SB 460

By: **Delegates Lierman, Bagnall, Bartlett, Cain, Charkoudian, Ebersole, Feldmark, Hill, Ivey, Kerr, R. Lewis, Luedtke, Palakovich Carr, Shetty, Stein, Stewart, Valderrama, and P. Young**

Introduced and read first time: January 29, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of the Environmental and Natural Resources**
3 **Ombudsman – Establishment**
4 **(Environmental Accountability and Transparency Act)**

5 FOR the purpose of establishing the Office of the Environmental and Natural Resources
6 Ombudsman; requiring the Office of the Attorney General to provide office space and
7 staff for the Ombudsman in a certain manner; providing for the appointment,
8 qualifications, term, and salary of the Ombudsman; requiring the Ombudsman to be
9 a full-time State employee; requiring the Ombudsman to receive and process
10 complaints involving suspected environmental and natural resources violations in a
11 certain manner; requiring the Ombudsman to maintain and update certain
12 information involving suspected environmental and natural resources violations in
13 consultation with the Department of the Environment, the Department of Natural
14 Resources, and the Department of Agriculture in a certain manner; requiring the
15 Ombudsman to update a certain individual who has submitted a complaint under
16 certain provisions of this Act under certain circumstances; requiring the
17 Ombudsman to develop and maintain a certain website in conjunction with the
18 Department of the Environment, the Department of Natural Resources, and the
19 Department of Agriculture to provide certain information; requiring certain
20 information posted on a certain website to be kept in a certain manner; defining
21 certain terms; and generally relating to the Office of the Environmental and Natural
22 Resources Ombudsman.

23 BY adding to

24 Article – State Government
25 Section 6–501 through 6–504 to be under the new subtitle “Subtitle 5. Office of the
26 Environmental and Natural Resources Ombudsman”
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 **SUBTITLE 5. OFFICE OF THE ENVIRONMENTAL AND NATURAL RESOURCES**
5 **OMBUDSMAN.**

6 **6-501.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “OMBUDSMAN” MEANS THE ENVIRONMENTAL AND NATURAL
10 RESOURCES OMBUDSMAN.

11 (C) “SUSPECTED ENVIRONMENTAL AND NATURAL RESOURCES VIOLATION”
12 OR “SUSPECTED VIOLATION” MEANS A SUSPECTED VIOLATION OF:

13 (1) AN ENVIRONMENTAL LAW OR REGULATION RELATED TO
14 MANAGING OR PROTECTING AMBIENT AIR QUALITY OR WATER QUALITY; OR

15 (2) A NATURAL RESOURCES OR CONSERVATION LAW OR REGULATION
16 RELATED TO MANAGING OR PROTECTING WILDLIFE OR FISHERY SPECIES OR
17 POPULATIONS.

18 **6-502.**

19 (A) THERE IS AN OFFICE OF THE ENVIRONMENTAL AND NATURAL
20 RESOURCES OMBUDSMAN.

21 (B) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE OFFICE
22 SPACE AND STAFF FOR THE OMBUDSMAN, WITH APPROPRIATE STEPS TAKEN TO
23 PROTECT THE AUTONOMY AND INDEPENDENCE OF THE OMBUDSMAN.

24 **6-503.**

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY
26 GENERAL SHALL APPOINT THE OMBUDSMAN.

27 (B) THE OMBUDSMAN SHALL MEET THE QUALIFICATIONS ESTABLISHED BY
28 THE ATTORNEY GENERAL, INCLUDING HAVING THE CAPABILITY TO:

1 **(1) ANALYZE ENVIRONMENTAL- AND NATURAL**
2 **RESOURCES-RELATED DATA; AND**

3 **(2) COMMUNICATE EFFECTIVELY WITH STATE AGENCIES AND THE**
4 **PUBLIC.**

5 **(C) (1) THE TERM OF THE OMBUDSMAN IS 8 YEARS.**

6 **(2) THE OMBUDSMAN MAY SERVE CONSECUTIVE TERMS.**

7 **(3) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE**
8 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

9 **(4) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS**
10 **SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND**
11 **QUALIFIES.**

12 **(D) THE OMBUDSMAN SHALL BE A FULL-TIME STATE EMPLOYEE.**

13 **(E) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED**
14 **FOR IN THE STATE BUDGET.**

15 **6-504.**

16 **(A) THE OMBUDSMAN SHALL:**

17 **(1) RECEIVE AND PROCESS COMPLAINTS THAT INVOLVE SUSPECTED**
18 **ENVIRONMENTAL AND NATURAL RESOURCES VIOLATIONS;**

19 **(2) REFER EACH COMPLAINT THAT IS RECEIVED UNDER THIS**
20 **SECTION TO THE APPROPRIATE STATE OR LOCAL ENFORCEMENT AGENCY;**

21 **(3) KEEP A RECORD OF EACH COMPLAINT THAT IS RECEIVED UNDER**
22 **THIS SECTION, INCLUDING INFORMATION ON:**

23 **(I) THE COUNTY IN WHICH THE SUSPECTED VIOLATION**
24 **OCCURRED; AND**

25 **(II) WHETHER THE ACTUAL OR POTENTIAL IMPACT OF THE**
26 **SUSPECTED VIOLATION RELATES TO AMBIENT AIR QUALITY, WATER QUALITY,**
27 **WILDLIFE, OR FISHERIES;**

28 **(4) ON AT LEAST A MONTHLY BASIS AND IN CONSULTATION WITH THE**

1 DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF NATURAL
2 RESOURCES, AND THE DEPARTMENT OF AGRICULTURE, MAINTAIN AND UPDATE A
3 LIST OF:

4 (I) NEW COMPLAINTS THAT HAVE BEEN RECEIVED BY THE
5 DEPARTMENTS THAT INVOLVE SUSPECTED ENVIRONMENTAL AND NATURAL
6 RESOURCES VIOLATIONS, INCLUDING INFORMATION ON:

7 1. THE COUNTY IN WHICH THE SUSPECTED VIOLATION
8 OCCURRED; AND

9 2. WHETHER THE ACTUAL OR POTENTIAL IMPACT OF
10 THE SUSPECTED VIOLATION RELATES TO AMBIENT AIR QUALITY, WATER QUALITY,
11 WILDLIFE, OR FISHERIES;

12 (II) COMPLAINTS THAT REMAIN OPEN; AND

13 (III) COMPLAINTS THAT HAVE BEEN RECENTLY CLOSED;

14 (5) ON AT LEAST A WEEKLY BASIS AND IN CONSULTATION WITH THE
15 DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF NATURAL
16 RESOURCES, AND THE DEPARTMENT OF AGRICULTURE, MAINTAIN AND UPDATE A
17 LIST OF NEW LEGAL SETTLEMENTS PROPOSED BY THE DEPARTMENTS THAT
18 INVOLVE SUSPECTED ENVIRONMENTAL AND NATURAL RESOURCES VIOLATIONS,
19 INCLUDING INFORMATION ON:

20 (I) THE DATE THE SETTLEMENT WAS PROPOSED;

21 (II) THE RELEVANT LAW OR REGULATION THAT IS THE BASIS OF
22 THE SUSPECTED VIOLATION;

23 (III) WHETHER THE ACTUAL OR POTENTIAL IMPACT OF THE
24 SUSPECTED VIOLATION RELATES TO AMBIENT AIR QUALITY, WATER QUALITY,
25 WILDLIFE, OR FISHERIES; AND

26 (IV) THE APPROPRIATE POINT OF CONTACT FOR INFORMATION
27 ON THE PROPOSED SETTLEMENT; AND

28 (6) PROVIDE AN UPDATE TO AN INDIVIDUAL WHO HAS SUBMITTED A
29 COMPLAINT UNDER THIS SECTION IF:

30 (I) A STATE OR LOCAL ENFORCEMENT AGENCY INITIATES AN
31 INVESTIGATION OR AN ENFORCEMENT ACTION BASED ON THE COMPLAINT; OR

1 (II) THE OMBUDSMAN HAS CLOSED THE COMPLAINT.

2 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND IN
3 CONJUNCTION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT
4 OF NATURAL RESOURCES, AND THE DEPARTMENT OF AGRICULTURE, THE
5 OMBUDSMAN SHALL DEVELOP AND MAINTAIN A WEBSITE TO PROVIDE:

6 (I) A LIST OF EACH COMPLAINT RECEIVED BY THE
7 OMBUDSMAN, THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF
8 NATURAL RESOURCES, AND THE DEPARTMENT OF AGRICULTURE FOR A
9 SUSPECTED ENVIRONMENTAL AND NATURAL RESOURCES VIOLATION, INCLUDING
10 INFORMATION ON:

11 1. THE DATE ON WHICH THE COMPLAINT WAS
12 SUBMITTED;

13 2. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP
14 CODE IN WHICH THE SUSPECTED VIOLATION OCCURRED;

15 3. WHETHER THE ACTUAL OR POTENTIAL IMPACT OF
16 THE SUSPECTED VIOLATION RELATES TO AMBIENT AIR QUALITY, WATER QUALITY,
17 WILDLIFE, OR FISHERIES; AND

18 4. THE COMPLAINT OR CASE IDENTIFICATION NUMBER;

19 (II) A LIST OF EACH INSPECTION THAT HAS BEEN CONDUCTED
20 BY THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF NATURAL
21 RESOURCES, AND THE DEPARTMENT OF AGRICULTURE DURING THE PREVIOUS 365
22 DAYS UNDER THE AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION
23 RELATED TO MANAGING OR PROTECTING AMBIENT AIR QUALITY, WATER QUALITY,
24 WILDLIFE, OR FISHERIES, INCLUDING INFORMATION ON:

25 1. THE SITE NAME;

26 2. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP
27 CODE IN WHICH THE INSPECTION OCCURRED;

28 3. THE PERMIT NUMBER ASSOCIATED WITH THE SITE;

29 4. THE INSPECTION IDENTIFICATION NUMBER;

30 5. THE FINDINGS OF THE INSPECTOR;

- 1 **6. THE STATUS OF THE INSPECTION;**
- 2 **7. THE STATUTORY AUTHORITY FOR THE INSPECTION;**
- 3 **AND**
- 4 **8. WHETHER THE BASIS OF THE INSPECTION INVOLVED**
- 5 **AMBIENT AIR QUALITY, WATER QUALITY, WILDLIFE, OR FISHERIES;**

6 **(III) A LIST OF EACH ENFORCEMENT ACTION THAT HAS BEEN**

7 **INITIATED BY THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF**

8 **NATURAL RESOURCES, AND THE DEPARTMENT OF AGRICULTURE DURING THE**

9 **PREVIOUS 365 DAYS UNDER THE AUTHORITY OF A STATE OR FEDERAL LAW OR**

10 **REGULATION RELATED TO PROTECTING OR MANAGING AMBIENT AIR QUALITY,**

11 **WATER QUALITY, WILDLIFE, OR FISHERIES, INCLUDING INFORMATION ON:**

- 12 **1. WHETHER ANY PENALTIES WERE IMPOSED;**
- 13 **2. WHETHER ANY ORDERS WERE ISSUED;**
- 14 **3. WHETHER THE CASE WAS REFERRED FOR**
- 15 **PROSECUTION OR FURTHER ACTION;**
- 16 **4. WHETHER COMPLIANCE ASSISTANCE WAS RENDERED;**
- 17 **5. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP**
- 18 **CODE IN WHICH THE ENFORCEMENT ACTION OCCURRED;**
- 19 **6. THE STATUTORY AUTHORITY FOR THE ENFORCEMENT**
- 20 **ACTION;**
- 21 **7. THE ENFORCEMENT ACTION IDENTIFICATION**
- 22 **NUMBER; AND**
- 23 **8. WHETHER THE BASIS OF THE ENFORCEMENT ACTION**
- 24 **INVOLVED AMBIENT AIR QUALITY, WATER QUALITY, WILDLIFE, OR FISHERIES;**

25 **(IV) A LIST OF EACH VIOLATION DISCOVERED WITHIN THE**

26 **PREVIOUS 365 DAYS THAT THE DEPARTMENT OF THE ENVIRONMENT, THE**

27 **DEPARTMENT OF NATURAL RESOURCES, OR THE DEPARTMENT OF AGRICULTURE**

28 **HAS DEEMED “SIGNIFICANT NONCOMPLIANCE”, A “HIGH-PRIORITY VIOLATION”, OR**

29 **ANY OTHER ELEVATED STATUS OF CONCERN, INCLUDING INFORMATION ON:**

1 1. THE DATE ON WHICH THE VIOLATION WAS IDENTIFIED
2 AS AN ELEVATED STATUS OF CONCERN;

3 2. THE DATE ON WHICH THE FACILITY REGAINED
4 COMPLIANCE;

5 3. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP
6 CODE IN WHICH THE SUSPECTED VIOLATION OCCURRED;

7 4. WHETHER ANY ENFORCEMENT ACTION HAS BEEN
8 INITIATED OR CORRECTIVE ACTION REQUESTED; AND

9 5. WHETHER THE ACTUAL OR POTENTIAL IMPACT OF
10 THE SUSPECTED VIOLATION RELATES TO AMBIENT AIR QUALITY, WATER QUALITY,
11 WILDLIFE, OR FISHERIES;

12 (V) A LIST OF ALL EXPIRED AND ADMINISTRATIVELY
13 CONTINUED ENVIRONMENTAL PERMITS ISSUED BY THE DEPARTMENT OF THE
14 ENVIRONMENT, INCLUDING INFORMATION ON:

15 1. THE FACILITY NAME;

16 2. THE EXPIRATION DATE OF THE PERMIT;

17 3. THE PERMIT NUMBER;

18 4. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP
19 CODE IN WHICH THE FACILITY IS LOCATED; AND

20 5. ANY INFORMATION ON THE STATUS OF THE PERMIT
21 RENEWAL PROCESS, INCLUDING WHETHER AN APPLICATION TO RENEW THE PERMIT
22 HAS BEEN SUBMITTED AND WHETHER THE PERMIT IS DEEMED TO BE EXPIRED OR
23 ADMINISTRATIVELY CONTINUED; AND

24 (VI) ALL INFORMATION REQUIRED TO BE POSTED ON THE
25 DEPARTMENT OF THE ENVIRONMENT'S WEBSITE IN ACCORDANCE WITH § 4-802(A)
26 OF THE ENVIRONMENT ARTICLE.

27 (2) THE INFORMATION POSTED ON THE WEBSITE IN ACCORDANCE
28 WITH THIS SUBSECTION SHALL BE:

29 (I) KEPT FOR 3 YEARS;

1 **(II) UPDATED ON AT LEAST A MONTHLY BASIS; AND**

2 **(III) MAINTAINED IN A DATABASE FORMAT TO ENSURE THAT THE**
3 **INFORMATION IS SEARCHABLE BY CATEGORY OF INFORMATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.