

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 469(a) and (c).

In subsection (a) of this section, the former reference to an "organization" is deleted as included in the defined term "person". See § 1-101 of this article and § 5-101 of this title.

In subsection (a)(1) of this section, the former redundant reference to "automobile tires ... and other refuse" is deleted as included in the references to "trash" and "automobile parts".

In subsection (a)(2) of this section, the former reference to waters of the State "as defined in Title 8 of the Natural Resources Article" is deleted as surplusage. The term "waters of the State" defined in § 5-101 of this article, which applies to this subtitle, is derived from the identical term defined in NR § 8-101, and was added to the Environment Article in a reorganization of the units of State government that were responsible for overseeing water quality and management. See Ch. 488, Acts of 1995.

In subsection (b) of this section, the former redundant reference to "a court of proper jurisdiction" is deleted as implicit in the reference to a conviction.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a) of this section, the reference to a facility "that lawfully existed on January 1, 1972" does not fit with other provisions regulating solid waste facilities in federal law or in Titles 5 and 9 of this article. This subtitle appears largely to be preempted by the federal Clean Water Act and related pollution control statutes, and superseded by State stormwater control and solid waste statutes. To the extent that it is intended to apply only to older facilities, any pollution control measure in this statute is likewise preempted or superseded by the more stringent requirements of federal and State law.

Defined terms: "Administration" § 5-101

"Automobile graveyard" § 5-10A-01

"Automotive dismantler and recycler facility" § 5-10A-01

"Department" §§ 1-101 and 5-101

"Junkyard" § 5-10A-01

"Person" §§ 1-101 and 5-101

"Scrap metal processing facility" § 5-10A-01

"Waters of the State" § 5-101

5-10A-03. SAME — EVIDENCE.

IF THE OWNER OR OPERATOR OF A JUNKYARD, AUTOMOTIVE DISMANTLER AND RECYCLER FACILITY, SCRAP METAL PROCESSING FACILITY, OR AUTOMOBILE