

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

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~~ initiates to
6 require compliance with certain water pollution control measures; requiring a person
7 exercising a certain right of intervention to intervene in accordance with the
8 applicable practices, procedures, and laws in the State; establishing that a person
9 who meets certain requirements to intervene has the same rights as an interested
10 person or aggrieved party under the federal Clean Water Act; and generally relating
11 to intervention in civil actions on water pollution control.

12 BY adding to

13 Article – Environment

14 Section 9–344.1

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2020 Supplement)

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

19 **Article – Environment**

20 **9–344.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(A) ~~A~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON WHO MEETS THE THRESHOLD STANDING REQUIREMENTS UNDER THE FEDERAL CLEAN WATER ACT HAS AN UNCONDITIONAL RIGHT AND THE AUTHORITY TO INTERVENE IN A CIVIL ACTION THAT THE STATE ~~BRINGS~~ INITIATES IN STATE COURT TO REQUIRE COMPLIANCE WITH:

(1) THIS SUBTITLE;

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

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

(B) A PERSON SHALL EXERCISE THE RIGHT TO INTERVENE UNDER SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH THE APPLICABLE PRACTICES, PROCEDURES, AND LAWS IN THE STATE.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.