

Chapter 618

(House Bill 76)

AN ACT concerning

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

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

BY adding to

Article – Environment

Section 9–344.1

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

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

Article – Environment

9–344.1.

(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.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.