SENATE BILL 446

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
   Database

3 FOR the purpose of requiring the Department of the Environment to create and maintain
   a certain database of supplemental environmental projects; requiring the
   Department to solicit input from certain communities in creating and maintaining
   the database; requiring the Department to prioritize the selection of a supplemental
   environmental project located in the same geographic area as the alleged violation
   and ensure that the scope and cost of a chosen supplemental environmental project
   is commensurate with the scope and cost of a violation before a violator undertakes
   the project; defining a certain term; and generally relating to a supplemental
   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.
(A) IN THIS SECTION, “SUPPLEMENTAL ENVIRONMENTAL PROJECT” MEANS AN ENVIRONMENTALLY BENEFICIAL PROJECT OR ACTIVITY THAT IS NOT REQUIRED BY LAW, BUT THAT AN ALLEGED VIOLATOR AGREES TO UNDERTAKE AS PART OF A SETTLEMENT OR ENFORCEMENT ACTION.

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.