

REVISOR'S NCTE: This subsection is new language derived from Article 33B, section 8(a) of the Code.

(B) POLLUTION ABATEMENT PROJECT FOR MANUFACTURING OR INDUSTRIAL ESTABLISHMENT UPON FAILURE TO COMPLY WITH ORDER UNDER ARTICLE 43, § 397. -

(1) UPON FAILURE OF A PERSON TO COMPLY WITH AN ORDER OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE TO ABATE POLLUTION AS PROVIDED FOR IN ARTICLE 43, § 397 OF THE CODE, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL DIRECT THE SERVICE TO PROVIDE PROJECTS NECESSARY TO ABATE THE POLLUTION.

(2) UPON RECEIPT OF THE DIRECTIVE FROM THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE SERVICE SHALL PROVIDE THE PROJECTS NECESSARY TO ABATE THE POLLUTION AND THE PERSON SHALL DISCHARGE OR DELIVER HIS WASTES ONLY TO A SERVICE PROJECT OR AVAIL HIMSELF OF THE PROJECTS PROVIDED BY THE SERVICE TO ABATE THE POLLUTION. THE COST OF PROJECTS PROVIDED BY THE SERVICE TO ABATE POLLUTION UNDER THE TERMS OF THIS SUBSECTION SHALL BE BORNE BY THE PERSON AGAINST WHOM THE ORDER TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE WAS ISSUED. THE PERSON AND THE SERVICE SHALL DETERMINE BY AGREEMENT THE COSTS, RENTAL, CHARGES, OR OTHER FEES TO BE PAID BY THE PERSON TO THE SERVICE. IF THE FEES AND CHARGES REMAIN UNPAID FOR A PERIOD OF 60 DAYS, THE UNPAID BILLS BECOME A LIEN AGAINST THE PROPERTY SERVED, IF IT IS RECORDED AND INDEXED AS PROVIDED IN THIS SUBTITLE, AND SHALL BE REFERRED TO THE ATTORNEY GENERAL FOR COLLECTION.

(3) ALL PROJECTS PROVIDED BY THE SERVICE UNDER THIS SUBSECTION REMAIN UNDER THE CONTROL AND OPERATION OF THE SERVICE. IT IS UNLAWFUL FOR A PERSON PROVIDED WITH PROJECTS BY THE SERVICE UNDER THIS SUBSECTION TO DUPLICATE OR USE ANY OTHER PROJECT SERVING THE SAME PURPOSE.

REVISOR'S NOTE: This subsection is new language derived from Article 33B, section 8(b) of the Code. As to the lien provision of paragraph (2) see revisor's note of section 3-126.

(C) CORRECTION AND OPERATION OF DEFICIENT EXISTING SEWERAGE SYSTEM OR REFUSE DISPOSAL WORKS UPON FAILURE TO COMPLY WITH ORDER UNDER ARTICLE 43, §391. -