

WHEREAS, By Chapter 566, Laws of Maryland, 1983, the General Assembly added a penalty to the sediment control subtitle, Natural Resources Article, § 8-1108(c) and (d), that was "in addition to any other sanction under this subtitle"; and

WHEREAS, The General Assembly intended, as a deterrent to noncompliance with the sediment control law, that if a person failed to install or maintain sediment controls in accordance with an approved plan, the person should be liable to the State, county, or municipality for "damages in an amount equal to double the cost of installing or maintaining the controls" that the person avoided; and

WHEREAS, In its decision of December 8, 1986 in Anne Arundel County v. Beatty, No. 344, September Term, 1986, the Court of Special Appeals construed the term "damages" in N.R. § 8-1108(c) and (d) to mean actual damages suffered by the State, county, or municipality in taking corrective action; and

WHEREAS, The developer in Beatty, supra, took corrective action himself several months after exposing a site to sediment runoff and only after enforcement action was taken by the County, but thereby avoided all but a nominal, \$500 award under the Court of Special Appeals' construction of N.R. § 8-1108(c); and

WHEREAS, It remains the intent of the General Assembly that Natural Resources Article, § 8-1108(c) and (d) should serve as an effective deterrent to persons failing to install or maintain sediment controls; now, therefore,

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

Article - Natural Resources

8-1108.

(a) Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.

(b) Any agency whose approval is required under this subtitle or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this subtitle.

(c) (1) [In addition to any other sanction under this subtitle, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved plan shall