

enforcement authority from the Secretary of the Environment to a county or municipality.

BY repealing and reenacting, with amendments,

Article - Environment
Section 4-103(e)
Annotated Code of Maryland
(1987 Replacement Volume and 1988 Supplement)

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

Article - Environment

4-103.

(e) (1) Notwithstanding any other provision of State law or local ordinance, effective April 1, 1985, it shall be the sole responsibility of the Department of the Environment to enforce compliance with the provisions of this subtitle and of any approved plan, except in those counties and municipalities to which enforcement authority has been delegated in accordance with paragraph (2) of this subsection.

(2) (i) The Secretary of the Environment shall delegate enforcement authority under this subtitle to any county or municipality which is found capable of enforcing compliance with the provisions of this subtitle, or is found to have enforcement capability within that jurisdiction which is comparable to that of the Department in terms of laws and procedures, manpower, equipment, and overall effectiveness. The Secretary may not deny a requested delegation unless opportunity has been afforded to the appropriate officials of the affected local jurisdiction to present arguments before the Secretary.

(ii) A delegation pursuant to this paragraph shall be effective for not more than 2 years, unless renewed by the Secretary.

(iii) Every such delegation shall be subject to suspension by the Secretary, after opportunity is afforded for a hearing, upon a finding that the county or municipal program has fallen below the standard of comparable effectiveness. During a period of suspension, the Department shall enforce compliance in the affected jurisdiction.

(iv) Any county or municipality requesting either delegation of enforcement authority or renewal of delegation under this subtitle shall submit the request to the Secretary on or before [January 1] OCTOBER 1 immediately preceding the fiscal year for which delegation or renewal of