

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

May 21, 2008

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 398 – *Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs*.

The bill would require the Maryland Department of the Environment ("Department") to reimburse Anne Arundel County for any future costs it incurs for environmental health monitoring and testing related to permit violations for which the Department collects a fine. Reimbursement may not exceed the amount of the fine. In addition, this bill would require the Department to retroactively reimburse Anne Arundel County for the testing and monitoring of well water that the County conducted for 83 homes in the vicinity of the Gambrills fly ash disposal site.

In accordance with current law, the Department delegates authority to local health departments to test and certify drinking water wells. The Department currently has a delegation agreement with Anne Arundel County under which the County voluntarily agreed to provide support such as investigation, inspection, monitoring, and sampling for the Department subject to the availability of staff and resources. The agreement does not address funding, nor does it require the County to perform testing or sampling.

Current law does not allow the Department to factor in the costs it or any other governmental entity incurs when assessing an appropriate penalty amount to a party who has violated the State's environmental laws. All funds, fees, and penalties collected by the Department for groundwater related violations must be paid into the Maryland Clean Water Fund. Reimbursement of expenses for