AMENDMENTS TO SENATE BILL 446
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “database;” insert “authorizing the Department to consider a certain supplemental environmental project in a certain manner; prohibiting the Department from choosing a certain supplemental environmental project except under certain circumstances”; in the same line, strike “prioritize” and substitute “give priority consideration to”; in line 8, strike “as” and substitute “impacted by”; and in line 10, strike “is commensurate with the scope and cost of a violation” and substitute “fulfills certain requirements”.

AMENDMENT NO. 2

On page 2, in lines 7 and 8, strike “FROM WHICH A PERSON THAT VIOLATES THIS ARTICLE MAY CHOOSE TO UNDERTAKE” and substitute “THAT THE DEPARTMENT MAY CONSIDER FOR IMPLEMENTATION AS PART OF A SETTLEMENT OF AN ENFORCEMENT ACTION”; in line 11, strike “MOST IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES” and substitute “OVERBURDENED, UNDERSERVED, OR OTHERWISE DISADVANTAGED BY ENVIRONMENTAL STRESSORS”; after line 11, insert:

“(C) (1) The Department may, with reasonable justification, consider a supplemental environmental project that is not included in the database required in subsection (b) of this section as part of a settlement of an enforcement action.

(2) The Department may not choose a supplemental environmental project offered by the violator unless the Department:

(Over)
(I) **APPROVES THE PROJECT; AND**

(II) **MAINTAINS DOCUMENTATION OF THE APPROVAL.**

in line 12, strike “(C)” and substitute “(D)”; in line 14, strike “PRIORITIZE” and substitute “GIVE PRIORITY CONSIDERATION TO”; in line 15, strike “AS” and substitute “IMPACTED BY”; in line 17, strike “COMMENSURATE WITH THE SCOPE AND COST” and substitute “REASONABLY RELATED TO THE NEXUS”; and in the same line, after “VIOLATION” insert “OR THE ADVERSE IMPACT OF THE VIOLATION AND THE COST IS SUFFICIENT TO ALLOW THE DEPARTMENT AND THE ALLEGED VIOLATOR TO REACH A SETTLEMENT”.