

The General Assembly may wish to consider clarifying the scope of this section because this section does not apply to the treatment, land application, and disposal of sewage sludge. Since these concepts are not included in the proscribed acts of this section, the civil penalties of this section do not apply to all of the ways in which a person can utilize sewage sludge.

9-270. SAME -- SEWAGE TREATMENT PLANT.

(A) IN GENERAL.

IF, BY VIOLATING ANY APPLICABLE LAW STATUTE, REGULATION, OR PERMIT CONDITION, A SEWAGE TREATMENT PLANT THAT HAS A DESIGN CAPACITY OF 1,000,000 GALLONS OR MORE PER DAY CREATES A NUISANCE OR OTHERWISE ADVERSELY AFFECTS MAY AFFECT ADVERSELY PUBLIC HEALTH OR THE ENVIRONMENT, THE PERSON WHO OWNS OR OPERATES THE SEWAGE TREATMENT PLANT IS LIABLE TO THE STATE FOR AN ADMINISTRATIVE CIVIL PENALTY NOT EXCEEDING \$10,000 A DAY.

(B) CONTINUING VIOLATIONS.

EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former HE § 9-210.1(o).

Subsection (a) of this section is revised to impose liability on the "person who owns or operates" a sewage treatment plant, rather than on the plant to avoid a nonsequitur in the former law. This revision is based on the administrative practice of the Department and on provisions such as § 9-220 of this subtitle, which requires the owner or person in charge of a sewerage system to comply with orders of the Secretary.

REVISOR'S NOTE TO SUBTITLE: Former HE § 9-212(b), which provided that the former section did not apply to sludge composting facilities that had a permit pending with the Department before June 1, 1979, is deleted as obsolete.

Former HE § 9-212(c), which provided that in Charles County and St. Mary's County the provisions of former HE § 9-212 applied to the entrenching, storage, and transportation of sludge produced by a waste water treatment plant that was not located in the respective county, is deleted as unnecessary in light of the comprehensive provisions of §§ 9-230 through 9-249 of