

Approved April 9, 1991.

CHAPTER 15

(House Bill 162)

AN ACT concerning

Air Quality – Civil Penalties

FOR the purpose of increasing civil penalties for certain violations of air quality control laws and regulations; increasing administrative civil penalties for certain air quality violations; and generally relating to penalties for air quality violations.

BY repealing and reenacting, with amendments,

Article – Environment

Section 2-610 and 2-610.1

Annotated Code of Maryland

(1987 Replacement Volume and 1990 Supplement)

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

Article – Environment

2-610.

(a) A person who violates any provision of this title or any rule, regulation, or order adopted or issued under this title is liable for a civil penalty not exceeding [\$10,000] \$25,000, to be collected in a civil action in the circuit court for any county. Each day a violation continues is a separate violation under this section.

(b) If the Attorney General concurs, the Secretary may compromise and settle any claim for a civil penalty under this section.

(c) If, within 36 months after a civil penalty is compromised and settled under subsection (b) of this section, the person against whom the penalty is imposed satisfies the Secretary that the violation has been eliminated or the order has been satisfied, the Secretary, with the concurrence of the Attorney General, may return to the person not more than 75 percent of the amount of the penalty paid.

2-610.1.

(a) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this title, Subtitle 4 of Title 6, or any rule, regulation, order, plan for compliance, registration, or permit adopted or issued under those provisions.