

Chapter 352

(Senate Bill 90)

AN ACT concerning

**Department of the Environment – Supplemental Environmental Projects
Database**

FOR the purpose of requiring the Department of the Environment to create and maintain a database of supplemental environmental projects 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 supplemental environmental project 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.

BY adding to

Article – Environment

Section 1–306

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

1–306.

(A) IN THIS SECTION, “SUPPLEMENTAL ENVIRONMENTAL PROJECT” MEANS AN ENVIRONMENTALLY BENEFICIAL PROJECT OR ACTIVITY THAT IS NOT REQUIRED BY LAW BUT THAT AN ALLEGED VIOLATOR AGREES TO UNDERTAKE AS PART OF A SETTLEMENT OR ENFORCEMENT ACTION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS THAT THE DEPARTMENT MAY CONSIDER FOR IMPLEMENTATION AS PART OF A SETTLEMENT OF AN ENFORCEMENT ACTION.

(2) IN CREATING AND MAINTAINING THE DATABASE, THE DEPARTMENT SHALL SOLICIT INPUT FROM COMMUNITIES IN THE STATE THAT ARE OVERBURDENED, UNDERSERVED, OR OTHERWISE DISADVANTAGED BY ENVIRONMENTAL STRESSORS.

(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.

(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.

(d) BEFORE A VIOLATOR UNDERTAKES A SUPPLEMENTAL ENVIRONMENTAL PROJECT, THE DEPARTMENT SHALL:

(1) GIVE PRIORITY CONSIDERATION TO THE SELECTION OF A PROJECT LOCATED IN THE SAME GEOGRAPHIC AREA IMPACTED BY THE ALLEGED VIOLATION; AND

(2) ENSURE THAT THE SCOPE AND COST OF THE CHOSEN PROJECT IS REASONABLY RELATED TO THE NEXUS OF THE VIOLATION OR THE ADVERSE IMPACT OF THE VIOLATION AND THAT THE COST IS SUFFICIENT TO ALLOW THE DEPARTMENT AND THE ALLEGED VIOLATOR TO REACH A SETTLEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 16, 2022.