

Maryland-Delaware Solid Waste Association
a chapter of the



**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Kumar P. Barve, Chair
Members, House Environment and Transportation Committee
The Honorable Obie Patterson

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: April 1, 2021

RE: **OPPOSE** – Senate Bill 121 – *Zoning – Environmental Justice Considerations*

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 strongly **oppose** Senate Bill 121.

Senate Bill 121 as amended by the Senate expands the requirements of the legislation to apply to all “permitted facilities” which include air permits, refuse disposal permits and controlled hazardous substance facility permits. It authorizes a local governing body to require an applicant for a special exception to operate or construct a permitted facility or an application to extend or renew a permitted facility in an area zoned for residential use to prepare an environmental justice and public health analysis which cannot realistically be completed by an individual applicant. Further, it authorizes a local jurisdiction to deny an application based on the environmental justice analysis.

There is no reasonable basis for creating such rules for a special exception zoning process as the impact of any given facility cannot reasonably be identified when there may be other types of facilities that could or would have a greater impact on the adjacent community. Furthermore, many of the affected facilities may have been in operation long before the area was zoned residential. They should not be held accountable for justifying their continued operation based on the growth of a residential area around their business. Finally, the range of permits that are included in the definition of permitted facilities include many businesses that regularly are present in a residential area.

Passage of Senate Bill 121 contains unrealistic analysis requirements that would render it impossible for an applicant to comply and could also result in the closure of a permitted business that was in operation before the land was zoned residential, an unfair result. MDSWA respectfully requests an unfavorable report.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000