

**CHRIS WEST**  
*Legislative District 42*  
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County  
Senate Delegation



**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 303  
Annapolis, Maryland 21401  
410-841-3648 · 301-858-3648  
800-492-7122 Ext. 3648  
Chris.West@senate.state.md.us

*District Office*  
1134 York Road, Suite 200  
Lutherville-Timonium, MD 21093  
410-823-7087

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Senate Education, Health and Environmental Affairs Committee

The Honorable Paul G. Pinsky

2 West Miller Senate Building

Annapolis, Maryland 21401

**RE: SB 90 – Department of the Environment – Supplemental Environmental Projects Database**

Dear Chairman Pinsky and Members of the Committee,

Senate Bill 90 embodies the recommendations of the Senate President’s Advisory Workgroup on Equity and Inclusion, on which I sat. The background of Senate Bill 90 is as follows: When businesses, institutions or individuals take actions that are found to be in violation of the State’s environmental laws, they typically face a penalty or fine. For example, in Fiscal Year 2019, the Maryland Department of the Environment initiated nearly 10,000 enforcement actions, resulting in over \$5.5 million in administrative or civil penalties. While these monetary penalties may deter future environmental violations, they don’t directly address the harm to the State’s environment caused by the infractions. All too frequently, the harm to the environment is disproportionately shouldered by low income communities largely comprised of racial and ethnic minorities.

Maryland law currently provides that, instead of paying fines or penalties, environmental violators can engage in what are known as Supplemental Environmental Projects (“SEPs”). A SEP is an environmentally beneficial project that a defendant subject to an enforcement action voluntarily agrees to undertake as part of a settlement of the action but which the defendant is otherwise not legally required to perform. Examples of SEPs include planting trees in the neighborhood where the violation occurred, providing funding for environmental projects, installing high performance air filtration systems in schools, conducting home air quality assessments and remediation, cleaning up watercourses, restoring watersheds and the like.

In FY 2019, the Maryland Department of the Environment entered into three SEPs with a total value of over \$3.5 million. The previous year, MDE entered into five SEPs with a total value of over \$6 million.

Senate Bill 90 requires MDE to create and maintain a database of SEPs 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 SEP 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.

SEPs result in an improved environment where the violation occurred rather than merely money paid into the State Treasury.

Finally, last year, the SEPs bill (SB446) passed the Senate unanimously (45-0), and following some technical amendments, unanimously passed in the House (136-0). Senate Bill 90 is in essence Senate Bill 446 but includes the amendments made by the House of Delegates.

I appreciate the Committee's consideration of Senate Bill 90 and will be happy to answer any questions the Committee may have.