

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 703(d).

In subsection (a)(1) of this section, "Air Management Administration" is substituted for "Division of Air Quality Control" to conform to the current name of that unit of the Department.

The General Assembly may wish to consider adding, to this section, authority for the Secretary to modify an approved plan for compliance. Under the law as it now stands, if an approved plan does not work, there is no clear authority for the Secretary to require modification.

2-612. NONCOMPLIANCE PENALTY.

(A) RULES AND REGULATIONS.

THE SECRETARY MAY ADOPT RULES AND REGULATIONS THAT:

(1) ARE PATTERNED AFTER § 120 OF THE FEDERAL CLEAN AIR ACT AND THE FEDERAL REGULATIONS ADOPTED UNDER § 120 OF THE FEDERAL CLEAN AIR ACT; AND

(2) SPECIFY:

(I) THE CIRCUMSTANCES UNDER WHICH A PERSON WHO VIOLATES THIS TITLE IS SUBJECT TO A NONCOMPLIANCE PENALTY EQUAL TO THE ECONOMIC BENEFIT THAT ACCRUES TO THE PERSON BECAUSE OF NONCOMPLIANCE;

(II) THE METHOD OF CALCULATING THE NONCOMPLIANCE PENALTY;

(III) THE MANNER OF PAYMENT OF THE NONCOMPLIANCE PENALTY; AND

(IV) THE CIRCUMSTANCES UNDER WHICH A NONCOMPLIANCE PENALTY COLLECTED UNDER THIS SECTION IS SUBJECT TO REBATE.

(B) QUARTERLY NONPAYMENT PENALTY.

(1) IF A PERSON FAILS TO PAY A NONCOMPLIANCE PENALTY IN A TIMELY MANNER, THE SECRETARY MAY REQUIRE THE PERSON TO PAY AN ADDITIONAL NONPAYMENT PENALTY FOR EACH QUARTER THAT THE NONCOMPLIANCE PENALTY REMAINS UNPAID.

(2) THE NONPAYMENT PENALTY SHALL EQUAL 20 PERCENT OF THE TOTAL OF THE PERSON'S NONCOMPLIANCE PENALTIES AND NONPAYMENT PENALTIES THAT REMAIN UNPAID AT THE BEGINNING OF THE QUARTER.