

FOR the purpose of prohibiting a certain ~~owner person owner~~ from employing or engaging a related party to the ~~owner person owner~~ to perform certain lead-contaminated dust testing or conduct certain inspections; requiring the Department of the Environment to impose an administrative penalty, not to exceed a certain amount, on ~~an owner a person an owner~~ who employs or engages a related party to the ~~owner person owner~~ to perform certain lead-contaminated dust testing or conduct certain inspections; requiring the Department to impose an administrative penalty, not to exceed a certain amount, on a related party to an owner who performs certain lead-contaminated dust testing or conducts certain inspections; and generally relating to lead-contaminated dust testing and inspections.

BY repealing and reenacting, with amendments,

Article – Environment

Section 6-818 and 6-849

Annotated Code of Maryland

(1996 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

6-818.

(a) (1) Any person performing lead-contaminated dust testing or conducting inspections required by this subtitle:

[(1)] (I) Shall be accredited by the Department;

[(2)] (II) May not be a related party to the owner; and

[(3)] (III) Shall submit a verified report of the result of the lead-contaminated dust testing or visual inspection to the Department, the owner, and the tenant, if any, of the affected property.

(2) ~~AN OWNER A PERSON AN OWNER MAY NOT EMPLOY OR ENGAGE A RELATED PARTY TO THE OWNER PERSON OWNER TO PERFORM LEAD-CONTAMINATED DUST TESTING OR CONDUCT INSPECTIONS REQUIRED BY THIS SUBTITLE.~~

(b) A report submitted to the Department under subsection (a) of this section that certifies compliance for an affected property with the risk reduction standard shall be conclusive proof that the owner is in compliance with the risk reduction standard for the affected property during the period for which the certification is effective, unless there is:

(1) Proof of actual fraud as to that affected property;

(2) Proof that the work performed in the affected property was not performed by or under the supervision of personnel accredited under § 6-1002 of this title; or