

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)

pealing 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,
the Laws of Maryland read as follows:

Article – Environment

PART I. DEFINITIONS.

12 1-701.

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

15 (B) "AT-RISK CENSUS TRACT" MEANS ANY GEOGRAPHIC AREA WITHIN A
16 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:

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

23 (I) MINING OPERATIONS IS AT OR ABOVE THE 95TH
24 PERCENTILE IN THE STATE:

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

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

1 **(C) “BURDEN REPORT” MEANS THE BASELINE UNDERSTANDING OF**
2 **RISK, DISPARITIES, AND ENVIRONMENTAL NEEDS REPORT REQUIRED UNDER**
3 **§ 1-708 OF THIS SUBTITLE.**

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

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

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

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

12 **(I) AIR EMISSIONS FROM CONCRETE BATCH PLANTS; OR**

13 **(II) DISCHARGES FROM:**

14 1. **ANIMAL FEEDING OPERATIONS;**

15 2. **MINING OPERATIONS; OR**

16 3. **STORMWATER ASSOCIATED WITH INDUSTRIAL**
17 **ACTIVITY.**

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

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

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

24 **(2) (I) AN AIR QUALITY CONTROL PERMIT TO CONSTRUCT**
25 **SUBJECT TO § 2-404 OF THIS ARTICLE;**

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

28 1. **CEMENT ASH;**

1 **2. AN ANIMAL FEEDING OPERATION OR HATCHERY;**

2 **3. A FUEL FACILITY;**

3 **4. A MINING OPERATION; OR**

4 **5. A REFUSE DISPOSAL SYSTEM;**

5 **(III) A PERMIT TO INSTALL, MATERIALLY ALTER, OR**
6 **MATERIALLY EXTEND A STRUCTURE USED FOR STORAGE OR DISTRIBUTION OF ANY**
7 **TYPE OF SEWAGE SLUDGE ISSUED, RENEWED, OR AMENDED IN ACCORDANCE WITH §**
8 **9-234.1 OR § 9-238 OF THIS ARTICLE;**

9 **(IV) A PERMIT TO OWN, OPERATE, OR MAINTAIN A HAZARDOUS**
10 **MATERIAL FACILITY ISSUED IN ACCORDANCE WITH § 7-103 OF THIS ARTICLE;**

11 **(V) A PERMIT TO OWN, OPERATE, ESTABLISH, OR MAINTAIN A**
12 **LOW-LEVEL NUCLEAR WASTE FACILITY ISSUED IN ACCORDANCE WITH TO § 7-233**
13 **OF THIS ARTICLE;**

14 **(VI) A PERMIT ISSUED IN ACCORDANCE WITH TITLE 9,**
15 **SUBTITLE 2 OF THIS ARTICLE FOR A REFUSE DISPOSAL SYSTEM;**

16 **(VII) A STATE PERMIT TO OPERATE FOR AN AIR POLLUTION**
17 **SOURCE THAT DOES NOT REQUIRE AN OPERATING PERMIT ISSUED UNDER TITLE V**
18 **OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990; OR**

19 **(VIII) AN AIR QUALITY OPERATING PERMIT ISSUED IN**
20 **ACCORDANCE WITH TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF**
21 **1990.**

22 **[(5)] (I)** “Environmental justice” means equal protection from
23 environmental and public health hazards for all people regardless of race, income, culture,
24 and social status.

25 **[(6)] (J)** “Environmental organization” means a nonprofit entity engaged
26 in advocacy, action, education, or job training related to conservation, stewardship of
27 natural resources, pollution reduction, or climate impacts.

28 **[(7)] (K)** “Overburdened community” means any census tract for which
29 three or more of the following environmental health indicators are above the 75th percentile
30 statewide:

31 **[i] (1)** Particulate matter (PM) 2.5;

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

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

4 **1-702. RESERVED.**

5 **1-703. RESERVED.**

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

8 **1-704.**

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

11 **[(c)] (B)** (1) The Commission consists of the following members:
12 (i) One member of the Senate of Maryland, appointed by the
13 President of the Senate;

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

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

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

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

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

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

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

23 (ix) The following members appointed by the Governor:

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

26 2. One representative of a business organization;

3. One representative of an environmental organization;

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

11 2. One representative of a business organization;

12 3. One representative of an environmental organization; and

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.

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:

3 (i) Environmental justice issues in the State; and

4 (ii) Previous work of the Commission.

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

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

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

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

10 (ii) Arranging and staffing Commission meetings;

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

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

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

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

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

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

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

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

29 1. Limited English proficiency; and

2. Disabilities.

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

7 (3) A member of the Commission:

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

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

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

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

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

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

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

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

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

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

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

14 [1-702.] 1-705.

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

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

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

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

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

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

30 (1) Underserved communities;

31 (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.

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

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

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

13 1-706. RESERVED.

14 1-707. RESERVED.

PART III. ENVIRONMENTAL PERMITS.

16 1-708.

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

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

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

(2) AT A MINIMUM, INCLUDE:

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

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

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

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

28 (VII) THE POTENTIAL OR PROJECTED CONTRIBUTION OF THE
29 SITE OR FACILITY TO EXISTING POLLUTION BURDENS IN THE AT-RISK CENSUS
30 TRACT, ACCOUNTING FOR THE EXISTING BURDEN AND THE POTENTIAL HEALTH
31 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.

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

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

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

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

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

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

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

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

28 (2) ANY PROPOSED PERMIT LIMITATIONS AND CONDITIONS;

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

31 (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

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:

7 1-710.

(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.

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

21 1-711.

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

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

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

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.

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.

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.

4 [(d) (1) An applicant for an air quality operating permit may seek judicial
5 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.]

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

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

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

21 (iv) an oil operations permit;

22 (v) an oil transfer license;

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

24 (vii) a coal mining permit;

25 (viii) a non-coal mining permit;

26 (ix) a surface mining license;

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

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

29 (2) whether to incorporate into the definition of a covered general permit
30 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
 - 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 already included in the definition of a covered general permit;
 - 2. discharges from surface coal mines; and
 - 3. discharges from seafood processing.

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

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