

February 11, 2020

The Honorable Paul G. Pinsky  
Chairman, Senate Education, Health, and Environmental Affairs Committee  
Senate Office Building, 2 West  
11 Bladen Street  
Annapolis, MD 21401

**RE: In Opposition of Senate Bill 323 (Environment – Supplemental Environmental Projects and Study on Discharge Permit Fees)**

Dear Chairman Pinsky:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, supports Senate Bill 323 (Environment – Supplemental Environmental Projects and Study on Discharge Permit Fees).

This measure required the Maryland Department of the Environment (MDE) to consider and use “supplemental environmental projects” (SEPSs) as part of settlements or enforcement actions against violations of certain provisions of the State Environmental Article.

MDE and EPA policies already incorporate SEPs as a factor considered when determining an appropriate settlement penalty. The bill requires MDE to consider and use SEPs as a part of a settlement action *as appropriate and to the extent consistent with State and federal law*. Thus, it is unclear whether the bill results in an increase in the use of SEPs. If SEPs require more resources than traditional enforcement measures, this bill could result in a significant increase in the number of SEPs approved, raising overall costs for MDE and complying parties. While we agree that SEPs serve a purpose and should be used in certain situations, we have concerns about making it mandatory.

MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Senate Education, Health, and Environmental Affairs Committee Members