SENATE BILL 90

M3
SB 446/21 – EHE
(PRE–FILED)

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

Department of the Environment – Supplemental Environmental Projects
Database

FOR the purpose of requiring the Department of the Environment to create and maintain
a database of supplemental environmental projects that the Department may
consider for implementation as part of a settlement of an enforcement action;
requiring the Department to prioritize the selection of a supplemental
environmental project located in the same geographic area as the alleged violation
and to ensure that the scope and cost of a chosen project meet certain criteria; and
generally relating to a supplemental environmental projects database.

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

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

Article – Environment

1–306.

(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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(B) (1) Subject to paragraph (2) of this subsection, the Department shall create and maintain a database of supplemental environmental projects that the Department may consider for implementation as part of a settlement of an enforcement action.

(2) In creating and maintaining the database, the Department shall solicit input from communities in the State that are overburdened, underserved, or otherwise disadvantaged by environmental stressors.

(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:

   (I) Approves the project; and

   (II) Maintains documentation of the approval.

(D) Before a violator undertakes a supplemental environmental project, the Department shall:

   (1) Give priority consideration to the selection of a project located in the same geographic area impacted by the alleged violation; and

   (2) Ensure that the scope and cost of the chosen project is reasonably related to the nexus of the violation or the adverse impact of the violation and that the cost is sufficient to allow the Department and the alleged violator to reach a settlement.

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