

HOUSE BILL 595

M3

2lr2615
CF SB 90

By: **Delegate Mangione**

Introduced and read first time: January 31, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

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 database of supplemental environmental projects that the Department may
6 consider for implementation as part of a settlement of an enforcement action;
7 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 to ensure that the scope and cost of a chosen project meet certain criteria; and
10 generally relating to a supplemental environmental projects database.

11 BY adding to
12 Article – Environment
13 Section 1–306
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2021 Supplement)

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

18 **Article – Environment**

19 **1–306.**

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

24 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF SUPPLEMENTAL
2 ENVIRONMENTAL PROJECTS THAT THE DEPARTMENT MAY CONSIDER FOR
3 IMPLEMENTATION AS PART OF A SETTLEMENT OF AN ENFORCEMENT ACTION.

4 (2) IN CREATING AND MAINTAINING THE DATABASE, THE
5 DEPARTMENT SHALL SOLICIT INPUT FROM COMMUNITIES IN THE STATE THAT ARE
6 OVERBURDENED, UNDERSERVED, OR OTHERWISE DISADVANTAGED BY
7 ENVIRONMENTAL STRESSORS.

8 (C) (1) THE DEPARTMENT MAY, WITH REASONABLE JUSTIFICATION,
9 CONSIDER A SUPPLEMENTAL ENVIRONMENTAL PROJECT THAT IS NOT INCLUDED IN
10 THE DATABASE REQUIRED IN SUBSECTION (B) OF THIS SECTION AS PART OF A
11 SETTLEMENT OF AN ENFORCEMENT ACTION.

12 (2) THE DEPARTMENT MAY NOT CHOOSE A SUPPLEMENTAL
13 ENVIRONMENTAL PROJECT OFFERED BY THE VIOLATOR UNLESS THE DEPARTMENT:

14 (I) APPROVES THE PROJECT; AND

15 (II) MAINTAINS DOCUMENTATION OF THE APPROVAL.

16 (D) BEFORE A VIOLATOR UNDERTAKES A SUPPLEMENTAL ENVIRONMENTAL
17 PROJECT, THE DEPARTMENT SHALL:

18 (1) GIVE PRIORITY CONSIDERATION TO THE SELECTION OF A
19 PROJECT LOCATED IN THE SAME GEOGRAPHIC AREA IMPACTED BY THE ALLEGED
20 VIOLATION; AND

21 (2) ENSURE THAT THE SCOPE AND COST OF THE CHOSEN PROJECT IS
22 REASONABLY RELATED TO THE NEXUS OF THE VIOLATION OR THE ADVERSE IMPACT
23 OF THE VIOLATION AND THAT THE COST IS SUFFICIENT TO ALLOW THE
24 DEPARTMENT AND THE ALLEGED VIOLATOR TO REACH A SETTLEMENT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2022.