

# SENATE BILL 398

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CF 6lr1369

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By: **Senators Ramirez, Benson, Guzzone, Nathan–Pulliam, and Raskin**

Introduced and read first time: January 29, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Reducing Environmental Degradation for the Underserved Through**  
3 **Community Engagement**  
4 **(The REDUCE Act)**

5 FOR the purpose of requiring the Department of the Environment to require an applicant  
6 for a certain permit to construct or modify a certain source to report to the  
7 Department certain information regarding the diesel vehicles that are needed during  
8 the construction and operation of a certain source and to solicit input on certain  
9 issues from the affected community and certain organizations; requiring the  
10 Department, before issuing a certain permit, to solicit certain information from  
11 certain local health departments under certain circumstances, to coordinate with the  
12 applicant to disseminate certain information to certain interested parties, and to  
13 publish certain information on the Department's Web site; providing for the  
14 application of this Act; defining certain terms; and generally relating to a permit to  
15 construct or modify certain sources of air pollution.

16 BY renumbering

17 Article – Environment  
18 Section 2–404.1  
19 to be Section 2–404.2  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2015 Supplement)

22 BY adding to

23 Article – Environment  
24 Section 2–404.1  
25 Annotated Code of Maryland  
26 (2013 Replacement Volume and 2015 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 23–401(b)  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume and 2015 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That Section(s) 2–404.1 of Article – Environment of the Annotated Code of Maryland be  
6 renumbered to be Section(s) 2–404.2.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
8 as follows:

9 **Article – Environment**

10 **2–404.1.**

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (2) “AFFECTED COMMUNITY” MEANS A U.S. CENSUS TRACT IN  
14 WHICH:

15 (I) 1. THE MEDIAN HOUSEHOLD INCOME IS LESS THAN OR  
16 EQUAL TO 2 TIMES THE FEDERAL POVERTY RATE FOR A HOUSEHOLD OF FOUR  
17 INDIVIDUALS; OR

18 2. THE PORTION OF THE STATE’S POPULATION THAT  
19 IDENTIFIES AS A RACE OTHER THAN WHITE, INCLUDING INDIVIDUALS WHO  
20 IDENTIFY THEIR RACE OR ETHNICITY AS HISPANIC OR LATINO, IS GREATER THAN  
21 35%; AND

22 (II) A SOURCE OR PROPOSED SOURCE IS LOCATED.

23 (3) “DIESEL VEHICLE” HAS THE MEANING STATED IN § 23–401 OF THE  
24 TRANSPORTATION ARTICLE.

25 (B) THIS SECTION APPLIES TO THE CONSTRUCTION OF A NEW SOURCE, OR  
26 THE MODIFICATION OF AN EXISTING PERMITTED SOURCE THAT MAKES A PHYSICAL  
27 OR OPERATIONAL CHANGE TO THE EXISTING SOURCE THAT WILL RESULT IN A  
28 SIGNIFICANT NET INCREASE IN EMISSIONS OF ANY POLLUTANT FROM THE SOURCE,  
29 IF THE SOURCE:

30 (1) IS LOCATED IN AN AFFECTED COMMUNITY; AND

31 (2) ENGAGES IN THE FOLLOWING ACTIVITIES:

1           **(I) THE USE OF CRUSHERS, HAMMERMILLS, SHREDDERS,**  
2 **GRINDERS, OR CLASSIFYING SCREENS OF 5 TONS (4,540 KILOGRAMS) OR MORE PER**  
3 **HOUR THROUGHPUT;**

4           **(II) COAL OR ORE EXPORT LOADING OR UNLOADING**  
5 **INSTALLATIONS;**

6           **(III) ASPHALT BLOWING OR ASPHALT BUILDING PRODUCTS**  
7 **SATURATION OR ROLL COATING INSTALLATIONS; OR**

8           **(IV) HOT-MIX ASPHALT CONCRETE PRODUCTION**  
9 **INSTALLATIONS.**

10       **(C) BEFORE ISSUING A PERMIT FOR THE ACTIVITIES LISTED IN SUBSECTION**  
11 **(B) OF THIS SECTION, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO:**

12           **(1) ESTIMATE AND REPORT TO THE DEPARTMENT:**

13           **(I) THE NUMBER OF DIESEL VEHICLE TRIPS PER DAY NEEDED**  
14 **TO SERVICE THE SOURCE OR PROPOSED SOURCE DURING CONSTRUCTION AND**  
15 **OPERATION; AND**

16           **(II) THE ASSOCIATED EMISSIONS FROM THE DIESEL VEHICLE**  
17 **TRIPS; AND**

18           **(2) SOLICIT INPUT ON THE FOLLOWING ISSUES FROM THE AFFECTED**  
19 **COMMUNITY AND ANY COMMUNITY ADVISORY BOARD OR SIMILAR ORGANIZATION**  
20 **THAT IS LOCATED WITHIN A 1-MILE RADIUS OF THE SOURCE OR PROPOSED SOURCE:**

21           **(I) DIESEL VEHICLE TRIP ROUTES AND TIMES;**

22           **(II) IMPACTS ON ROAD INFRASTRUCTURE AND TRAFFIC**  
23 **SAFETY; AND**

24           **(III) IDLING POLICIES.**

25       **(D) BEFORE ISSUING A PERMIT FOR THE ACTIVITIES LISTED IN SUBSECTION**  
26 **(B) OF THIS SECTION, THE DEPARTMENT SHALL:**

27           **(1) ON REQUEST BY AN INDIVIDUAL RESIDING WITHIN AN AFFECTED**  
28 **COMMUNITY, SOLICIT FROM THE APPROPRIATE COUNTY HEALTH DEPARTMENT OR**

1 ANY OTHER LOCAL HEALTH DEPARTMENT ANY AVAILABLE INFORMATION  
2 PERTAINING TO THE FOLLOWING INCIDENCES WITHIN THE AFFECTED COMMUNITY:

3 (I) RESPIRATORY ILLNESS OR MORTALITY;

4 (II) CARDIOVASCULAR DISEASE; OR

5 (III) OTHER HEALTH DISPARITIES OF CONCERN;

6 (2) COORDINATE WITH THE PERMIT APPLICANT TO DISSEMINATE  
7 THE INFORMATION GATHERED IN ACCORDANCE WITH THIS SECTION TO  
8 INTERESTED PARTIES, INCLUDING:

9 (I) REPRESENTATIVES OF THE AFFECTED COMMUNITY;

10 (II) LOCAL BUSINESSES;

11 (III) ADVOCACY ORGANIZATIONS KNOWN TO HAVE WORKED  
12 WITH THE AFFECTED COMMUNITY; AND

13 (IV) ELECTED OFFICIALS OF THE AFFECTED COMMUNITY; AND

14 (3) PUBLISH ON THE DEPARTMENT'S WEB SITE THE INFORMATION  
15 REPORTED TO THE DEPARTMENT UNDER SUBSECTION (C)(1) OF THIS SECTION.

#### 16 Article – Transportation

17 23–401.

18 (b) “Diesel vehicle” means a motor vehicle that:

19 (1) Is powered by a compression ignition engine; and

20 (2) Has a manufacturer's gross vehicle weight rating or gross combination  
21 weight rating over 10,000 pounds.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2016.