



SB0446/683922/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

31 MAR 21
16:39:19

BY: Senator West

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO SENATE BILL 446

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “database;” insert “authorizing the Department to consider a certain supplemental environmental project in a certain manner; prohibiting the Department from choosing a certain supplemental environmental project except under certain circumstances;”; in the same line, strike “prioritize” and substitute “give priority consideration to”; in line 8, strike “as” and substitute “impacted by”; and in line 10, strike “is commensurate with the scope and cost of a violation” and substitute “fulfills certain requirements”.

AMENDMENT NO. 2

On page 2, in lines 7 and 8, strike “**FROM WHICH A PERSON THAT VIOLATES THIS ARTICLE MAY CHOOSE TO UNDERTAKE**” and substitute “**THAT THE DEPARTMENT MAY CONSIDER FOR IMPLEMENTATION AS PART OF A SETTLEMENT OF AN ENFORCEMENT ACTION**”; in line 11, strike “**MOST IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES**” and substitute “**OVERBURDENED, UNDERSERVED, OR OTHERWISE DISADVANTAGED BY ENVIRONMENTAL STRESSORS**”; after line 11, insert:

“(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.

(Over)

(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.;

in line 12, strike “(C)” and substitute “(D)”; in line 14, strike “**PRIORITIZE**” and substitute “**GIVE PRIORITY CONSIDERATION TO**”; in line 15, strike “**AS**” and substitute “**IMPACTED BY**”; in line 17, strike “**COMMENSURATE WITH THE SCOPE AND COST**” and substitute “**REASONABLY RELATED TO THE NEXUS**”; and in the same line, after “**VIOLATION**” insert “**OR THE ADVERSE IMPACT OF THE VIOLATION AND THE COST IS SUFFICIENT TO ALLOW THE DEPARTMENT AND THE ALLEGED VIOLATOR TO REACH A SETTLEMENT**”.