

(3) FOR PURPOSES OF THE WAIVER ALLOWED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT ISSUE ANY WAIVER IF THE COMPLIANCE SCHEDULE IN EFFECT AS OF OCTOBER 1, 1992 OR ANY SUBSEQUENT COMPLIANCE SCHEDULE IS MODIFIED BY THE DEPARTMENT, EXCEPT THAT A WAIVER MAY BE ALLOWED IF:

(I) THE VIOLATOR APPLIES IN WRITING FOR A WAIVER AND CLEARLY DEMONSTRATES THAT EXTRAORDINARY CIRCUMSTANCES PREVENT COMPLIANCE; AND

(II) THE DEPARTMENT DETERMINES THAT THE VIOLATOR HAS ACTED IN GOOD FAITH TO MEET ALL EFFLUENT LIMITATIONS AND HAS FAILED TO COMPLY BECAUSE OF EXTRAORDINARY CIRCUMSTANCES THAT HAVE BEEN DOCUMENTED BY CLEAR AND CONVINCING EVIDENCE.

(J) THE DEPARTMENT SHALL DEPOSIT THE PENALTIES COLLECTED UNDER THIS SECTION IN THE MARYLAND CLEAN WATER FUND CREATED UNDER § 9-320 OF THIS SUBTITLE.

(K) THE DEPARTMENT SHALL COLLECT THE PENALTIES REQUIRED TO BE IMPOSED UNDER THIS SECTION BEGINNING JANUARY 1, 1993 AND ON THE FIRST DAY OF EACH SUBSEQUENT MONTH.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act do not apply to the effluent limitations of phosphorus or nitrogen of any sewage treatment plant that is included under §§ 4-302.1 and 4-313.1 of the Environment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act shall apply to discharges from sewage treatment plants occurring after September 30, 1992.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved May 26, 1992.

CHAPTER 489

(Senate Bill 535)

AN ACT concerning

Private Review Agents – Employee Assistance Programs

FOR the purpose of altering a certain definition to include certain employee assistance programs under the provisions of law relating to private review agents; defining a certain term; exempting, under certain circumstances, certain employee assistance programs from certain provisions relating to referrals by private review agents; and