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February 24, 2015

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Chairman Kumar P. Barve
Maryland House
Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: HB 509

Dear Mr. Chairman and Committee Members:

This letter is written in support of HB 509 and I encourage you to give it favorable consideration.

The Bill provides certainty to a law where there is none. I've practiced environmental law for approximately twenty-five years in Maryland and been involved in numerous environmental enforcement actions. These actions are frequently brought by the Maryland Department of the Environment ("MDE") through its administrative enforcement power. MDE's actions are frequently brought after the three (3) year statute of limitations period in Section 1-303 Environment Article when the Department knew or should have known of a possible violation. MDE should not be permitted to bring such actions seeking civil penalties well after memories fade and evidence becomes stale. Due process and fairness dictates the agency act within a reasonable time period when the agency knew or should have known of a violation. The proposed 5 year limitation period provides all parties with certainty.

This Bill brings Maryland law in line with other states and the federal law for administrative proceedings. West Virginia has a 1-year statute of limitations period while Pennsylvania has a 2-year period for administrative actions. Under federal law the United States Environmental Protection Agency has 5 years to bring an "action, suit or proceeding" under 28 U.S.C. §2462. Therefore, Maryland would be consistent with EPA under its various delegate programs.

HB 509 will further provide economic certainty in business transactions. A potential buyer of a business or home needs to know he or she will not be held liable for alleged environmental violations after a certain time period. This Bill provides that certainty and will allow the buyer and seller to clearly delineate and allocate potential liabilities.

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In conclusion, I support HB 509 and encourage the Committee to support and provide it favorable consideration.

Very truly yours,

LINOWES AND BLOCHER LLP

A handwritten signature in dark ink, appearing to read 'CRS', is written over the printed name.

Charles R. Schaller, Jr.