

HOUSE BILL 689

M1, M3

0lr2430

By: **Delegates Rosenberg and Stein**

Introduced and read first time: January 30, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Environmental Policy Act – Consistency With National**
3 **Environmental Policy Act**

4 FOR the purpose of requiring that certain methods and procedures adopted by State
5 agencies be consistent with the regulations implementing the National
6 Environmental Policy Act as the regulations existed on a certain date; requiring that
7 an environmental effects report meet the requirements of the regulations
8 implementing the National Environmental Policy Act as the regulations existed on
9 a certain date; requiring that certain guidelines issued by the Secretary of Natural
10 Resources be consistent with the regulations implementing the National
11 Environmental Policy Act as they existed on a certain date; making stylistic changes;
12 repealing obsolete provisions of law; making this Act subject to a certain contingency;
13 and generally relating to the Maryland Environmental Policy Act.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 1–303 and 1–304
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

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

21 **Article – Natural Resources**

22 1–303.

23 All State agencies, except where existing law expressly prohibits, shall identify,
24 develop, and adopt methods and procedures **CONSISTENT WITH THE REGULATIONS**
25 **IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT, AS THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **REGULATIONS EXISTED ON JANUARY 1, 2020**, that will assure that:

2 (1) Environmental amenities and values are given appropriate
3 consideration in planning and decision-making along with economic and technical
4 considerations;

5 (2) Studies are undertaken to develop and describe appropriate
6 alternatives to present policies, programs, and procedures that involve significant adverse
7 environmental effects or unresolved conflicts concerning uses of available resources; and

8 (3) Planning and decision-making involving environmental effects are
9 undertaken with the fullest practicable provision of timely public information and
10 understanding and in coordination with public and private organizations and individuals
11 with jurisdiction by law, special expertise, or recognized interest.

12 1-304.

13 (a) **(1) [As of July 1, 1974, all] ALL State agencies shall prepare, in**
14 **conjunction with each proposed State action significantly affecting the quality of the**
15 **environment, an environmental effects report [including, but not limited to,] THAT MEETS**
16 **THE REQUIREMENTS OF THE REGULATIONS IMPLEMENTING THE NATIONAL**
17 **ENVIRONMENTAL POLICY ACT, AS THE REGULATIONS EXISTED ON JANUARY 1,**
18 **2020.**

19 **(2) THE ENVIRONMENTAL EFFECTS REPORT SHALL INCLUDE a**
20 **discussion of:**

21 **[(1)] (I) The effects of the proposed action on the environment, including**
22 **adverse and beneficial environmental effects that are reasonably likely if the proposal is**
23 **implemented or if it is not implemented;**

24 **[(2)] (II) Measures that might be taken to minimize potential adverse**
25 **environmental effects and maximize potential beneficial environmental effects, including**
26 **monitoring, maintenance, replacement, operation, and other follow-up activities; and**

27 **[(3)] (III) Reasonable alternatives to the proposed action that might have**
28 **less adverse environmental effects or greater beneficial environmental effects, including,**
29 **the alternative of no action.**

30 (b) The Secretary of Natural Resources [prior to December 31, 1973,] shall issue
31 guidelines **CONSISTENT WITH THE REGULATIONS IMPLEMENTING THE NATIONAL**
32 **ENVIRONMENTAL POLICY ACT, AS THE REGULATIONS EXISTED ON JANUARY 1,**
33 **2020**, to assist State agencies in the preparation of environmental effects reports in
34 accordance with this subtitle and pursuant to the public notice provisions of § 10-112 of
35 the State Government Article, including[, but not limited to,] provision for:

1 (1) Comment upon the proposed State action by public and private
2 organizations and individuals with jurisdiction by law, special expertise, or recognized
3 interest prior to the request for legislation;

4 (2) The possibility of the preparation of single program environmental
5 effects reports if a series of actions taken individually are of minimal significance but if the
6 cumulative effect of the actions on the environment is significant or if a series of actions
7 are related either geographically or as logical parts in a chain of contemplated actions;

8 (3) The possibility of the preparation of modified environmental effects
9 reports on remaining decisions significantly affecting the quality of the environment that
10 are parts of actions begun before but not completed by July 1, 1974; and

11 (4) The issuance of guidelines, in accordance with this subtitle and
12 pursuant to the guidelines issued by the Secretary of Natural Resources, for the
13 preparation of environmental effects reports by each State agency that takes actions that
14 significantly affect the quality of the environment.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) Section 1 of this Act shall take effect contingent on the adoption of the rule
17 change to the National Environmental Policy Act proposed by the Council on
18 Environmental Quality on January 10, 2020.

19 (b) Within 5 days after the adoption of the rule change to the National
20 Environmental Policy Act, the Department of the Environment shall notify the Department
21 of Legislative Services.

22 (c) If notice of the adoption of the rule change is received by the Department of
23 Legislative Services on or before January 20, 2023, Section 1 of this Act shall take effect on
24 the date the notice is received by the Department of Legislative Services in accordance with
25 subsection (b) of this section.

26 (d) If notice of the adoption of the rule change is not received by the Department
27 of Legislative Services on or before January 20, 2023, Section 1 of this Act, with no further
28 action required by the General Assembly, shall be null and void.

29 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
30 Act, this Act shall take effect October 1, 2020.