

HOUSE BILL 1200

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CF SB 818

By: **Delegate Wells**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2022

CHAPTER _____

1 AN ACT concerning

2 **Environment – Permit Applications – Environmental Justice Screening**

3 FOR the purpose of requiring a person applying for a certain permit from the Department
4 of the Environment to include in the application the EJ Score from the Maryland
5 ~~EJScreen mapping~~ EJ tool for the ~~address~~ census tract where the applicant is
6 seeking the permit; requiring the Department, on receiving a certain permit
7 application, to ~~conduct an environmental justice analysis of the address~~ review the
8 EJ Score for the census tract where the applicant is seeking a permit using the
9 Maryland ~~EJScreen mapping~~ EJ tool; ~~requiring the Department to conduct the~~
10 ~~analysis before deciding whether to issue a permit~~; requiring notices regarding
11 certain permit applications to include information related to EJ Scores ~~and~~
12 ~~environmental justice analyses~~; and generally relating to environmental permits and
13 environmental justice screenings.

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 1–101 and 1–602
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2021 Supplement)

19 BY adding to
20 Article – Environment
21 Section ~~1–205~~ 1–601.1
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Environment**

4 1–101.

5 (a) In this article the following words have the meanings indicated.

6 (b) “Contested case hearing” means an adjudicatory hearing in accordance with
7 the contested case procedures of Subtitle 2 of the Maryland Administrative Procedure Act.

8 (c) “County” means a county of this State and, unless expressly provided
9 otherwise, Baltimore City.

10 (d) “Department” means the Department of the Environment.

11 (e) **“EJ SCORE” MEANS AN OVERALL EVALUATION OF AN AREA’S**
12 **ENVIRONMENT AND EXISTING ENVIRONMENTAL JUSTICE INDICATORS, AS DEFINED**
13 **BY THE DEPARTMENT IN REGULATION, INCLUDING:**

14 (1) **POLLUTION BURDEN EXPOSURE;**

15 (2) **POLLUTION BURDEN ENVIRONMENTAL EFFECTS;**

16 (3) **SENSITIVE POPULATIONS; AND**

17 (4) **SOCIOECONOMIC FACTORS.**

18 (F) **“ENVIRONMENTAL JUSTICE” ~~MEANS EQUAL PROTECTION FROM~~**
19 **~~ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL PEOPLE REGARDLESS OF~~**
20 **~~RACE, INCOME, CULTURE, AND SOCIAL STATUS~~ HAS THE MEANING STATED IN §**
21 **1–701 OF THIS TITLE.**

22 [(e)] (G) “Health officer” means the Baltimore City Commissioner of Health or
23 the health officer of a county.

24 [(f)] (H) “Includes” or “including” means includes or including by way of
25 illustration and not by way of limitation.

26 [(g)] (I) “Informational meeting” means a meeting, open to the public, at which
27 the applicant or the Department presents information concerning a permit application. An
28 informational meeting is not a contested case hearing nor an agency hearing under §
29 10–202(d) of the State Government Article.

1 (J) ~~“MARYLAND EJScreen EJ TOOL”~~ MEANS A PUBLICLY AVAILABLE
 2 STATE MAPPING TOOL THAT ALLOWS USERS TO:

3 (1) EXPLORE LAYERS OF ENVIRONMENTAL JUSTICE CONCERN;

4 (2) DETERMINE ~~THE~~ AN OVERALL EJ SCORE FOR CENSUS TRACTS IN
 5 THE STATE; AND

6 (3) VIEW ADDITIONAL CONTEXT LAYERS RELEVANT TO AN AREA.

7 [(h)] (K) “Person” means an individual, receiver, trustee, guardian, personal
 8 representative, fiduciary, or representative of any kind and any partnership, firm,
 9 association, corporation, or other entity.

10 [(i)] (L) “Physician” means an individual who is authorized under the Maryland
 11 Medical Practice Act to practice medicine in this State.

12 [(j)] (M) “Public hearing” means a meeting, open to the public, at which the
 13 Department receives oral and written comments concerning a tentative determination. A
 14 public hearing is not a contested case hearing nor an agency hearing under § 10–202(d) of
 15 the State Government Article.

16 [(k)] (N) “Secretary” means the Secretary of the Environment.

17 [(l)] (O) “State” means:

18 (1) A state, possession, or territory of the United States;

19 (2) The District of Columbia; or

20 (3) The Commonwealth of Puerto Rico.

21 [(m)] (P) “Substantively” means in a manner substantially affecting the rights,
 22 duties, or obligations of a member of the public.

23 ~~1-205.~~ 1-601.1.

24 (A) A PERSON APPLYING FOR A PERMIT ~~UNDER THIS ARTICLE LISTED~~
 25 UNDER § 1-601(A) OF THIS SUBTITLE SHALL INCLUDE IN THE PERMIT APPLICATION
 26 THE EJ SCORE FROM THE MARYLAND ~~EJScreen~~ MAPPING EJ TOOL FOR THE
 27 ADDRESS CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT, UNLESS
 28 THE PERMIT REQUIRES THE APPLICANT TO USE A TOOL DEVELOPED BY THE U.S.
 29 ENVIRONMENTAL PROTECTION AGENCY.

1 (B) ~~(1)~~ ON RECEIVING ~~A AN APPLICATION FOR A PERMIT APPLICATION~~
 2 ~~UNDER THIS ARTICLE LISTED UNDER § 1-601(A) OF THIS SUBTITLE, THE~~
 3 DEPARTMENT SHALL, IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS
 4 SECTION, ~~CONDUCT AN ANALYSIS OF THE ADDRESS~~ REVIEW THE EJ SCORE FOR THE
 5 CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT USING THE
 6 MARYLAND ~~EJSCREEN MAPPING~~ EJ TOOL TO VERIFY THE APPLICANT'S
 7 INFORMATION.

8 ~~(2) THE DEPARTMENT SHALL CONDUCT THE ANALYSIS REQUIRED~~
 9 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE DECIDING WHETHER TO~~
 10 ~~ISSUE A PERMIT UNDER THIS ARTICLE.~~

11 (C) ~~ON OR BEFORE OCTOBER 1, 2023, THE~~ THE DEPARTMENT SHALL
 12 ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13 1-602.

14 (a) Wherever this subtitle requires the Department to publish notice:

15 (1) Notice shall be published at least once a week for 2 consecutive weeks
 16 in a daily or weekly newspaper of general circulation in the geographical area in which the
 17 proposed facility is located;

18 (2) THE NOTICE SHALL INCLUDE:

19 (I) THE EJ SCORE FOR THE ~~ADDRESS~~ CENSUS TRACT WHERE
 20 THE APPLICANT IS SEEKING A PERMIT, PROVIDED BY THE APPLICANT UNDER §
 21 ~~1-205 OF THIS TITLE~~ § 1-601.1 OF THIS SUBTITLE; AND

22 (II) THE ADDRESS OF THE DEPARTMENT WEBSITE FOR
 23 ACCESSING ~~EJSCREEN ANALYSES PREPARED UNDER § 1-205 OF THIS TITLE; THE~~
 24 EJ SCORE REVIEW CONDUCTED UNDER § 1-601.1 OF THIS SUBTITLE; AND

25 (III) A DESCRIPTION OF THE ENVIRONMENTAL JUSTICE
 26 INDICATORS CONTRIBUTING TO THE EJ SCORE OF THE CENSUS TRACT WHERE THE
 27 APPLICANT IS SEEKING A PERMIT;

28 (3) The Department may require notice of an informational meeting or a
 29 public hearing by mail to each person requesting the meeting or hearing or to their
 30 authorized representatives;

31 [(3)] (4) The Department may provide additional notice by requiring the
 32 notice to be posted at the proposed facility or at public facilities in the geographical area of
 33 the proposed facility; and

