

HOUSE BILL 76

M3

(PRE-FILED)

1lr1178
CF SB 334

By: **Delegate Love**

Requested: October 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Water Pollution Control – Intervention in Civil Actions – Rights and Authority**

3 FOR the purpose of establishing that a person who meets the threshold standing
4 requirements under the federal Clean Water Act has an unconditional right and the
5 authority to intervene in a certain civil action that the State brings to require
6 compliance with certain water pollution control measures; establishing that a person
7 who meets certain requirements to intervene has the same rights as an interested
8 person or aggrieved party under the federal Clean Water Act; and generally relating
9 to intervention in civil actions on water pollution control.

10 BY adding to

11 Article – Environment

12 Section 9–344.1

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2020 Supplement)

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

17 **Article – Environment**

18 **9–344.1.**

19 **(A) A PERSON WHO MEETS THE THRESHOLD STANDING REQUIREMENTS**
20 **UNDER THE FEDERAL CLEAN WATER ACT HAS AN UNCONDITIONAL RIGHT AND THE**
21 **AUTHORITY TO INTERVENE IN A CIVIL ACTION THAT THE STATE BRINGS IN STATE**
22 **COURT TO REQUIRE COMPLIANCE WITH:**

23 **(1) THIS SUBTITLE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) REGULATIONS ADOPTED BY THE DEPARTMENT IN ACCORDANCE**
2 **WITH THIS SUBTITLE; OR**

3 **(3) ANY DISCHARGE PERMIT, EFFLUENT LIMITATION, OR ORDER**
4 **ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SUBTITLE.**

5 **(B) A PERSON WHO MEETS THE REQUIREMENTS TO INTERVENE UNDER**
6 **SUBSECTION (A) OF THIS SECTION HAS THE SAME RIGHTS AS AN INTERESTED**
7 **PERSON OR AGGRIEVED PARTY UNDER THE FEDERAL CLEAN WATER ACT,**
8 **INCLUDING THE RIGHT TO APPLY FOR JUDICIAL REVIEW AND APPEAL.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.