

SENATE BILL 90

M3
SB 446/21 – EHE

(PRE-FILED)

2lr0612

By: **Senator West**

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
2 **DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF SUPPLEMENTAL**
3 **ENVIRONMENTAL PROJECTS THAT THE DEPARTMENT MAY CONSIDER FOR**
4 **IMPLEMENTATION AS PART OF A SETTLEMENT OF AN ENFORCEMENT ACTION.**

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

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

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

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

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

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

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

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

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