

# SENATE BILL 90

M3  
SB 446/21 – EHE

(PRE-FILED)

2lr0612

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By: Senator West

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

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## 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.

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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.

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.