

AND STORING OF SHELLFISH BECAUSE OF THE PROXIMITY OF THE AREA TO THE POINT OF DISCHARGE OF A SEWAGE TREATMENT PLANT OR A POINT OF OVERFLOW OF A SEWAGE PUMPING STATION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY INCREASE OR DECREASE THE SIZE OF A RESTRICTED AREA IN RELATION TO THE OPERATIONAL EFFECTIVENESS OF THE SEWAGE TREATMENT PLANT OR SEWAGE PUMPING STATION.

(B) WHEN RESTRICTION EFFECTIVE. - THE ACTION OF THE STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO RESTRICT AN AREA OF WATER BECOMES EFFECTIVE IMMEDIATELY UPON GIVING FORMAL NOTICE OF THE ACTION TO THE DEPARTMENT. NOTICE ALSO SHALL BE GIVEN THE APPROPRIATE GOVERNING BODY OF ANY COUNTY AFFECTED BY THE RESTRICTION.

(C) DEPARTMENT OF HEALTH SHALL TEST AND INSPECT AREA. - AFTER ESTABLISHING A RESTRICTION, THE STATE DEPARTMENT OF HEALTH SHALL TEST THE WATER IN THE RESTRICTED AREA OR INSPECT THE SOURCE OF POLLUTION OF THE WATER, AT LEAST TWICE MONTHLY, OR MORE FREQUENTLY IF REQUESTED BY THE APPROPRIATE GOVERNING BODY OF ANY COUNTY AFFECTED BY THE RESTRICTION. A COPY OF THE REPORT OF ANALYSIS OF EVERY TEST AND INSPECTION SHALL BE FILED PROMPTLY WITH THE APPROPRIATE GOVERNING BODY OF EVERY COUNTY AFFECTED BY THE RESTRICTION.

(D) LIFTING RESTRICTIONS. - WHENEVER SAMPLES OF WATER AND SHELLFISH OF A RESTRICTED AREA INDICATE THAT THE SHELLFISH AND WATER AGAIN COMPLY WITH STANDARDS FOR HARVESTING SHELLFISH, THE RESTRICTIONS PROMPTLY SHALL BE LIFTED.

(F) DELEGATION OF AUTHORITY. - THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY DELEGATE ~~[[TO THE STATE DEPARTMENT OF HEALTH THE]]~~ AUTHORITY TO IMPOSE RESTRICTIONS, OR REMOVE RESTRICTIONS NO LONGER REQUIRED. THESE ACTIONS, HOWEVER, SHALL BE REPORTED AND CONSENTED TO BY THE SECRETARY.

(F) EACH VIOLATION IS A SEPARATE OFFENSE. - EACH VIOLATION OF THIS SECTION CONSTITUTES A SEPARATE OFFENSE PUNISHABLE AS PROVIDED BY THE PROVISIONS OF THIS TITLE.

REVISOR'S NOTE: Subsection (a) presently appears as the first sentence of Article 43, section 228B(a) of the Code. New language derived from Article 43, section 228B(b) is