

SENATE BILL 781

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6lr1761
CF 6lr1546

By: **Senator Brooks**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Permits – Requirements for Burden Analysis, Issuance and**
3 **Renewal, and Public Participation**
4 **(Cumulative Harms for Environmental Restoration for Improving Shared**
5 **Health – CHERISH Our Communities Act)**

6 FOR the purpose of requiring an application for the issuance or renewal of a certain
7 individual environmental permit for a site or facility located within a certain at-risk
8 census tract submitted on or after a certain date to include in the permit application
9 a report describing certain environmental and public health burdens in a certain
10 manner; requiring the Department of the Environment to make certain
11 determinations as to whether approving a certain environmental permit will cause
12 or contribute to adverse environmental or public health stressors affecting a certain
13 at-risk census tract in a certain manner; specifying the circumstances under which
14 the Department must deny an application for the issuance or renewal of certain
15 individual environmental permits unless certain conditions are met; requiring the
16 Department to prepare a tentative determination of certain determinations required
17 under this Act in a certain manner and requiring that certain materials related to
18 the tentative determination be part of the record for certain judicial review; requiring
19 the Department to follow certain procedures during each renewal of certain
20 statewide general environmental permits; specifying that certain requirements for
21 public participation and judicial review apply to certain individual environmental
22 permits for sites or facilities located within certain at-risk census tracts; and
23 generally relating to environmental permits.

24 BY adding to

25 Article – Environment

26 New part designation “Part I. Definitions” to immediately precede Section 1–701;
27 new part designation “Part II. Commission on Environmental Justice and
28 Sustainable Communities” to immediately precede Section 1–704; and Section
29 1–708 through 1–715 to be under the new part “Part III. Environmental
30 Permits”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2013 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–701, 1–702, and 2–404.1
Annotated Code of Maryland
(2013 Replacement Volume and 2025 Supplement)

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

Article – Environment

PART I. DEFINITIONS.

1–701.

(a) [(1)] In this [section] SUBTITLE the following words have the meanings indicated.

(B) “AT-RISK CENSUS TRACT” MEANS ANY GEOGRAPHIC AREA WITHIN A 1.5-MILE RADIUS OF THE BOUNDARIES OF:

(1) ANY CENSUS TRACT FOR WHICH THE FINAL EJ SCORE FROM THE MARYLAND EJ TOOL IS AT OR ABOVE THE 75TH PERCENTILE IN THE STATE;

(2) ANY CENSUS TRACT FOR WHICH SIX OR MORE OF THE ENVIRONMENTAL HEALTH INDICATORS IN THE DEFINITION OF “OVERBURDENED” ARE AT OR ABOVE THE 75TH PERCENTILE IN THE STATE; OR

(3) ANY CENSUS TRACT FOR WHICH THE PROXIMITY TO:

(I) MINING OPERATIONS IS AT OR ABOVE THE 95TH PERCENTILE IN THE STATE;

(II) EMITTING POWER PLANTS IS AT OR ABOVE THE 95TH PERCENTILE IN THE STATE;

(III) A HAZARDOUS WASTE LANDFILL IS AT OR ABOVE THE 95TH PERCENTILE IN THE STATE; OR

(IV) A CONCENTRATED ANIMAL FEEDING OPERATION IS AT OR ABOVE THE 99TH PERCENTILE IN THE STATE.

(C) “BURDEN REPORT” MEANS THE BASELINE UNDERSTANDING OF RISK, DISPARITIES, AND ENVIRONMENTAL NEEDS REPORT REQUIRED UNDER § 1–708 OF THIS SUBTITLE.

[(2)] (D) “Business organization” means a corporation, business trust, partnership, or any other for-profit entity.

[(3)] (E) “Commission” means the Commission on Environmental Justice and Sustainable Communities.

[(4)] (F) “Community listening session” means a public convening to gather information and input from community members.

(G) (1) “COVERED GENERAL PERMIT” MEANS ANY STATEWIDE GENERAL PERMIT FOR:

(I) AIR EMISSIONS FROM CONCRETE BATCH PLANTS; OR

(II) DISCHARGES FROM:

1. ANIMAL FEEDING OPERATIONS;

2. MINING OPERATIONS; OR

3. STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

(2) “COVERED GENERAL PERMIT” DOES NOT INCLUDE A GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.

(H) “COVERED INDIVIDUAL PERMIT” MEANS A PERMIT THAT IS:

(1) FOR A SITE OR FACILITY LOCATED WITHIN AN AT-RISK CENSUS TRACT; AND

(2) (I) AN AIR QUALITY CONTROL PERMIT TO CONSTRUCT SUBJECT TO § 2–404 OF THIS ARTICLE;

(II) A PERMIT TO DISCHARGE POLLUTANTS TO WATERS OF THE STATE ISSUED IN ACCORDANCE WITH § 9–323 OF THIS ARTICLE FOR:

1. CEMENT ASH;

5. A REFUSE DISPOSAL SYSTEM;

[(i)] (1) Particulate matter (PM) 2.5:

- 1 [(ii)] (2) Ozone;
- 2 [(iii)] (3) National Air Toxics Assessment (NATA) diesel PM;
- 3 [(iv)] (4) NATA cancer risk;
- 4 [(v)] (5) NATA respiratory hazard index;
- 5 [(vi)] (6) Traffic proximity;
- 6 [(vii)] (7) Lead paint indicator;
- 7 [(viii)] (8) National Priorities List Superfund site proximity;
- 8 [(ix)] (9) Risk Management Plan facility proximity;
- 9 [(x)] (10) Hazardous waste proximity;
- 10 [(xi)] (11) Wastewater discharge indicator;
- 11 [(xii)] (12) Proximity to a Concentrated Animal Feeding Operation
12 (CAFO);
- 13 [(xiii)] (13) Percent of the population lacking broadband coverage;
- 14 [(xiv)] (14) Asthma emergency room discharges;
- 15 [(xv)] (15) Myocardial infarction discharges;
- 16 [(xvi)] (16) Low-birth-weight infants;
- 17 [(xvii)] (17) Proximity to emitting power plants;
- 18 [(xviii)] (18) Proximity to a Toxic Release Inventory (TRI) facility;
- 19 [(xix)] (19) Proximity to a brownfields site;
- 20 [(xx)] (20) Proximity to mining operations; and
- 21 [(xxi)] (21) Proximity to a hazardous waste landfill.

22 [(8)] (L) “Underserved community” means any census tract in which,
23 according to the most recent U.S. Census Bureau Survey:

- (i) At least 25% of the residents qualify as low-income;
- (ii) At least 50% of the residents identify as nonwhite; or
- (iii) At least 15% of the residents have limited English proficiency.

1-702. RESERVED.

1-703. RESERVED.

**PART II. COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE
COMMUNITIES.**

1-704.

[(b)] (A) There is a Commission on Environmental Justice and Sustainable Communities.

[(c)] (B) (1) The Commission consists of the following members:

(i) One member of the Senate of Maryland, appointed by the President of the Senate;

(ii) One member of the House of Delegates, appointed by the Speaker of the House;

(iii) The Secretary, or the Secretary's designee;

(iv) The Secretary of Health, or the Secretary's designee;

(v) The Secretary of Planning, or the Secretary's designee;

(vi) The Secretary of Commerce, or the Secretary's designee;

(vii) The Secretary of Housing and Community Development, or the Secretary's designee;

(viii) The Secretary of Transportation, or the Secretary's designee;

(ix) The following members appointed by the Governor:

1. At least one representative from a community disproportionately impacted by environmental and public health hazards;

2. One representative of a business organization;

1 3. One representative of an environmental organization;

2 4. One representative who is a health expert on
3 environmental justice issues; and

4 5. One representative of an academic institution with an
5 environmental justice institute or similar program;

6 (x) The following members appointed jointly by the President of the
7 Senate and the Speaker of the House:

8 1. At least three representatives from communities
9 disproportionately impacted by environmental and public health hazards that represent
10 the geographic diversity of the State;

11 2. One representative of a business organization;

12 3. One representative of an environmental organization; and

13 4. One representative who is a health expert on
14 environmental justice issues;

15 (xi) One representative of local government, designated by the
16 Maryland Association of Counties;

17 (xii) One representative of local government, designated by the
18 Maryland Municipal League; and

19 (xiii) Two representatives of a labor union, designated by the
20 Maryland State and D.C. AFL–CIO.

21 (2) To the extent practicable, the membership of the Commission shall
22 reflect the racial, gender, ethnic, and geographic diversity of the State, according to the
23 most recent available census data.

24 **[(d)] (C)** (1) The term of a member appointed by the Governor or the
25 President of the Senate and the Speaker of the House is 3 years.

26 (2) At the end of a term, a member continues to serve until a successor is
27 appointed and qualifies.

28 (3) A member who is appointed after a term has begun serves only for the
29 rest of the term and until a successor is appointed and qualifies.

30 (4) A member may not be appointed to more than two consecutive terms.

(5) The Department shall provide a new Commission member with an orientation that reviews:

(i) Environmental justice issues in the State; and

(ii) Previous work of the Commission.

[(e)] (D) The Commission shall elect a chair from among its members.

[(f)] (E) (1) The Department shall provide staff for the Commission.

(2) The staffing responsibilities of the Department shall include:

(i) Conducting research and gathering data at the direction of the Commission;

(ii) Arranging and staffing Commission meetings;

(iii) Serving as an informed resource for the chair and members; and

(iv) Managing, implementing, and carrying out the Commission's work to achieve its mission and overall purpose.

[(g)] (F) (1) (i) The Commission shall:

1. Meet at least six times per calendar year; and

2. Host at least four community listening sessions per calendar year in communities disproportionately impacted by environmental and public health hazards, with a majority of the members of the Commission present at each community listening session.

(ii) Of the meetings and community listening sessions required under subparagraph (i) of this paragraph, the Commission shall establish rotating meeting or community listening session locations in different geographic locations of the State, including:

1. At least one in a rural location of the State; and

2. At least one in an urban location of the State.

(iii) The meetings and community listening sessions required under subparagraph (i) of this paragraph shall be reasonably accessible to all attendees, including persons with:

1. Limited English proficiency; and

2. Disabilities.

(iv) The Department shall post notice of the time and location of a meeting or community listening session required under subparagraph (i) of this paragraph on its website at least 30 days before the meeting or community listening session.

(2) A majority of members of the Commission shall constitute a quorum for the transaction of business.

(3) A member of the Commission:

(i) May not receive compensation as a member of the Commission; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(4) A member of the Commission may not represent more than one entity or group.

[(h)] (G) The Commission shall:

(1) Advise State government agencies on environmental justice and related community issues;

(2) Use data sets and mapping tools to review and analyze the impact of current State and local laws, permits, actions, and policies on the issue of environmental justice and sustainable communities, including cumulative impacts, effects, and exposure;

(3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities, including assessing compliance with Title VI of the federal Civil Rights Act of 1964;

(4) Coordinate with the Children's Environmental Health and Protection Advisory Council, the Maryland Office of Minority Health and Health Disparities, and the Commission on Climate Change on recommendations related to environmental justice and sustainable communities;

(5) In accordance with **[§ 1-702] § 1-705** of this subtitle, coordinate with the Department on:

(i) The adoption of a methodology for identifying communities disproportionately affected by climate impacts;

(ii) The development of specific strategies to address geographical impact concerns, reduce emissions of greenhouse gases and co-pollutants, and build climate equity and resilience within disproportionately affected communities; and

(iii) The establishment of goals for the percentage of State funding for greenhouse gas emission reduction measures that should be used for the benefit of disproportionately affected communities;

(6) Recommend options to the Governor and the General Assembly for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention; and

(7) Recommend options to the Secretary for ensuring that the Department is making progress in advancing the human right to safe, clean, affordable, and accessible water for consumption, cooking, sanitation, health, and recreation purposes.

[(i)] (H) On or before October 1 of each year, the Commission shall report its findings and recommendations to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly.

[1–702.] 1–705.

(a) On or before December 31, 2023, the Department, in consultation with the Commission on Environmental Justice and Sustainable Communities, shall:

(1) Subject to subsection (b) of this section, adopt a methodology for identifying communities disproportionately affected by climate impacts;

(2) Develop specific strategies to address geographical impact concerns, reduce emissions of greenhouse gases and co-pollutants, and build climate equity and resilience within communities disproportionately affected by climate impacts;

(3) Set appropriate goals for the percentage of State funding for greenhouse gas emission reduction measures that should be used for the benefit of disproportionately affected communities; and

(4) Report to the Maryland Commission on Climate Change and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the policies and programs developed under this subsection.

(b) In evaluating methodologies under subsection (a)(1) of this section, the Department shall, at a minimum, include:

(1) Underserved communities;

(2) Overburdened communities; and

(3) Areas that are vulnerable to climate impacts, such as flooding, storm surges, and urban heat island effects, due to low levels of tree coverage, high levels of impervious surfaces, or other factors.

(c) In carrying out its responsibilities under this section, the Department shall:

(1) Solicit input from all segments of the population that will be impacted by the policies developed under subsection (a) of this section, including individuals living in areas that may be identified as disproportionately affected communities under the proposed criteria;

(2) Ensure that equity and geographical impact remedies are key principles; and

(3) Incorporate geographical impact considerations into all recommendations, policies, programs, and funding priorities.

1-706. RESERVED.

1-707. RESERVED.

PART III. ENVIRONMENTAL PERMITS.

1-708.

(A) (1) AN APPLICATION FOR THE ISSUANCE OR RENEWAL OF A COVERED INDIVIDUAL PERMIT SHALL INCLUDE A BASELINE UNDERSTANDING OF RISK, DISPARITIES, AND ENVIRONMENTAL NEEDS (BURDEN) REPORT PREPARED IN ACCORDANCE WITH THIS SECTION.

(2) THE DEPARTMENT MAY NOT CONSIDER AN APPLICATION FOR THE ISSUANCE OR RENEWAL OF A COVERED INDIVIDUAL PERMIT UNLESS THE DEPARTMENT DETERMINES THAT THE APPLICATION INCLUDES A BURDEN REPORT PREPARED IN ACCORDANCE WITH THIS SECTION.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A BURDEN REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) (I) DESCRIBE THE EXISTING ENVIRONMENTAL AND PUBLIC HEALTH BURDEN FOR THE AT-RISK CENSUS TRACT IN WHICH THE SITE OR FACILITY REQUIRING THE COVERED INDIVIDUAL PERMIT IS, OR WOULD BE, LOCATED; AND

(II) DESCRIBE THE POTENTIAL OR CURRENT CONTRIBUTIONS TO THE EXISTING ENVIRONMENTAL AND PUBLIC HEALTH BURDEN BY THE SITE OR FACILITY; AND

(2) AT A MINIMUM, INCLUDE:

(I) 1. THE EJ SCORE FROM THE MARYLAND EJ TOOL FOR THE CENSUS TRACT IN WHICH THE SITE OR FACILITY IS LOCATED, INCLUDING A DESCRIPTION OF THE INDICATORS CONTRIBUTING TO THE EJ SCORE; AND

2. THE EJ SCORES FROM THE MARYLAND EJ TOOL FOR EACH CENSUS TRACT LOCATED WITHIN A 1.5-MILE RADIUS OF THE BOUNDARY OF THE SITE OR FACILITY, INCLUDING A DESCRIPTION OF THE INDICATORS CONTRIBUTING TO THE EJ SCORE;

(II) A COMPREHENSIVE LIST OF EACH EXISTING POLLUTION SOURCE, OR CATEGORY OF SOURCES, THAT IS IMPACTING THE AT-RISK CENSUS TRACT OR TRACTS WITHIN A 1.5-MILE RADIUS OF THE SITE OR FACILITY, INCLUDING A DESCRIPTION OF POTENTIAL ROUTES OF HUMAN EXPOSURE TO POLLUTION FROM EACH SOURCE OR CATEGORY IDENTIFIED;

(III) AMBIENT CONCENTRATIONS OF REGULATED AIR POLLUTANTS AND REGULATED HAZARDOUS AIR POLLUTANTS;

(IV) 1. TO THE EXTENT INFORMATION IS AVAILABLE, EXISTING TRAFFIC COUNT IN AT-RISK CENSUS TRACTS WITHIN 1.5 MILES OF THE SITE OR FACILITY; AND

2. ANTICIPATED CONTRIBUTIONS TO THE TRAFFIC COUNT FROM THE SITE OR FACILITY, INCLUDING VEHICLE TYPES, ASSOCIATED EMISSIONS, AND ANTICIPATED ROUTES IN AT-RISK CENSUS TRACTS WITHIN 1.5 MILES OF THE SITE OR FACILITY;

(V) EXPOSURE OR POTENTIAL EXPOSURE TO CONTAMINATED DRINKING WATER SUPPLIES IN AT-RISK CENSUS TRACTS WITHIN 1.5 MILES OF THE SITE OR FACILITY;

(VI) PROXIMITY OF THE SITE OR FACILITY TO EXISTING SOURCES OF POLLUTION;

(VII) THE POTENTIAL OR PROJECTED CONTRIBUTION OF THE SITE OR FACILITY TO EXISTING POLLUTION BURDENS IN THE AT-RISK CENSUS TRACT, ACCOUNTING FOR THE EXISTING BURDEN AND THE POTENTIAL HEALTH EFFECTS OF ANY CONTRIBUTION;

1 (VIII) AN EVALUATION OF EXISTING ENVIRONMENTAL AND
2 PUBLIC HEALTH STRESSORS AND INDICATORS BORNE BY THE AT-RISK CENSUS
3 TRACT OR AREAS WITHIN 1.5-MILES OF THE SITE OR FACILITY;

4 (IX) AN EVALUATION OF ANY ENVIRONMENTAL AND PUBLIC
5 HEALTH STRESSORS AND INDICATORS POSED BY THE SITE OR FACILITY; AND

6 (X) IF AN APPLICANT MAINTAINS THAT A PROPOSED ACTIVITY
7 REQUIRING A PERMIT FOR A NEW POLLUTION SOURCE OR A PERMIT THAT ALLOWS
8 FOR AN INCREASE IN POLLUTION FROM AN EXISTING SOURCE SERVES A
9 COMPELLING PUBLIC INTEREST IN THE AT-RISK AREA, A DISCUSSION THAT
10 DEMONSTRATES THE PUBLIC INTEREST FOR THE ACTIVITY AND ALTERNATIVES
11 THAT COULD SERVE THE SAME PUBLIC INTEREST.

12 (C) (1) THIS SUBSECTION APPLIES TO AN APPLICATION FOR A COVERED
13 INDIVIDUAL PERMIT FOR A SITE OR FACILITY LOCATED WITHIN AN AT-RISK CENSUS
14 TRACT THAT:

15 (I) IS FOR A NEW POLLUTION SOURCE; OR

16 (II) WILL ALLOW FOR AN INCREASE IN POLLUTION FROM AN
17 EXISTING POLLUTION SOURCE.

18 (2) SUBJECT TO SUBSECTION (E) OF THIS SECTION AND AFTER
19 REVIEW OF A BURDEN REPORT PREPARED IN ACCORDANCE WITH THIS SECTION,
20 THE DEPARTMENT SHALL ISSUE A DETERMINATION ON WHETHER APPROVING AN
21 APPLICATION FOR A COVERED INDIVIDUAL PERMIT WILL, TOGETHER WITH OTHER
22 ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS AFFECTING THE
23 AT-RISK CENSUS TRACT, CAUSE OR CONTRIBUTE TO ADVERSE ENVIRONMENTAL OR
24 PUBLIC HEALTH STRESSORS OR INDICATORS IN THE AT-RISK CENSUS TRACT THAT
25 ARE HIGHER THAN THOSE BORNE BY OTHER AREAS WITHIN THE STATE.

26 (3) IF THE DEPARTMENT DETERMINES THAT APPROVING AN
27 APPLICATION FOR A COVERED INDIVIDUAL PERMIT WILL CAUSE OR CONTRIBUTE TO
28 ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS UNDER
29 PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL DENY THE
30 APPLICATION UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE ACTIVITY
31 REQUIRING THE PERMIT WILL SERVE A COMPELLING PUBLIC INTEREST IN THE
32 AT-RISK CENSUS TRACT IN WHICH THE ACTIVITY WILL TAKE PLACE.

33 (4) IF THE DEPARTMENT DETERMINES THAT AN APPLICATION FOR A
34 COVERED INDIVIDUAL PERMIT MAY BE APPROVED UNDER THIS SUBSECTION, THE

DEPARTMENT SHALL IMPOSE PERMIT CONDITIONS TO PROTECT ENVIRONMENTAL AND PUBLIC HEALTH.

(D) (1) THIS SUBSECTION APPLIES TO AN APPLICATION FOR A RENEWAL OF A COVERED INDIVIDUAL PERMIT FOR A SITE OR FACILITY LOCATED WITHIN AN AT-RISK CENSUS TRACT THAT DOES NOT ALLOW AN INCREASE IN POLLUTION FROM THE EXISTING SITE OR FACILITY.

(2) SUBJECT TO SUBSECTION (E) OF THIS SECTION AND AFTER REVIEW OF A BURDEN REPORT PREPARED IN ACCORDANCE WITH THIS SECTION, THE DEPARTMENT SHALL ISSUE A DETERMINATION ON WHETHER APPROVING AN APPLICATION FOR A COVERED INDIVIDUAL PERMIT WILL, TOGETHER WITH OTHER ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS AFFECTING THE AT-RISK CENSUS TRACT, CAUSE OR CONTRIBUTE TO ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS IN THE AT-RISK CENSUS TRACT THAT ARE HIGHER THAN THOSE BORNE BY OTHER AREAS WITHIN THE STATE.

(3) IF THE DEPARTMENT DETERMINES THAT APPROVING AN APPLICATION FOR A COVERED INDIVIDUAL PERMIT WILL CAUSE OR CONTRIBUTE TO ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY:

(I) DENY THE APPLICATION FOR THE RENEWAL PERMIT; OR

(II) APPROVE THE APPLICATION FOR THE RENEWAL PERMIT ONLY IF THE DEPARTMENT IMPOSES ADDITIONAL PERMIT CONDITIONS TO PROTECT ENVIRONMENTAL AND PUBLIC HEALTH.

(E) THE DEPARTMENT SHALL PREPARE A TENTATIVE DETERMINATION OF ANY DETERMINATION REQUIRED UNDER SUBSECTION (C)(2) OR (D)(2) OF THIS SECTION THAT INCLUDES:

(1) A PROPOSAL TO ISSUE OR RENEW OR NOT TO ISSUE OR RENEW A PERMIT;

(2) ANY PROPOSED PERMIT LIMITATIONS AND CONDITIONS;

(3) A BRIEF EXPLANATION OF THE DEPARTMENT'S TENTATIVE DETERMINATION; AND

(4) ANY PROPOSED SCHEDULE FOR COMPLIANCE.

1 **(F) (1) BEFORE ISSUING A FINAL DETERMINATION UNDER SUBSECTION**
2 **(C) OR (D) OF THIS SECTION, THE DEPARTMENT SHALL MAKE THE FOLLOWING**
3 **MATERIALS AVAILABLE FOR REVIEW AND PUBLIC COMMENT:**

4 **(I) THE PERMIT APPLICATION FOR THE COVERED INDIVIDUAL**
5 **PERMIT;**

6 **(II) THE BURDEN REPORT INCLUDED IN THE PERMIT**
7 **APPLICATION, INCLUDING ANY REVISIONS AND SUPPORTING DOCUMENTS; AND**

8 **(III) THE TENTATIVE DETERMINATION PREPARED UNDER**
9 **SUBSECTION (E) OF THIS SECTION.**

10 **(2) AFTER REVIEW AND CONSIDERATION OF PUBLIC COMMENTS, THE**
11 **DEPARTMENT SHALL ISSUE A FINAL DETERMINATION, INCLUDING A WRITTEN**
12 **RESPONSE TO EACH PUBLIC COMMENT THAT RAISES ISSUES OF LAW OR FACT**
13 **RELATED TO THE REQUIREMENTS OF THIS SUBTITLE.**

14 **(3) (I) THE MATERIALS LISTED UNDER PARAGRAPH (1) OF THIS**
15 **SUBSECTION AND ANY PUBLIC COMMENTS SUBMITTED TO THE DEPARTMENT**
16 **REGARDING THE MATERIALS SHALL BE PART OF THE RECORD FOR JUDICIAL**
17 **REVIEW OF A DETERMINATION MADE UNDER THIS SECTION.**

18 **(II) THIS PARAGRAPH SUPERSEDES ANY OTHER PROVISION OF**
19 **LAW THAT LIMITS OR OTHERWISE RESTRICTS THE RECORD THAT MAY BE COMPILED**
20 **FOR JUDICIAL REVIEW.**

21 **(G) IF AN APPLICANT IS APPLYING FOR MORE THAN ONE COVERED**
22 **INDIVIDUAL PERMIT THAT WILL ALLOW FOR AN INCREASE IN POLLUTION FROM A**
23 **NEW OR EXISTING SOURCE, THE APPLICANT SHALL COMPLY WITH THE**
24 **REQUIREMENTS OF THIS SECTION ONLY ONCE UNLESS THE DEPARTMENT**
25 **DETERMINES OTHERWISE DUE TO THE COMPLEXITY OF ANY ADDITIONAL PERMIT**
26 **APPLICATIONS.**

27 **1-709.**

28 **DURING EACH RENEWAL OF A COVERED GENERAL PERMIT, THE DEPARTMENT**
29 **SHALL:**

30 **(1) INCORPORATE ENVIRONMENTAL HEALTH STRESSORS AND**
31 **INDICATORS IN ITS DETERMINATION;**

(2) IMPOSE PERMIT CONDITIONS TO PROTECT PUBLIC HEALTH AND REDUCE ENVIRONMENTAL HARM FROM INDIVIDUAL SITES OR FACILITIES LOCATED WITHIN AN AT-RISK CENSUS TRACT; AND

(3) IMPROVE OUTREACH AND NOTICE EFFECTIVENESS TO OVERBURDENED COMMUNITIES REGARDING INFORMATIONAL AND PUBLIC HEARINGS AND PUBLIC COMMENT OPPORTUNITIES.

1-710.

(A) THIS SECTION APPLIES TO:

(1) A COVERED INDIVIDUAL PERMIT FOR WHICH A PERMIT CONDITION IS IMPOSED UNDER § 1-708(C) OR (D) OF THIS SUBTITLE; AND

(2) A GENERAL PERMIT FOR WHICH A PERMIT CONDITION IS IMPOSED UNDER § 1-709(2) OF THIS SUBTITLE.

(B) A PERMIT MAY NOT BE RENEWED, REISSUED, OR MODIFIED TO REMOVE A PERMIT CONDITION OR REPLACE A PERMIT CONDITION WITH A LESS STRINGENT CONDITION UNLESS:

(1) THE SECRETARY DETERMINES THAT A TECHNICAL ERROR OR MISINTERPRETATION OF LAW WAS MADE IN IMPOSING THE CONDITION; OR

(2) A LESS STRINGENT CONDITION IS NECESSARY BECAUSE OF EVENTS OVER WHICH THE PERMIT HOLDER HAS NO CONTROL AND FOR WHICH THERE IS NO ALTERNATIVE REMEDY.

1-711.

(A) A COVERED INDIVIDUAL PERMIT THAT IS LISTED UNDER § 1-601 OF THIS TITLE SHALL BE SUBJECT TO THE PUBLIC PARTICIPATION REQUIREMENTS UNDER SUBTITLE 6 OF THIS TITLE.

(B) (1) THIS SUBSECTION APPLIES TO A COVERED INDIVIDUAL PERMIT THAT:

(I) IS NOT LISTED UNDER § 1-601 OF THIS TITLE; AND

(II) IS NOT AN AIR QUALITY PERMIT ISSUED IN ACCORDANCE WITH TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990.

1 (2) (I) A TENTATIVE OR FINAL DETERMINATION FOR ISSUANCE OR
2 RENEWAL OF A PERMIT SHALL BE ISSUED IN ACCORDANCE WITH § 1-604 OF THIS
3 TITLE.

4 (II) A FINAL DETERMINATION SHALL BE ACCOMPANIED BY THE
5 DEPARTMENT'S WRITTEN RESPONSE TO COMMENTS.

6 (III) 1. ON REQUEST, THE DEPARTMENT SHALL EXTEND THE
7 PUBLIC COMMENT PERIOD FOR A DRAFT PERMIT OR TENTATIVE DETERMINATION
8 BY AN ADDITIONAL 60 DAYS FROM THE ORIGINAL EXPIRATION DATE FOR THE
9 COMMENT PERIOD.

10 2. A REQUEST TO EXTEND THE PUBLIC COMMENT
11 PERIOD UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE
12 SUBMITTED IN WRITING AND BEFORE THE EXPIRATION OF THE ORIGINAL PUBLIC
13 COMMENT PERIOD.

14 3. A PUBLIC COMMENT PERIOD MAY BE EXTENDED ONLY
15 ONE TIME UNDER THIS SUBPARAGRAPH.

16 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 AN AIR QUALITY PERMIT ISSUED IN ACCORDANCE WITH TITLE V OF THE FEDERAL
18 CLEAN AIR ACT AMENDMENTS OF 1990 SHALL BE ISSUED OR RENEWED IN
19 ACCORDANCE WITH THE PUBLIC PARTICIPATION REQUIREMENTS ADOPTED BY THE
20 DEPARTMENT BY REGULATION.

21 (2) (I) THE PUBLIC COMMENT PERIOD SHALL BE AT LEAST 60
22 DAYS.

23 (II) 1. IF THE DEPARTMENT RECEIVES A WRITTEN REQUEST
24 WITHIN 20 DAYS AFTER PUBLICATION OF THE NOTICE OF TENTATIVE
25 DETERMINATION, THE DEPARTMENT SHALL SCHEDULE A PUBLIC HEARING ON THE
26 TENTATIVE DETERMINATION.

27 2. A PUBLIC HEARING SCHEDULED IN ACCORDANCE
28 WITH SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE CANCELED IF ALL
29 TIMELY WRITTEN REQUESTS ARE WITHDRAWN BEFORE THE MEETING.

30 (III) EXCEPT AS REQUIRED UNDER SUBPARAGRAPH (II) OF THIS
31 PARAGRAPH, THE DEPARTMENT MAY SCHEDULE A PUBLIC HEARING ON A
32 TENTATIVE DETERMINATION AT ITS DISCRETION.

33 1-712.

1 (A) (1) A COVERED INDIVIDUAL PERMIT SHALL BE SUBJECT TO THE
2 PROVISIONS FOR JUDICIAL REVIEW UNDER SUBTITLE 6 OF THIS TITLE.

3 (2) A CONTESTED CASE HEARING MAY NOT OCCUR FOR THE
4 ISSUANCE OR RENEWAL OF A COVERED INDIVIDUAL PERMIT UNDER THIS SUBTITLE.

5 (B) IN ADDITION TO THE INFORMATION LISTED UNDER § 1-606(C) OF THIS
6 TITLE, THE RECORD FOR JUDICIAL REVIEW OF A COVERED INDIVIDUAL PERMIT
7 SHALL INCLUDE THE MATERIALS LISTED UNDER § 1-708(F)(1) OF THIS SUBTITLE.

8 (C) A PERSON WHO MEETS THE REQUIREMENTS FOR REQUESTING JUDICIAL
9 REVIEW UNDER SUBTITLE 6 OF THIS TITLE MAY PROCEED AS A RESPONDENT IN ANY
10 JUDICIAL REVIEW ACTION FOR THE PURPOSE OF DEFENDING THE DEPARTMENT'S
11 FINAL DETERMINATION ON A COVERED INDIVIDUAL PERMIT.

12 1-713.

13 (A) FOR ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE,
14 REGULATION, OR ORDER ISSUED IN ACCORDANCE WITH THIS ARTICLE THAT OCCURS
15 WITHIN AN AT-RISK CENSUS TRACT, THE MAXIMUM CIVIL PENALTY SHALL BE
16 INCREASED BY 75%.

17 (B) THE DEPARTMENT SHALL MAKE INFORMATION READILY AVAILABLE
18 ONLINE REGARDING ANY ENFORCEMENT ACTION AGAINST ANY PERMITTED
19 FACILITY LOCATED WITHIN AN AT-RISK AREA INCLUDING NOTICES OF VIOLATIONS,
20 PENALTIES, CONSENT ORDERS, COMPLIANCE ASSESSMENTS, AND CONCLUDED
21 ENFORCEMENT ACTIONS.

22 (C) (1) FOR AN ALLEGED VIOLATION IN AN AT-RISK CENSUS TRACT, THE
23 DEPARTMENT SHALL CONSIDER SUPPLEMENTAL ENVIRONMENTAL PROJECTS TO
24 IMPLEMENT AS A PART OF THE SETTLEMENT OR ENFORCEMENT ACTION.

25 (2) THE DEPARTMENT SHALL ADOPT A POLICY THAT ENCOURAGES
26 THE IMPLEMENTATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS, WITH A
27 GOAL OF LEAST 25% OF THE REVENUE FROM AN ENFORCEMENT ACTION AGAINST A
28 FACILITY LOCATED WITHIN AN AT-RISK CENSUS TRACT TO BE USED TO ASSIST
29 AFFECTED AT-RISK CENSUS TRACTS.

30 1-714.

31 IN ADDITION TO ANY OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE
32 DEPARTMENT MAY CHARGE A REASONABLE FEE TO COVER COSTS ASSOCIATED WITH

1 THE IMPLEMENTATION OF THIS PART, INCLUDING THE COST TO THE DEPARTMENT
2 TO PROVIDE TECHNICAL ASSISTANCE TO PERMIT APPLICANTS AND RESIDENTS OF
3 AT-RISK CENSUS TRACTS.

4 1-715.

5 (A) ON OR BEFORE OCTOBER 1, 2027, THE DEPARTMENT SHALL ADOPT
6 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS PART.

7 (B) (1) ON OR BEFORE OCTOBER 1, 2027, THE DEPARTMENT SHALL
8 ADOPT REGULATIONS DEFINING “EJ SCORE” IN ACCORDANCE WITH § 1-101 OF
9 THIS TITLE.

10 (2) AT LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL REVIEW AND:

11 (I) IF APPROPRIATE, REVISE THE DEFINITION OF “EJ SCORE”
12 TO ENSURE THAT THE DEFINITION CAPTURES AND QUANTIFIES AS COMPLETELY AS
13 POSSIBLE THE BURDENS TO ENVIRONMENTAL AND PUBLIC HEALTH CONSISTENT
14 WITH THE LATEST SCIENTIFIC AND MEDICAL KNOWLEDGE; OR

15 (II) ISSUE A DECISION TO NOT REVISE THE DEFINITION OF “EJ
16 SCORE” IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

17 2-404.1.

18 (a) [Except for an applicant who elects to proceed under subsection (d) of this
19 section, a] A final decision by the Department on the issuance, renewal, or revision of an
20 operating permit issued [pursuant to] IN ACCORDANCE WITH Title V of the federal Clean
21 Air Act Amendments of 1990 is subject to judicial review by any person who:

22 (1) Meets the threshold standing requirements under federal
23 constitutional law; and

24 (2) Participated in a public participation process through the submission
25 of written or oral comments, unless an opportunity for public participation was not required
26 by statute or regulation.

27 (b) Judicial review shall be on the administrative record before the Department
28 and limited to objections raised during the public comment period, unless the petitioner
29 demonstrates:

30 (1) That the objections were not reasonably ascertainable during the
31 comment period; or

32 (2) That grounds for the objections arose after the comment period.

(c) Unless otherwise required by statute, a petition for judicial review by a person who meets the requirements of subsection (a) of this section shall be filed with the circuit court for the county in which any party resides or has a principal place of business.

[(d) (1) An applicant for an air quality operating permit may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Except for an applicant as described in paragraph (1) of this subsection, a person is not entitled to a contested case hearing regarding Title V operating permits.]

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2028, the Department of the Environment shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(1) whether to incorporate into the definition of a covered individual permit under § 1–701 of the Environment Article, as enacted by Section 1 of this Act:

(i) a permit to discharge pollutants to waters of the State issued in accordance with § 9–323 of the Environment Article not already included under the definition of a covered individual permit;

(ii) a permit for the storage, distribution, or utilization of any type of sewage sludge issued, renewed, or amended in accordance with §§ 9–234.1 or 9–238 of the Environment Article;

(iii) a scrap tire permit issued in accordance with § 9–228 of the Environment Article;

(iv) an oil operations permit;

(v) an oil transfer license;

(vi) a surface water discharge permit for oil terminals;

(vii) a coal mining permit;

(viii) a non–coal mining permit;

(ix) a surface mining license;

(x) an oil and gas exploration and production permit; and

(xi) a research, development, and demonstration permit; and

(2) whether to incorporate into the definition of a covered general permit under § 1–701 of the Environment Article, as enacted by Section 1 of this Act:

(i) a statewide general permit for:

1. surface discharges of pesticides;
2. discharges of treated ground water from oil contaminated ground water;
3. discharges from surface coal mines and related facilities;
4. air quality general permits to construct; and

(ii) registrations under a general permit for:

1. mineral mines, quarries, borrow pits, and concrete and asphalt plants not already included in the definition of a covered general permit;
2. discharges from surface coal mines; and
3. discharges from seafood processing.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act applies only to an application for a covered individual permit, as defined under § 1–701 of the Environment Article, as enacted by Section 1 of this Act, that is submitted to the Department of the Environment:

(1) on or after October 1, 2027, if the application proposes a new or increased pollution source;

(2) on or after October 1, 2028, if:

(i) the application does not propose new or increased pollution; and

(ii) 1. is required to have certain public participation under § 1–601(a) of the Environment Article; or

2. is an air quality operating permit issued in accordance with Title V of the federal Clean Air Act Amendments of 1990; and

(3) on or after October 1, 2029, if the application is not subject to item (1) or (2) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.