



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

February 10, 2021

The Honorable Paul Pinsky
Chairman
Senate Education, Health, and Environmental Affairs Committee
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 446 – Supplemental Environmental Projects Database

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 446, entitled Supplemental Environmental Projects Database and would like to offer a letter of information regarding this legislation.

Senate Bill 446 requires MDE to develop a database of supplemental environmental projects that a violator may choose to undertake as part of a settlement or enforcement action. MDE recognizes the usefulness of supplemental environmental projects (SEP) as a tool in the enforcement process. SEPs provide the opportunity for direct environmental benefits that go beyond restoration as part of the enforcement process. These benefits can be particularly important in addressing issues related to environmental justice or climate change where projects that go beyond compliance for a facility can provide long term, positive impacts for the community.

However, MDE has concerns about implementing the database as prescribed in SB 446. In order to develop a list of potential, pre-approved SEPs, MDE would need to determine not only appropriate projects, but the specific costs to implement the projects. MDE does not maintain data on project costs. Costs are too variable due to factors including location, contractor, and timing for the MDE to determine them in advance. Additionally, violators would be required to complete the SEP and, if the cost was less than the amount in the database, they would have to pay the remaining amount as a penalty. If the SEP required additional funds to complete, the violator would still need to spend the additional funds to complete the project.

The Department can develop and maintain a list SEPs that could be recommended as part of a settlement or enforcement action. We respectfully request that the requirement to determine the specific costs for each of the projects be amended from the bill.

Thank you for your consideration. We will continue to monitor Senate Bill 466 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott".

Tyler Abbott

cc: The Honorable Chris West