

4-742.

(a) If the Department of [Health and Mental Hygiene] THE ENVIRONMENT determines by appropriate investigation that any area of waters of the State devoted to the production or storage of shellfish is polluted so that shellfish produced or stored in the area are a hazard to public health, it shall restrict the area for the catching or storing of shellfish. If the Department of [Health and Mental Hygiene] THE ENVIRONMENT finds it necessary to restrict an area of water for the taking 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] THE ENVIRONMENT 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) (1) The action of the State Department of [Health and Mental Hygiene] THE ENVIRONMENT 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 and the committee of oystermen of any county affected by the restriction.

(2) The Natural Resources Police Force shall patrol the area to warn watermen until public notice is given in newspapers of general circulation in each of the counties whose watermen work the restricted area normally. No arrests may be made until the next work day following the day the notice appeared unless the watermen fail to heed a warning of the officers.

(3) (i) If the Department of [Health and Mental Hygiene] THE ENVIRONMENT closes any area to the catching of shellfish under this section, in addition to the notice required in subsection (b)(1), the Department of Natural Resources shall mark the area so that the area can be seen from the water.

(ii) The Department of Natural Resources shall adopt rules and regulations to provide for the marking in a plain and visibly obvious fashion of any area that is closed to the catching of shellfish because of pollution. Even in the absence of such marking devices, a person may not catch shellfish in a restricted area as designated by the Department of [Health and Mental Hygiene] THE ENVIRONMENT if notice has been given to the appropriate governing body and the committee of watermen of any county affected by the restriction.

(c) (1) After establishing a restriction, the [State] Department of [Health and Mental Hygiene] THE ENVIRONMENT 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