

~~(D) AS TO ANY CASE THAT NOTES AN APPEAL FROM A BOARD DECISION THAT GRANTS A CERTIFICATE UNDER THIS SUBTITLE, A COURT MAY NOT STAY THE OPERATION OF THE CERTIFICATE OR THE PROCESSING OF ANY APPLICATION FOR A STATE PERMIT THAT RELATES TO THE SITE OR A FACILITY FOR WHICH THE CERTIFICATE WAS GRANTED.~~

(E) (D) IN ANY APPEAL, THE DECISION OF THE BOARD IS PRIMA FACIE CORRECT AND SHALL BE AFFIRMED UNLESS CLEARLY SHOWN TO BE:

- (1) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;
- (2) MADE ON UNLAWFUL PROCEDURE;
- (3) ARBITRARY AND CAPRICIOUS; OR
- (4) AFFECTED BY OTHER ERROR OF LAW.

3-713.

(A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A SUBDIVISION MAY NOT BE HELD LIABLE FOR ANY DAMAGES TO ANY PARTY THAT HAVE ARISEN FROM THE SELECTION OR CERTIFICATION OF ANY SITE OR FACILITY UNDER THIS SUBTITLE OR FROM THE REGULATION, OPERATION, OR CONTROL OF ANY SITE OR FACILITY CERTIFIED UNDER THIS SUBTITLE.

(B) THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL NOT APPLY TO ANY LIABILITY IMPOSED ON A SUBDIVISION:

(1) FOR ANY DAMAGE IF THE SUBDIVISION, ITSELF, OPERATED THE FACILITY; OR

(2) FOR ANY DAMAGE THAT RESULTED FROM THE FAILURE OF THE POLITICAL SUBDIVISION: (I) TO CARRY OUT PROPERLY ANY RESPONSIBILITY ASSIGNED TO IT UNDER THE LAW FOR CONDUCTING INSPECTIONS; OR (II) TO REPORT IN A TIMELY MANNER TO THE APPROPRIATE AUTHORITIES THE RESULTS OF ANY INSPECTION THAT IT CONDUCTS.

8-1413.2.

(c) The Department, in its regulations, shall:

(7) Set requirements and provide [for] procedures for [selection] THE PERMITTING of designated hazardous substance disposal sites and disposal methods;

(k) (1) As a condition to the issuance of a permit, the Department ~~may require~~ SHALL REQUIRE WHEN APPLICABLE a permit holder to:

[[1]] (I) Report periodically on the volume and chemical, physical, and biological nature of material received and discharged by the facility;