

SENATE BILL 324

M3, M1

(PRE-FILED)

1lr0755
CF HB 204

By: **Senators Elfreth and Bailey**

Requested: September 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment and Natural Resources – Complaints, Inspections, and**
3 **Enforcement – Information Maintenance and Reporting**

4 FOR the purpose of requiring the Department of the Environment to receive and process
5 complaints involving suspected environmental violations in a certain manner;
6 requiring the Department of the Environment to maintain and update certain
7 information involving suspected environmental violations; requiring the
8 Department of the Environment to develop and maintain a certain website to provide
9 certain complaint, inspection, and enforcement information; requiring certain
10 information posted on a certain website to be kept in a certain manner; requiring the
11 Department of Natural Resources to report to the Governor and the General
12 Assembly on or before a certain date each year on information relating to the
13 enforcement of natural resources and conservation laws; declaring the intent of the
14 General Assembly; providing for the construction of this Act; defining a certain term;
15 and generally relating to complaints, inspections, and enforcement under
16 environment and natural resources laws.

17 BY adding to
18 Article – Environment
19 Section 1–305
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2020 Supplement)

22 BY adding to
23 Article – Natural Resources
24 Section 1–211
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Environment

1–305.

(A) IN THIS SECTION, “SUSPECTED VIOLATION” MEANS A SUSPECTED VIOLATION OF ANY REQUIREMENT IN THIS ARTICLE OR ANY REGULATION AUTHORIZED BY A PROVISION OF THIS ARTICLE, INCLUDING FEDERAL REQUIREMENTS AND STANDARDS DELEGATED TO THE STATE.

(B) THE DEPARTMENT SHALL:

(1) RECEIVE AND PROCESS COMPLAINTS THAT INVOLVE SUSPECTED VIOLATIONS;

(2) KEEP AN ELECTRONIC RECORD OF EACH COMPLAINT THAT IS RECEIVED UNDER THIS SECTION, INCLUDING INFORMATION ON:

(I) THE COUNTY IN WHICH THE SUSPECTED VIOLATION OCCURRED; AND

(II) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS AUTHORIZED TO ENFORCE THE SUSPECTED VIOLATION; AND

(3) MAINTAIN AND UPDATE, ON AT LEAST A QUARTERLY BASIS, A LIST OF:

(I) NEW COMPLAINTS THAT HAVE BEEN RECEIVED BY THE DEPARTMENT THAT INVOLVE SUSPECTED VIOLATIONS, INCLUDING INFORMATION ON:

1. THE COUNTY IN WHICH THE SUSPECTED VIOLATION OCCURRED; AND

2. WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS AUTHORIZED TO ENFORCE THE SUSPECTED VIOLATION;

(II) COMPLAINTS THAT REMAIN OPEN; AND

(III) COMPLAINTS THAT HAVE BEEN RECENTLY CLOSED.

1 **(C) ON AT LEAST A MONTHLY BASIS, THE DEPARTMENT SHALL UPDATE A**
2 **LIST OF NEW LEGAL SETTLEMENTS PROPOSED BY THE DEPARTMENT THAT INVOLVE**
3 **SUSPECTED VIOLATIONS, INCLUDING INFORMATION ON:**

4 **(1) THE DATE THE SETTLEMENT WAS PROPOSED;**

5 **(2) THE RELEVANT LAW OR REGULATION THAT IS THE BASIS OF THE**
6 **SUSPECTED VIOLATION; AND**

7 **(3) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS**
8 **AUTHORIZED TO ENFORCE THE SUSPECTED VIOLATION.**

9 **(D) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A WEBSITE TO**
10 **PROVIDE:**

11 **(1) A LIST OF EACH COMPLAINT RECEIVED BY THE DEPARTMENT**
12 **THAT INCLUDES ONLY:**

13 **(I) THE DATE ON WHICH THE COMPLAINT WAS SUBMITTED;**

14 **(II) THE COUNTY IN WHICH THE SUSPECTED VIOLATION**
15 **OCCURRED;**

16 **(III) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS**
17 **AUTHORIZED TO ENFORCE THE SUSPECTED VIOLATION; AND**

18 **(IV) ANY COMPLAINT OR CASE IDENTIFICATION NUMBER;**

19 **(2) A LIST OF EACH INSPECTION THAT HAS BEEN CONDUCTED BY THE**
20 **DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS UNDER THE**
21 **AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO MANAGING**
22 **OR PROTECTING AMBIENT AIR QUALITY OR WATER QUALITY THAT INCLUDES ONLY:**

23 **(I) THE NAME OF THE SITE OR REGULATED ENTITY;**

24 **(II) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN**
25 **WHICH THE INSPECTION OCCURRED;**

26 **(III) THE PERMIT NUMBER ASSOCIATED WITH THE SITE;**

27 **(IV) ANY INSPECTION IDENTIFICATION NUMBER;**

28 **(V) THE FINDINGS OF THE INSPECTOR ON WHETHER THE SITE**
29 **IS IN COMPLIANCE OR ANY ADDITIONAL INVESTIGATION IS NECESSARY;**

1 (VI) THE STATUS OF THE INSPECTION; AND

2 (VII) WHETHER THE BASIS OF THE INSPECTION INVOLVED
3 AMBIENT AIR QUALITY, WATER QUALITY, OR OTHER MEDIA;

4 (3) AN ELECTRONIC LINK OR OTHER MEANS OF DOWNLOADING A
5 DIGITAL COPY, IF READILY AVAILABLE, OF AN INSPECTION REPORT THAT INCLUDES
6 INFORMATION THAT IS LISTED UNDER ITEM (2) OF THIS SUBSECTION IF THE
7 INFORMATION IS MAINTAINED BY THE DEPARTMENT IN A DATABASE;

8 (4) A LIST OF EACH ENFORCEMENT ACTION THAT HAS BEEN
9 INITIATED BY THE DEPARTMENT DURING THE IMMEDIATELY PRECEDING 365 DAYS
10 UNDER THE AUTHORITY OF A STATE OR FEDERAL LAW OR REGULATION RELATED TO
11 PROTECTING OR MANAGING AMBIENT AIR QUALITY OR WATER QUALITY THAT
12 INCLUDES ONLY:

13 (I) WHETHER ANY PENALTIES WERE IMPOSED AND THE
14 AMOUNT OF THE PENALTIES COLLECTED;

15 (II) WHETHER ANY ORDERS WERE ISSUED;

16 (III) WHETHER THE CASE WAS REFERRED FOR PROSECUTION OR
17 FURTHER ACTION;

18 (IV) WHETHER COMPLIANCE ASSISTANCE WAS RENDERED;

19 (V) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN
20 WHICH THE ENFORCEMENT ACTION OCCURRED;

21 (VI) THE ENFORCEMENT ACTION IDENTIFICATION NUMBER;

22 (VII) THE PERMIT NUMBER; AND

23 (VIII) WHICH ADMINISTRATION WITHIN THE DEPARTMENT
24 CARRIED OUT THE ENFORCEMENT ACTION; AND

25 (5) A LIST OF EACH VIOLATION DISCOVERED WITHIN THE
26 IMMEDIATELY PRECEDING 365 DAYS THAT THE DEPARTMENT HAS DEEMED
27 "SIGNIFICANT NONCOMPLIANCE", A "HIGH-PRIORITY VIOLATION", OR ANY OTHER
28 ELEVATED STATUS OF CONCERN THAT INCLUDES ONLY:

29 (I) THE DATE ON WHICH THE VIOLATION WAS IDENTIFIED AS
30 AN ELEVATED STATUS OF CONCERN;

1 (II) THE DATE ON WHICH THE FACILITY REGAINED
2 COMPLIANCE, IF APPLICABLE;

3 (III) THE COUNTY AND, IF READILY AVAILABLE, THE ZIP CODE IN
4 WHICH THE SUSPECTED VIOLATION OCCURRED;

5 (IV) WHETHER ANY ENFORCEMENT ACTION HAS BEEN
6 INITIATED OR CORRECTIVE ACTION REQUESTED;

7 (V) WHICH ADMINISTRATION WITHIN THE DEPARTMENT IS
8 AUTHORIZED TO ENFORCE THE VIOLATION;

9 (VI) A LIST OF ALL EXPIRED AND ADMINISTRATIVELY
10 CONTINUED ENVIRONMENTAL PERMITS ISSUED BY THE DEPARTMENT, INCLUDING
11 INFORMATION ON:

12 1. THE FACILITY NAME;

13 2. THE EXPIRATION DATE OF THE PERMIT;

14 3. THE PERMIT NUMBER;

15 4. THE COUNTY AND, IF READILY AVAILABLE, THE ZIP
16 CODE IN WHICH THE FACILITY IS LOCATED; AND

17 5. ANY INFORMATION ON THE STATUS OF THE PERMIT
18 RENEWAL PROCESS, INCLUDING WHETHER AN APPLICATION TO RENEW THE PERMIT
19 HAS BEEN SUBMITTED AND WHETHER THE PERMIT IS DEEMED TO BE EXPIRED OR
20 ADMINISTRATIVELY CONTINUED; AND

21 (VII) ALL INFORMATION REQUIRED TO BE POSTED ON THE
22 DEPARTMENT'S WEBSITE IN ACCORDANCE WITH § 4-802 OF THIS ARTICLE.

23 (E) THE INFORMATION POSTED ON THE WEBSITE IN ACCORDANCE WITH
24 SUBSECTION (D) OF THIS SECTION SHALL BE:

25 (1) KEPT FOR AT LEAST 10 YEARS;

26 (2) UPDATED ON AT LEAST A MONTHLY BASIS; AND

27 (3) MAINTAINED IN A DATABASE FORMAT TO ENSURE THAT THE
28 INFORMATION IS SEARCHABLE BY CATEGORY OF INFORMATION.

1-211.

(A) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR RELATING TO THE ENFORCEMENT OF NATURAL RESOURCES AND CONSERVATION LAWS.

(B) THE REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE FOLLOWING INFORMATION ON A STATEWIDE BASIS:

(I) WITH RESPECT TO THE ENFORCEMENT OF STATE CONSERVATION LAWS, THE TOTAL NUMBER OF:

1. INSPECTIONS CONDUCTED, INCLUDING THE TOTAL NUMBER OF INSPECTIONS CONDUCTED PER NATURAL RESOURCES POLICE OFFICER;

2. CITATIONS AND WARNINGS ISSUED; AND

3. VIOLATIONS THAT LED TO A CONVICTION;

(II) WITH RESPECT TO THE ENFORCEMENT OF THE STATE BOAT ACT, THE TOTAL:

1. NUMBER OF INSPECTIONS;

2. NUMBER OF CITATIONS AND WARNINGS ISSUED, INCLUDING OPERATING-UNDER-THE-INFLUENCE CITATIONS; AND

3. NUMBER OF BOATING ACCIDENTS, INCLUDING THE TOTAL NUMBER OF FATALITIES AND TOTAL DOLLAR AMOUNT OF RESULTING PROPERTY DAMAGE; AND

(III) WITH RESPECT TO ACTIVITIES REPORTED TO THE MARYLAND WILDLIFE CRIME STOPPERS, THE TOTAL NUMBER OF:

1. REPORTED INCIDENTS, INCLUDING THE TOTAL NUMBER THAT LED TO FORMAL CHARGES AND, IF APPLICABLE, CONVICTIONS; AND

1 **2. REWARDS OF FINANCIAL COMPENSATION**
2 **DISTRIBUTED, INCLUDING THE TOTAL DOLLAR AMOUNT DISTRIBUTED; AND**

3 **(2) FOR EACH OF THE EASTERN REGION, SOUTHERN REGION,**
4 **WESTERN REGION, AND CENTRAL REGION, THE FOLLOWING INFORMATION:**

5 **(I) THE TOTAL NUMBER OF INSPECTIONS RELATING TO EACH**
6 **OF THE FOLLOWING:**

7 **1. COMMERCIAL FISHING;**

8 **2. RECREATIONAL FISHING;**

9 **3. CRABS;**

10 **4. OYSTERS;**

11 **5. GAME AND WILDLIFE; AND**

12 **6. BOATING; AND**

13 **(II) THE TOTAL NUMBER OF:**

14 **1. OYSTER CITATIONS AND WARNINGS ISSUED;**

15 **2. OPERATING-UNDER-THE-INFLUENCE CITATIONS**
16 **ISSUED; AND**

17 **3. BOATING ACCIDENTS, INCLUDING THE TOTAL**
18 **NUMBER OF FATALITIES AND THE TOTAL DOLLAR AMOUNT OF RESULTING**
19 **PROPERTY DAMAGE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That:

21 (a) It is the intent of the General Assembly that:

22 (1) this Act enhance efficiency and reduce the burden on State agencies by
23 taking advantage of modern technology, maximizing collaboration, minimizing redundancy
24 in agency activities, reducing the amount of agency staff time needed to respond to and
25 complete Public Information Act requests, and marshalling nongovernmental resources
26 through the facilitation and enablement of public participation; and

27 (2) government agencies responsible for implementing this Act rely on, to
28 the maximum extent practicable, existing budgeted resources to implement this Act,

1 including by realizing the efficiencies gained under this Act, reallocating newly available
2 resources, and relying on newly available data systems and technologies to undertake tasks
3 that are currently processed manually.

4 (b) Nothing in this Act shall be construed to require any unit of State government
5 to undertake additional data collection, publish any confidential information not already
6 subject to disclosure under State law, or perform any additional redaction of information to
7 implement this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.