

civil penalties applicable to certain sediment ~~control, stormwater management, nontidal wetlands, and water pollution control program control and stormwater management~~ violations; repealing the requirement of a certain proof of costs applicable to certain civil actions instituted by certain government agencies in the event of certain sediment control program violations; instituting a certain civil penalty applicable to certain tidal wetlands program violations; authorizing the court to consider certain costs in imposing a certain penalty; authorizing the court to consider certain factors in imposing a certain penalty; and generally relating to enforcement of the sediment control, stormwater management, ~~wetlands, and water pollution control~~ and wetlands programs.

BY repealing and reenacting, with amendments,

Article - Environment

Section 4-116(a) and (c), 4-215(a) and (c), ~~5-911(d) and (e), 9-342(a),~~ 16-501(a) and (b), and 16-502(a)

Annotated Code of Maryland

(1996 Replacement Volume and 2002 Supplement)

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

Article - Environment

4-116.

(a) (1) 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]~~ ~~\$15,000~~ \$10,000 or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court.

(2) THE COURT MAY ORDER THE PERSON TO RESTORE THE AREA UNLAWFULLY DISTURBED.

(3) Each day upon which the violation occurs constitutes a separate offense.

(c) (1) In addition to any other sanction under this subtitle, [a person is liable for a civil penalty as provided in this subsection if the person:

(i) Clears, grades, transports, or otherwise disturbs land without first installing erosion and sediment controls in accordance with an approved plan; or

(ii) Fails to establish erosion and sediment controls in accordance with an approved plan within the time specified by a State, county, or municipal order or to maintain those erosion and sediment controls.

(2) The appropriate county, municipal, or State agency may recover a civil penalty under paragraph (1) of this subsection in a civil action in an amount equal to double the cost of:

(i) The installation of erosion and sediment controls in accordance with an approved plan;