

SB1086_Environmental_Justice_Districts_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB1086

Environment - Environmental Justice Districts - Designation and Requirements

Bill Sponsor: Senator Mary Washington

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB1086 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

As a matter of public policy, the Department of the Environment should prioritize Environmental Justice Districts when they are distributing funding to mitigate pollution and other environmental hazards. In order to make this policy effective it is important for residents of Environmental Justice Districts to be able to engage in the process.

This bill, if enacted, would allow any resident of a local jurisdiction or an overburdened or underserved community to submit an application to the Department of the Environment to request designation of their local area as an Environmental Justice District. It also calls on the Department of the Environment to publish the process for making an application on their website by December 1, 2024, along with the criteria they will use in evaluating the request. Within 60 days of receiving an application, the Department will publish notice of a public hearing, which will allow other residents in that location to give their views. The Department will be required to consider the input from the public hearing before making a decision on the application.

A list of approved Environmental Justice Districts must be available by April 1, 2025 on the Department of Environment's website.

We approve of the way that this process encourages residents to get involved and to provide information to the Department of Environment that they would otherwise have difficulty acquiring. We believe that it will show that Maryland does care to support Environmental Justice Districts and their residents when trying to remediate the damage from pollution and other environmental hazards.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 1086 Environment - Environmental Justice Distri

Uploaded by: Humna Sharif

Position: FAV

Tuesday, February 27, 2024

TO: Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support SB 1086 Environment - Environmental Justice Districts - Designation and Requirements

The Nature Conservancy (TNC) supports SB 1086 offered by Senator Mary Washington. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate.

SB 1086 would enable a resident of a local jurisdiction or an overburdened and underserved community in the State to apply to the Department of the Environment (MDE) to request the designation of a certain area as an environmental justice district. This legislation also creates criteria that must be considered in the designation of an environmental justice district. Environmental justice districts are areas disproportionately bearing the share of negative environmental consequences resulting from industrial, commercial, or governmental actions. Once designated, environmental justice districts will receive additional support from MDE during any environmental permit review process. SB 1086 requires that within 60 days after receiving an application for a permit that may cause or increase pollution in an environmental justice district, MDE will hold, at a location in the affected census tract, an in-person public hearing on the application. This inclusive process is urgently needed to protect Maryland's environmental justice communities.

The state's decision-making processes for environmental permits need to incorporate our increasing knowledge of climate change and its worsening impacts on ecosystems and communities, as well as a deeper understanding of the intricate relationships that communities hold for nearby land and water resources. It is widely understood that climate, conservation, and environmental planning outcomes are longer lasting and more effective if projects are permitted, designed and implemented collaboratively with communities; however, community members are infrequently included in – or even completely absent from – environmental planning programs' priority setting.

TNC commends Senator Mary Washington for introducing this legislation. Success in creating and sustaining vibrant communities, delivering equitable and just outcomes for Maryland's residents, and restoring and protecting the natural resources of the state, requires us to widen environmental permitting's lens to include environmental justice priorities. SB 1086 is a step in the right direction to achieve this.

For these reasons, we urge a favorable report on SB 1086.

SB1086 - CASA Written Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



Testimony in SUPPORT of SB1086

Environment - Environmental Justice Districts - Designation and Requirements

Senate - Education, Energy, and Environment

Jose Coronado-Flores , On Behalf of CASA

February 27th, 2024

Dear Honorable Chair Feldman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of SB1086 -Environment - Environmental Justice Districts - Designation and Requirements**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families in Maryland.

In particular, CASA is invested in seeing this bill pass, because our members populate some of the most polluted communities in the state. Many of these areas are covered by the definitions of overburdened and/or underserved. I want to highlight 2 communities where our members live that would be eligible for the Environmental Justice district designation and the protections that would come from it.

Take Census Tract 8002.09 for example, which includes the city of Laurel, in Prince George's County. This low-income majority-minority community is surrounded by land restoration program sites, active air emission facilities, solid waste facilities, and wastewater discharge facilities. The residents of this community are exposed to countless toxins and are in proximity to present and historic hazardous materials.

Lastly, consider Census Tract 7016.02 in Montgomery County, which is located slightly Northwest of Langley Park in Silver Spring. This community reports a 50% poverty rate, 25% limited English proficiency, and an upper 90 percentile sensitive populations score on the EJ screening tool. In this higher-density area, you can find the massive apartment community, Northwest Park Apartments, which is triangulated by New Hampshire Avenue, University Boulevard, and 450. The level of traffic-related air pollution here puts an extreme pollution burden on the residents here.

Passing SB1086 would allow individuals from these communities to apply their jurisdiction for the EJ district designation. This designation would aid in preventing further pollution burden to communities that are already vulnerable to the effects of pollution and/or in proximity to a disproportionate amount of pollution. For these reasons, CASA urges a favorable report.

Jose Coronado-Flores

Research and Policy Analyst

jcoronado@wearecasa.org, 240-393-7840

27FEB24_SB1086Testimony_01a.pdf

Uploaded by: Karyn Sonu | or Representative or AdminChair Kamita Gray

Position: FWA



Environment, Social
Governance



E•S•G

Permitting Requirements

TESTIMONY
27 FEBRUARY 2024

Education, Energy,
and the Environment
Committee

**Dark Money
Funded Nonprofit
Advocacy Groups and
MD Legislatures**

**Equality in
Infrastructure
Permitting**

**Evolving
State Approaches
to Environmental
Justice**

SENATE BILL SB 1086 TESTIMONY

Education, Energy, and the Environment

February 27, 2024

TO: Chair, Senator Brian J. Feldman and Vice Chair, Senator Cheryl C. Kagan
FROM: Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)
POSITION: Favorable with Amendments

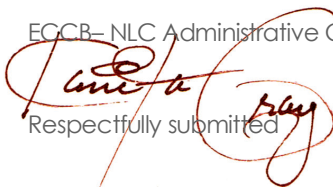
Thank you for the opportunity to offer testimony concerning SB 1086. The BTB Coalition is the sponsored membership a "community development locality nonprofit organization", having HUBS for every county in the State of Maryland, with members and supporters who live throughout the state, and nationally.

In addition, there are dozens of affiliated locality community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our favorable only with amendments for SB 1086.

If you have questions or concerns, you can refer this matter to ECCB– Neighborhood Leadership Council (NLC) by email at btb.eccb@gmail.com or by phone at 240.681.9070.

Thank you for your considerable time and attention.

ECCB– NLC Administrative Chair


Respectfully submitted

In solidarity, Brandywine/TB Southern Region Neighborhood Coalition; and the
Executive Community Citizen's Board (ECCB) neighborhood Leadership Council

AMENDMENTS OVERVIEW

SB 1086 Construct

Solidifying Permitting into Regulatory Policies

The goals of any Environmental policy initiative should be to:

Provide comprehensive protective public health policy directly based on public health risks (rather than industry or chemical standards). Allow affected neighborhoods a pathway in self-determination empowering communities to acquire the public health protection they deserve.

Any and all environmental bills that state “may”, is superfluous, given the history with “MDE” has shown in that their lack of action speak louder (volumes) than words. This is shown by “MDE” history with the BTB Coalition 2016 Title VI Complaint as shown by the following;

.....
Subsequently our Civil Rights Title VI filed in 2016 continues to approve projects that disproportionately impact the health and wellbeing of low-income and minority communities. In 2023 the approval for the 15 heavy industrial pollutant industry facility application accepted by MDE in Brandywine for which SB 1086 would not preclude, a facility that would run 2 diesel engines 24 hours, approval of a Concrete Batching Plant, all while one of 2 existing permits for Title V/Part 70 Operating Permits for which one exceeded the EPA limits, for which MDE spent SEP funding on a “Fishing” camp, taking all into account for these reasons in filing a subsequent Title VI Complaint in 2024.
.....

How communities’ environments have been disproportionately impacted by these heavy industrial pollutant industries and how we got here:

1. Climate Change, green environmentalisms groups policies have nothing to do with environmentally and historically affected by health killing pollutants... YES, greenhouse gases effect our environment that's being approved first by Land-use, that then gets their permit approved through the MDE inequitable in not adhering to Title VI in its actions.
2. Redlining and white flight in the 1960s produced a pattern of intensive industry operations concentrated in urban and rural areas of predominantly minority, low-income, Black, Minority, and communities of color.
3. Disproportionate patterns allowed by inequality in Land-use with siting heavy industry pollutant industries operations in the creation of “sacrifice zone”, communities that are disproportionately exposed to dangerous levels of pollutants in Black, Brown, and Indigenous communities to emerge resulting healthy living to radicate, dismantle and disrupt the inequalities.

When the MDE and the EPA use terms such as “allowed”, to be permitted this does not equate to “healthy”. Environmental Justice is subjective, and the goals of this policy initiative should be to compliant with Title VI laws:

Therefore, we request that amendments be made in bringing the affected community voices to the table in the drafting of the SB 1086 in being able to act as to the following;

1. Provide comprehensive protective public health policy directly based on public health risks (rather than industry or chemical standards).
2. Allow communities a pathway to acquire the public health protection they deserve.
3. Increase transparency about how exposures in polluted communities are regulated.

BRANDYWINE, MD



SB 1086

This policy initiative should be amended and we are requesting the following amendments to address health “equity”:

1. Include Air Toxics Cancer Risk and/or Respiratory Hazard Index
2. Include Title VI laws in addressing disproportionate impacts
3. The denial “shall” when based on the unhealthily “affects” in accordance with the Respiratory risk (hazard index) due to cumulative air toxics rooted in applicable law as related to being unhealthy, being the aforementioned affected communities in being targeted.
4. The department shall publish notice in being Title VI Compliant for which MDE has alluded since 2016 with “may” as required by law.
5. Bill page #3, line #11, Brandywine having 14 heavy industrial pollutant industries well over the 90 percentiles for cancer would not qualify under this bill in its allusive green groups environmentalism definition of “overburden and underserved” additionally, which the Energy Foundation supported as associated with funding would not qualify.

Communities don't need outreach as engagement but one-on-one relationships being the basic building block of community influencing, “Without the fence-line communities; there can be no liberation”, in what you do for us without us is not for us!

We are willing to work with the Senator M. Washington, in being at the table in providing more in debt amendments in responsibility and accountability as we have contacted the Senators office and made this known.

27FEB24_SB1086Testimony_01b.pdf

Uploaded by: Karyn Sonu | or Representative or AdminChair Kamita Gray

Position: FWA



Environment, Social
Governance

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SENATE BILL SB 1086 TESTIMONY

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February 27, 2024

TO: Chair, Senator Brian J. Feldman and Vice Chair, Senator Cheryl C. Kagan
FROM: Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)
POSITION: Favorable with Amendments

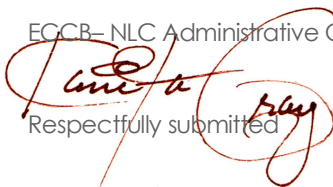
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If you have questions or concerns, you can refer this matter to ECCB– Neighborhood Leadership Council (NLC) by email at btb.eccb@gmail.com or by phone at 240.681.9070.

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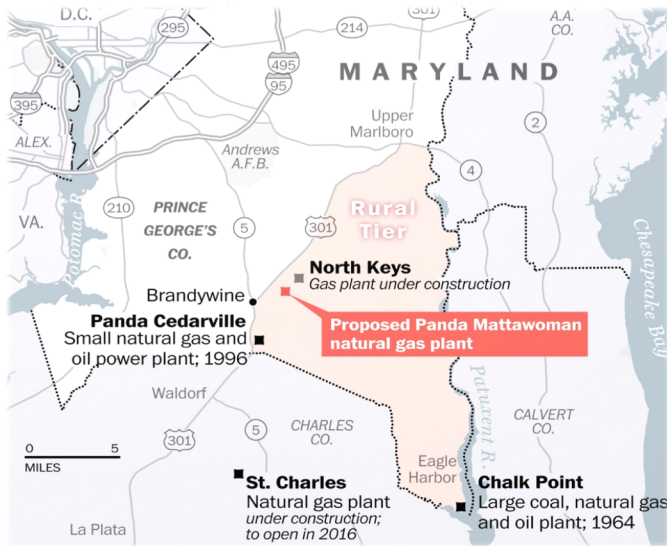
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SB 1086 MDE SWA.pdf

Uploaded by: Les Knapp

Position: FWA



**The Maryland Department of the Environment
Secretary Serena McIlwain**

Senate Bill 1086

Environment - Environmental Justice Districts - Designation and Requirements

Position: Support with Amendments

Committee: Education, Energy, and the Environment

Date: February 27, 2024

From: Hadley Anthony

The Maryland Department of the Environment (MDE) **SUPPORTS SB 1086 WITH AMENDMENTS.**

Bill Summary

Senate Bill 1086 would authorize a resident of a local jurisdiction or an overburdened and underserved community in the State to apply to MDE to request the designation of a certain area as an “environmental justice district.” It would require MDE to publish on its website the application process and criteria used for evaluating these applications by a certain date. The bill provides that MDE would be obligated to hold in-person hearings on permit applications that may result in or increase pollution in an environmental justice district.

Under SB 1086, MDE will also have to prioritize inspection and enforcement of permits approved for projects in an environmental justice district. A State agency will be required to give priority to environmental justice districts when it comes to distributing certain funds. MDE will have to adopt regulations to carry out the provisions of SB 1086.

Position Rationale

Overall, MDE supports the work of improving the process of evaluating environmental justice districts. However, there are significant concerns when it comes to the cost of implementing this bill and details around changing the definition of environmental justice, the designation and training of staff around the new application process, and concerns around not being able to issue permits to public welfare related projects such as schools and hospitals.

As such, MDE would like to support this bill with amendments to create a narrow focus on studying the environmental justice scoring process to determine if changes are necessary. The amended language would strike the new language from the bill and replace it with a study to be conducted by December 31, 2024 that examines the environmental justice scoring process and determining where improvements can be made to assure overburdened and underserved communities are fully represented in the process.

Contact: Les Knapp, Government Relations Director
Cell: 410-453-2611, Email: les.knapp@maryland.gov

Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for SB 1086.

Bill Amendments

On page 2, in line 28, strike the brackets; in the same line, strike the colon; in line 29, strike “**(I)** **EQUAL**”; and in line 30, strike “; **OR**” and substitute a period.

On pages 3 through 5, strike in their entirety the lines beginning with line 1 on page 3 through line 25 on page 5, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2024, the Maryland Department of the Environment shall conduct a study on the environmental justice screening tool employed by the Department that:

- (1) examines the criteria for determining an environmental justice district; and
- (2) recommends any necessary improvements to the environmental justice screening tool.”;

in line 26, strike “2.” and substitute “3.”; in line 27, strike “October” and substitute “July ”; and in line 27, after the period, insert “Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.

SB 1086 - MDLCV FWA - Environment - Environmental

Uploaded by: Rebecca Rehr

Position: FWA



February 27, 2024

Kim Coble
Executive Director

2024 Board of
Directors

Lynn Heller, Chair
The Hon. Nancy Kopp,
Treasurer
Kimberly Armstrong
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Verna Harrison
Melanie Hartwig-Davis
Charles Hernick
The Hon. Steve Lafferty
Patrick Miller
Bonnie L. Norman
Katherine (Kitty)
Thomas

FAVORABLE WITH AMENDMENTS: SB 1086 - Environment - Environmental Justice Districts - Designation and Requirements

Mr. Chair Members of the Committee:

Maryland LCV supports SB 1086 - Environment - Environmental Justice Districts - Designation and Requirements - with amendments and we thank Senator Washington for introducing this legislation. After speaking with the Senator, we have a clearer understanding that the intent of this legislation is to create targeted districts to prioritize investments that mitigate pollution impacts and improve environmental conditions. With amendments to strike provisions in the bill regarding permitting, the bill language will match its intent.

There are two main reasons to strike or significantly amend the language regarding permits in this legislation. The first is that to define environmental justice (EJ) districts and direct investments, no additional permitting or permit screening is necessary. And the second is that the category of permits covered in the bill is limited to §1-601(a) permits, which include surface water discharges; air quality control permits to construct; permits to own, operate, establish or maintain a low-level nuclear waste facility; permits to own, operate, establish or maintain a hazardous material facility, and several other types of environmental permits. It is an expansive list of permits, but does not include pollution sources that most impact communities with EJ concerns, namely air pollution permits to operate (Title V, or section 70, permits). Air pollution is a frequent concern among community members living in highly impacted areas. §1-601(a) permits to construct would include an emissions rate for the facility under construction, but the permits to construct do not renew. Therefore, the only way to address the ongoing emissions from a facility and to align the bill with community concerns about air pollution is to include Title V, or Section 70, permits to operate in the scope of this bill IF the bill is going to include permitting.

The second significant step this bill makes is a proposed change to the state definition of environmental justice, which is currently “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.” The federal definition of environmental justice is “the **fair treatment and meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” While the state definition currently codifies the “fair treatment” element of EJ, it does not include an aspect of meaningful involvement. As introduced, this bill would change the state definition to:

“Environmental justice” means

1. equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status; OR
2. substantial participation in the development, enforcement, implementation, and permitting of all state and federal environmental laws and regulations.

We support the intent of this language to adjust the state definition of environmental justice to expand on the federal definition's component of meaningful involvement. We have spoken with Senator Washington about some changes to this specific language, including:

- Changing "or" to "and" to the clauses of the proposed definition change
- Adjusting the scope of permitting included in the second clause
- Further defining "substantial participation" to help with clear implementation and enforcement

Finally, in the metrics to define EJ districts, SB 1086 includes several metrics beyond "overburdened" and "underserved." These two terms were community-driven in their crafting, have been extensively vetted, are [defined in Maryland statute](#), and now serve as the basis for the Maryland Department of the Environment's [EJ Screening Tool](#). SB 1086 also adds for consideration in defining an EJ district one or more contiguous census tracts:

- That have a history of environmental degradation;
- In which the residents have an average life expectancy at or below the age of 64 years;
- In which the residents suffer from high rates of asthma or heart disease; or
- Are in close proximity to traffic.

These factors each have documented health and equity considerations and may be important for the designation of EJ districts, but some are duplicative of metrics already covered in "overburdened" and some need further clarification in law to effectively and expeditiously implement and direct funds where appropriate (e.g. define 'close proximity'). It would also be important to engage in a robust community engagement process in defining and finalizing the criteria for environmental justice districts.

Maryland LCV urges a favorable report with amendments outlined above on SB 1086.

MBIA Letter of Opposition SB 1086.pdf

Uploaded by: Lori Graf

Position: UNF

February 26, 2024

The Honorable Brian Feldman
Chairman, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition SB 1086 Environment – Environmental Justice Districts – Designation and Requirements

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 1086 Environment – Environmental Justice Districts – Designation and Requirements**. MBIA **opposes** the Act in its current version.

This bill authorizes residents of an overburdened and underserved community to request the designation of their area as an Environmental Justice District. MBIA believes the definition of an Environmental Justice District, which includes factors like proximity to traffic or simply the presence of senior citizens, is broad and may not accurately target areas with genuine environmental justice issues. This also includes the prohibition on any development that could potentially increase pollution, regardless of how much. These provisions will threaten essential infrastructure projects in these newly designated districts. For example, under this new law, if an area is “in close proximity to traffic,” a local government would be forbidden from adding a bypass or an additional lane that could help ease congestion on roadways.

We are also concerned that adding another layer of hearings to permit procedures will undoubtedly lead to delays and elongated processes, slowing down development statewide at a time where we desperately need more housing. The bill's lack of consideration for balancing the benefits of a project versus its environmental harms could unfairly restrict vital facilities like hospitals who rely on diesel powered generators. These generators would be forbidden in any of the Environmental Justice Districts defined by this bill.

Overall, the bill's broad scope and stringent regulations risk stifling development and will impose unnecessary hurdles on our industry without considering the broader context of each project's benefits and impacts.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee

SB1086_UNF_NWRA_Env. - EJ Districts - Designation

Uploaded by: Pam Kasemeyer

Position: UNF

Maryland-Delaware Solid Waste Association
a chapter of the



TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Mary Washington

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
410-244-7000

DATE: February 27, 2024

RE: **OPPOSE** – Senate Bill 1086 – *Environment – Environmental Justice Districts – Designation and Requirements*

The Maryland-Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 1086.

MDSWA appreciates the intent of this bill to promote environmental justice (EJ) and ensure that already overburdened communities do not suffer additional harm. MDSWA members already comply with the State's existing EJ requirements and support the important policy objectives of such laws and regulations. However, this legislation seeks to authorize a single resident of a local jurisdiction or an overburdened and underserved community to submit an application to the Department of the Environment (MDE) to request the designation of an area as an EJ district. The process defined in the bill will dramatically increase the administrative process of MDE, relative to EJ, and does not recognize the process that has been defined in current law to ensure EJ is considered in permit applications.

The proposed process does not recognize that all of the various permits included in the legislation may not impact a community in the same manner. It also includes very specific criteria for what is to be considered an EJ district that may not indicate an adverse impact by a specific permit, such as close proximity to traffic. Further, it specifies that the MDE shall prioritize funding to EJ districts to mitigate pollution and other environmental impacts without any basis or framework for its prioritization.

The State has prioritized EJ through various initiatives in the last several years and is working to strengthen the current framework. Senate Bill 1086 does not align with the current efforts by MDE and affected stakeholders to address EJ, will divert and complicate the work of MDE in achieving those objectives, and could result in unintended consequences for the very communities this legislation appears to intend to protect. For these reasons, MDSWA requests an unfavorable report.

SB01086 - Environmental Justice Districts - Design

Uploaded by: Tom Ballentine

Position: UNF



February 26, 2024

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Oppose: SB 1086 – Environment – Environmental Justice Districts – Designation and Requirements

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate I am writing in opposition to SB 1086.

This bill requires that MDE designate Environmental Justice Districts in accordance with criteria specified in the bill. MDE is prohibited from approving a permit if it directly or indirectly increases pollution in the Environmental Justice District. NAIOP has concerns about the designation process and the likelihood that that bill will be a disincentive to beneficial redevelopment in Environmental Justice Districts.

The rationale for NAIOP's opposition includes the following points:

- MDE is prohibited from approving any permit that directly or indirectly increases pollution, in even the smallest amounts. NAIOP believes that beneficial redevelopment is a catalyst for positive economic and environmental change bringing housing, commercial amenities, and improved quality of life. These kinds of conversions often result in environmental conditions that are an improvement compared to prior uses. As written, it is hard to see how residential or retail uses that generate automobile trips could be approved. A new healthcare facility or commercial use that requires back up power generators would also be prohibited in the EJ districts as defined in the bill.
- Designating an Environmental Justice District includes consideration of areas, "in close proximity to traffic" which would make many areas across the state eligible. The bill charges MDE with designating Environmental Justice Districts by April 1, 2025, and publishing a list on its website.

The bill also permits a resident to apply for designation but does not provide any guidance on an approval process. State law sets out procedures for residents and business owners in business improvement districts, for example, to participate in a public approval process prior to designation.

For these reasons NAIOP respectfully requests your unfavorable report on SB 1086.

Sincerely,

A handwritten signature in blue ink that reads 'T.M. Ballentine'.

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members
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Uploaded by: Emily Ranson

Position: INFO



SB1086: Environment - Environmental Justice Districts - Designation and Requirements
Senate Education, Energy, and the Environment
February 27, 2024

Position: Information

Dear Chair Feldman and Members of the Committee,

The use of the 1-601(a) permit list as the basis for a bill whose purpose is to provide additional avenues for constituents to protect their health is problematic.

The 1-601(a) permit list was not developed with environmental justice or public health in environmental justice communities in mind. With one exception, that list of permits has appeared verbatim in multiple Maryland laws enacted since 1993. It is not an appropriate list of permits to direct resources and attention for environmental justice efforts. The list of permits is not small, and many of these permits have limited impact on human health and concerns expressed by EJ communities. The list expansively covers surface water pollution permits: both first-time permit issuance and renewals, both major and minor sources of water pollution. In contrast, it largely excludes air permits, covering only the small subset of permits to construct issued by MDE - leaving out any air pollution renewal permit applications, and permits to construct issued by the PSC, which have been the focus of many community-led environmental justice campaigns in recent decades.

Efforts to address environmental justice concerns through permitting reform should start at determining which permits are most relevant to Maryland's environmental justice concerns by listening to impacted communities. We encourage the committee to revisit the list of relevant permits to be referenced before adding new permitting requirements related to environmental justice.

Sincerely,

Emily Ranson
Chesapeake Regional Director
Clean Water Action
eranson@cleanwater.org