

SENATE BILL 446

M3

1lr2404

By: **Senator West**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Department of the Environment – Supplemental Environmental Projects**
3 **Database**

4 FOR the purpose of requiring the Department of the Environment to create and maintain
5 a certain database of supplemental environmental projects; requiring the
6 Department to solicit input from certain communities in creating and maintaining
7 the database; requiring the Department to prioritize the selection of a supplemental
8 environmental project located in the same geographic area as the alleged violation
9 and ensure that the scope and cost of a chosen ~~supplemental environmental~~ project
10 is commensurate with the scope and cost of a violation before a violator undertakes
11 the project; defining a certain term; and generally relating to a supplemental
12 environmental projects database.

13 BY adding to
14 Article – Environment
15 Section 1–305
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2020 Supplement)

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

20 **Article – Environment**

21 **1–305.**

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.



1 (A) IN THIS SECTION, “SUPPLEMENTAL ENVIRONMENTAL PROJECT” MEANS
 2 AN ENVIRONMENTALLY BENEFICIAL PROJECT OR ACTIVITY THAT IS NOT REQUIRED
 3 BY LAW, BUT THAT AN ALLEGED VIOLATOR AGREES TO UNDERTAKE AS PART OF A
 4 SETTLEMENT OR ENFORCEMENT ACTION.

5 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
 6 DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF SUPPLEMENTAL
 7 ENVIRONMENTAL PROJECTS FROM WHICH A PERSON THAT VIOLATES THIS ARTICLE
 8 MAY CHOOSE TO UNDERTAKE.

9 (2) IN CREATING AND MAINTAINING THE DATABASE, THE
 10 DEPARTMENT SHALL SOLICIT INPUT FROM COMMUNITIES IN THE STATE THAT ARE
 11 MOST IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES.

12 (C) BEFORE A VIOLATOR UNDERTAKES A SUPPLEMENTAL ENVIRONMENTAL
 13 PROJECT, THE DEPARTMENT ~~SHALL ENSURE~~ SHALL:

14 (1) PRIORITIZE THE SELECTION OF A PROJECT LOCATED IN THE
 15 SAME GEOGRAPHIC AREA AS THE ALLEGED VIOLATION; AND

16 (2) ENSURE THAT THE SCOPE AND COST OF THE CHOSEN PROJECT IS
 17 COMMENSURATE WITH THE SCOPE AND COST OF THE VIOLATION.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.