

CHAPTER 429

(Senate Bill 139)

AN ACT concerning

Sewage Treatment Plants – Administrative Penalties – Criteria

FOR the purpose of providing certain criteria for assessing administrative civil penalties against sewage treatment plants under certain circumstances; and requiring that the Department of the Environment consider certain criteria when assessing certain administrative penalties.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–270

Annotated Code of Maryland

(1987 Replacement Volume and 1989 Supplement)

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

Article – Environment

9–270.

(a) If, by violating any applicable statute, regulation, or permit condition, a sewage treatment plant that has a design capacity of 1,000,000 gallons or more per day creates a nuisance or otherwise may affect adversely public health or the environment, the person who owns or operates the sewage treatment plant is liable to the State for an administrative civil penalty not exceeding \$10,000 a day.

(B) THE PENALTY IMPOSED UNDER THIS SECTION SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(1) ~~THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;~~

(2) ANY ACTUAL OR POTENTIAL HARM TO HUMAN HEALTH OR TO THE ENVIRONMENT, INCLUDING INJURY TO OR IMPAIRMENT OF THE NATURAL RESOURCES OF THE STATE;

~~(3) THE COST OF CONTROL;~~

~~(4) THE NATURE AND DEGREE OF INJURY TO OR~~

(3) THE DEGREE OF INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY OR PROPERTY RIGHTS OF THE PUBLIC;