

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 Michael A. Jackson

FROM: Pamela Metz Kasemeyer
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DATE: February 23, 2023

RE: **OPPOSE** – Senate Bill 743 – *Climate, Labor, and Environmental Equity Act of 2023*

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 743.

Senate Bill 743 requires the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation of a permit application if, after conducting an EJ score review required under current law, MDE determines that issuing an approval for a permit may impact an underserved community or an overburdened community. In addition, MDE, in coordination with the Maryland Department of Health, may conduct a health impact assessment of the permit. Senate Bill 743 also requires MDE to regularly provide opportunity for State residents to opt-in to text, phone, email, or regular mail notifications regarding any facility with a pending or final permit approval in or adjacent to the resident's census tract. Finally, the bill authorizes MDE to deny or alter a decision or amend the conditions under a pending permit based on its findings under the above provisions.

MDSWA has been supportive of the development of the EJ score review and the enhanced assessment it provides in evaluating the impact on underserved or overburdened communities. However, the industry is concerned with the provisions of the legislation as it relates to denials and or amendments to renewal permits. Many facilities subject to this analysis have been operating prior to growth of communities that surround the facility. Denial or significant amendment of renewal permits could create insurmountable obstacles for the continued operation of the facility, despite the fact the facility operation predates the community impact determined by the enhanced assessments. The use of the EJ score review is informative and strengthens the permitting process, but the additional authority granted MDE, especially with respect to permit renewals, should not be enacted. An unfavorable report is requested.