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SB 1088

February 27, 2024

TO: Members of the Education, Energy, and the Environment Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 1088 - Environment - Public Participation in the Permitting Process – Alterations

POSITION: OPPOSE

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) wishes to **oppose** Senate Bill (HB) 1088. Given the city's diverse socio-economic structure, we firmly believe that municipalities and localities should retain the flexibility to implement environmental justice processes tailored to their unique community needs.

Baltimore is committed to environmental justice and the equitable treatment of all communities. Within our capital projects, the city utilizes environmental justice tools/process to identify prioritized communities. This initiative underscores our commitment to addressing environmental justice proactively and without the imposition of a one-size-fits-all approach.

The provision allowing for judicial review based on an individual's Environmental Justice (EJ) score request could lead to substantial delays in permit issuance. The bill, while well-intentioned, may result in protracted legal disputes, hindering the execution of projects essential for community well-being. Such delays could impose additional financial burdens on both local and state resources, as they would need to comply with multiple, potentially simultaneous individual requests.

Currently, the bill does not require that individuals wishing to challenge a permit in court must first participate in the public comment process. This oversight could prevent the Maryland Department of the Environment (MDE) from addressing issues proactively, leading to a lengthy judicial review process. Additionally, ensuring that the EJ Score is calculated consistently and in accordance with the established methodology outlined in Title 1, Subtitle 7 of the Environment Article would promote a comprehensive approach to assessing environmental justice concerns. This measure would complement the review process by providing a transparent basis for evaluations, further ensuring the review process does not inadvertently obstruct vital community projects.

This clarity is crucial not only for enhancing transparency and fairness in the permitting process, but it also provides a structured and predictable framework for all parties involved. For these reasons, the Baltimore City Administration respectfully request an **unfavorable report** on SB 1088.