

CHAPTER 309

(Senate Bill 269)

AN ACT concerning

Strip Mining - Penalties

FOR the purpose of providing for the enjoining of violations of the strip mining laws and rules, regulations, and orders pursuant to them and for the assessment of civil penalties for violations of those laws, rules, regulations, and orders.

BY adding to

Article - Natural Resources
Section 7-517
Annotated Code of Maryland
(1974 Volume and 1976 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 7-517 be and it is hereby added to Article - Natural Resources, of the Annotated Code of Maryland (1974 Volume and 1976 Supplement) to read as follows:

Article - Natural Resources

7-517.

(A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE, OR ANY ~~EXISTING~~ RULE, REGULATION, ORDER, OR PERMIT ISSUED PURSUANT THERETO, SHALL BE LIABLE FOR A PENALTY ~~NOT~~ EXCEEDING \$10,000 FOR THE VIOLATION, WHICH MAY BE RECOVERED IN A CIVIL ACTION, AND THE PERSON MAY BE ENJOINED FROM CONTINUING THE VIOLATION, AS PROVIDED BY THIS SUBTITLE. EACH DAY UPON WHICH THE VIOLATION OCCURS CONSTITUTES A SEPARATE OFFENSE.

(B) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY, A CIVIL PENALTY MAY BE ASSESSED FOR VIOLATION OF ANY PROVISION OF THIS SUBTITLE, OR RULE, REGULATION, ORDER OR PERMIT ISSUED UNDER IT. THE PENALTY MAY BE ASSESSED BY THE SECRETARY OF NATURAL RESOURCES OR A HEARING OFFICER DESIGNATED BY THE SECRETARY, AFTER A HEARING AT WHICH IT IS DETERMINED THAT A VIOLATION EXISTS. THE CIVIL PENALTY ASSESSED SHALL BE \$500 FOR EACH DAY OF VIOLATION, NOT EXCEEDING A TOTAL SUM OF \$10,000. IN DETERMINING WHETHER OR NOT TO SEEK ASSESSMENT OF A CIVIL PENALTY, THE DEPARTMENT SHALL CONSIDER THE WILFULNESS OF THE VIOLATION; THE NATURE AND EXTENT OF THE DAMAGE OR POTENTIAL DAMAGE TO LAND AND STRUCTURES INCLUDING ADJACENT LAND AND STRUCTURES, AND