



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 90

Department of the Environment – Supplemental Environmental Projects Database

Date: February 2, 2022

Position: **Support**

To: Education, Health and Environmental Affairs

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 90 which requires MDE to develop a database of Supplemental Environmental Projects (SEPs) throughout the state that can be selected for timely compensation of enforcement actions. The list will be created in conjunction with environmental justice communities and be representative of the types of compensation appropriate for environmental damages in that area.

CBF often engages in negotiated settlements for environmental damages based on incidents of illegal clearing of forests, filling of a jurisdictional wetland, or accidental or intentional releases of pollutants under a surface water discharge permit. In many cases, a supplemental environmental project serves as an education for the party responsible for the harm. When required in addition to a fine, these projects may be a strong deterrent to would-be repeat violations. SEPs carry the added benefit of replacing some ecosystem functions damaged by the incident or infraction.

Defining an appropriate SEP for an environmental harm is not easy. Limited availability of land near the site of the harm, and design and permitting issues or other logistical hurdles can delay the compensation for months or even years. If a list of SEP projects is developed in advance, similar to a mitigation bank, then temporal losses of function between when the infraction occurs and the SEP is completed can be avoided.

Compiling a database of possible SEPs as envisioned in this bill may expedite the process of selecting and executing an SEP. Advance planning may allow for increased community input and identification of larger projects as SEPs. Projects with larger green footprints may have greater ecological value, perhaps even serving to compensate for multiple violations in the same area. Coordinating SEPs with Environmental Justice Communities is key to addressing both past and present environmental damages in those communities.

CBF urges the Committee's FAVORABLE report on SB 90. For more information, please contact Robin Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.