

MDE Permitting Bill HB 24/ SB 96

Summary:

Despite Maryland's 25 year commitment to address environmental justice (EJ) disparities, the Maryland Department of the Environment (MDE) currently cannot consider EJ data when issuing environmental permits. MDE has an online [EJ Screening Tool](#) that helps the public understand the impacts of pollution on their community. However, currently MDE cannot consider this information in permitting decisions.

HB 24 gives MDE the authority to use the EJ scores calculated via its [EJ Screening Tool](#) and an environmental justice evaluation conducted by MDE in §1-601(a) permitting decisions, for census tracts with an EJ score above 75 (75th percentile compared to the rest of the state). §1-601(a) permits include surface water discharge, air quality control to construct, and select other environmental permits.¹

Maryland LCV supports this bill with an amendment to include Title 5 air permits to operate. These permits would ensure MDE can consider EJ data and analysis as they issue air permits for the ongoing operations of a facility, and would address existing major air pollution sources across the state.

Background:

Maryland defines environmental justice as "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status."

In November, 1999 Maryland created [specific recommendations](#) for incorporating environmental justice in its decision making, focused on the regulatory responsibilities housed within the Maryland Department of the Environment (MDE). There has been progress and improvements statewide in air and water quality, and more advanced mapping and indicator tools and support from the federal government are available. However, disparities continue to exist.

Census tracts with EJ Screening scores above 75 experience several adverse health outcomes, including lower life expectancies and birth weights, and higher myocardial infarction and asthma emergency room discharges than the rest of the state.² Communities burdened by multiple environmental hazards also experience exacerbated socioeconomic disparities, evidenced by owner-occupied housing values 40% less than the state average.³

HB24/SB96 – As Written

§1-601(a) permits include an expansive list of permits covered in the state. [MDE's public database for §1-601\(a\) permits](#) indicates that there were 54 permits with "Deadlines for Requesting Information" listed just in 2023. All but one of these permits are being renewed. All 54 permit applications included an EJ score, but only 3 (5.6%) have an EJ score above 75 and would thus be subject to the environmental justice review under HB 24. These 3 facilities are located in Maryland legislative districts 35B, 28, and 27B in

¹ <https://law.justia.com/codes/maryland/2005/gen/1-601.html>

² <https://www.cdc.gov/nchs/data-visualization/life-expectancy/>

<https://mdwin64.mde.state.md.us/EJ/>

³ [https://data.census.gov/table?q=B25075&q=040XX00US24\\$1400000](https://data.census.gov/table?q=B25075&q=040XX00US24$1400000)

Cecil, Charles, and Prince George’s counties, respectively. These facilities are the Perryville, Town of Indian Head, and Cheltenham Boys Village Youth Facility Wastewater Treatment Plants.

HB24/SB96 – With Amendments to Broaden Impact

In its commitment to leave no one behind, the Moore/Miller administration identified the disproportionate impact of poor air quality experienced by people of color, low-income and urban residents as a priority.^{4,5} Community based organizations, environmental and environmental justice leaders, and lawyers working closely with community clients all share the Administration’s concerns regarding disparities in air pollution exposure from existing facilities. The types of facilities that emit pollution contributing to these disparities are primarily **not** part of the category of permits (§1-601(a)) included in HB 24.

Therefore, we recommend adding air quality control permits to HB 24. This would give MDE the authority to consider public health and environmental justice impacts of some of the pollution sources most impacting overburdened and underserved communities.

Air quality control permits to operate, also called Title 5 or Part 70 permits, are issued to facilities including energy and waste infrastructure, such as landfills, incinerators, generators, and manufacturers. Several of these facilities are currently operating in and/or have aided in exacerbating the symptoms experienced in environmental justice communities.

There are only 109 Title 5 permits, total, in the state. 39 (35.8%) of these permits are in communities with EJ scores above 75.

There are 140,921 Marylanders living in the immediate census tracts that would be impacted by MDE’s ability to modify Title 5 permits. 48.7% of the impacted census tracts are majority-minority tracts.

The chart below summarizes the impact of both 1-601(a) permits and Title 5 permits. Also provided are charts which list the Title 5 facilities in each county that includes census tracts with high EJ scores. The permits pertain to operational facilities and include both active and expired permits (Note: a facility with an expired permit continues to operate under the conditions of their expired permits).

Type of Permits	Number of Permits	Number with EJ score greater than 75	Population Living in areas with EJ Score > 75	# Census Tracts Affected	% of census tracts that are majority minority
1-601(a)	54	3	15,434	3	66.7%
Title 5	109	39	140,921	30	48.7%

⁴ <https://wesmoore.com/wp-content/uploads/2022/05/Wes-Moore-For-Maryland-Climate-Plan.pdf>

⁵ <https://mde.maryland.gov/programs/air/ClimateChange/Maryland%20Climate%20Reduction%20Plan/Maryland%27s%20Climate%20Pollution%20Reduction%20Plan%20-%20Final%20-%20Dec%2028%202023.pdf>

APPENDIX
Appendix A - 1-601(a) permits
Cecil

EJ Score	Name of Proposed Activity	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
79.43	Perryville WWTP	72 Ikea Way	Perryville	35B

Charles

EJ Score	Name of Proposed Activity	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
80.93	Town of Indian Head WWTP	Hailey Drive	Indian Head	28

Prince George's

EJ Score	Name of Proposed Activity	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
88.24	Cheltenham Boys Village Youth Facility WWTP	9821 Surratts Road	Cheltenham	27B

Appendix B - Title V permits
Anne Arundel

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
82.23	003-0317	<u>National Security Agency</u>	2/1/20	1/31/25	9800 Savage Road	Fort George G. Meade	32
86.12	003-00468	<u>Raven Power Ft. Smallwood, LLC</u>	1/1/17	9/30/21	1005 Brandon Shores Road	Baltimore	31
76.56	003-1471	<u>Millersville LFGE</u>	11/1/19	10/31/24	389 Burns Crossing Road	Severn	31
76.56	003-0886	<u>Millersville Landfill</u>	4/11/23	7/31/27	389 Burns Crossing Road	Severn	31
86.12	003-0056	<u>Prince Specialty</u>	9/14/22	1/31/27	610 Pittman Road	Curtis Bay	31
100	003-0316	<u>US Coast Guard Yard</u>	1/6/21	11/30/26	2401 Hawkins Point Road, MS 10	Curtis Bay	31

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 31: Myocardial Infarction Discharges, Low Birth Weight, Power Plant Proximity, TRI Proximity, Hazardous Waste Landfill Proximity
- District 32: Minority, Lead Paint, Asthma Emergency Discharges, Myocardial Infarction Discharges, Low Birth Weight, Lacking Broadband Coverage

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Baltimore

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
76.49	005-207 5	<u>Eastern Sanitary Landfill</u>	6/1/20	5/31/25	6259 Days Cove Road	White Marsh	7A
87.22	005-114 9	<u>Gamse Lithographing</u>	12/17/21	9/30/26	7413 Pulaski Highway	Baltimore	6

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 7A: Myocardial Infarction Discharges, Power Plant Proximity, TRI Proximity, Hazardous Waste Landfill Proximity
- District 6: TRI proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Baltimore City

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
83.66	005-148 4	<u>Lafarge Sparrows Pt</u>	5/1/23	8/31/27	2001 Wharf Road	Baltimore	6
80.66	005-081 2	<u>BackRiver WWTP</u>	10/1/17	9/30/22	8201 Eastern Avenue	Baltimore	6
91.59	510-307 8	<u>Vicinity Energy Saratoga</u>	5/1/23	8/31/27	641 West Saratoga Street	Baltimore	40
79.22	510-007 7	<u>Johns Hopkins University Homewood Campus</u>	9/1/19	8/31/24	3400 N Charles Street	Baltimore	40
99.11	510-067 7	<u>Petroleum Fuel and Terminal Erdman</u>	9/28/21	8/31/26	5105 Erdman Avenue	Baltimore	45
96.17	510-000 1	<u>JHMI Utilities</u>	9/1/18	8/31/23	600 N Wolfe Street	Baltimore	45
100	518-091 8	<u>Buckeye</u>	1/13/24	9/30/28	6200 Pennington Ave	Baltimore	46
94.6	510-115 8	<u>Johns Hopkins Bayview</u>	10/24/23	6/30/28	4940 Eastern Avenue	Baltimore	46

98.91	510-297 6	<u>Vicinity Energy Central Ave</u>	9/30/20	9/30/23	201 North Central Avenue	Baltimore	46
89.06	510-030 1	<u>H and S Bakery</u>	6/1/20	5/31/25	603 South Bond Street	Baltimore	46
82.23	510-188 6	<u>Wheelabrator Baltimore</u>	11/5/19	8/31/24	1801 Annapolis Road	Baltimore	46
100	510-297 5	<u>Curtis Bay Energy</u>	9/1/19	1/31/24	3200 Hawkins Point Road	Baltimore	46
100	510-007 6	<u>W.R. Grace and Co. - Conn</u>	9/1/19	8/31/24	5500 Chemical Road	Baltimore	46
95.01	510-026 5	<u>Constellation Philadelphia Road Renewal</u>	12/1/18	11/30/23	3914 Pulaski Highway	Baltimore	46
100	510-229 3	<u>Quarantine Road Landfill Title V Renewal</u>	12/1/18	11/30/23	6100 Quarantine Road	Baltimore	46
100	510-010 6	<u>US Gypsum Title V 2018</u>	7/1/2018	6/30/23	5500 Quarantine Road	Baltimore	46
94.74	510-023 3	<u>New NGC National Gypsum Renewal</u>	7/1/17	3/31/22	2301 S Newkirk Street	Baltimore	46
94.74	510-192 3	<u>Petroleum Fuel Clinton Renewal</u>	6/1/17	5/31/22	1622 South Clinton Street	Baltimore	46

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 45: Minority, Ozone, Lead Paint Indicator, Wastewater Discharge, Low Birth Weight, Superfund Proximity
- District 46: Lead Paint Indicator, Wastewater Discharge Indicator, Asthma Emergency Discharges, Myocardial Infarction Discharges, Low Birth Weight, Lacking Broadband Coverage, TRI Proximity, Brownfields Proximity, Hazardous Waste Landfill Proximity
- District 6: Minority, Lacking Broadband Coverage, Asthma Emergency Discharges, TRI Proximity, Brownfields Proximity, Lead Paint Indicator
- District 40: Minority

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Dorchester

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
75.67	019-001 3	<u>Vienna Power</u>	1/17/23	9/30/27	4621 Chapel of Ease Road	Vienna	37A

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 37A: CAFO Proximity, Power Plant Proximity, TRI Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Harford

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
80.04	025-002 4	<u>Perryman</u>	11/1/23	10/31/28	900 Chelsea Road	Perryman	34A
83.05	025-000 5	<u>Evonik Corporation</u>	2/1/20	1/31/25	907 Revolution Street	Havre de Grace	34A
80.04	025-008 2	<u>US Army Garrison Aberdeen Proving Ground Edgewood</u>	11/1/19	10/31/24	2100 Bush River Road	Aberdeen Proving Ground	34A

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 34A: Minority, Lead Paint Indicator, Asthma Emergency Discharges, Myocardial Infarction Discharges, Lacking Broadband Coverage, TRI Proximity, Brownfields Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Howard

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
77.51	027-036 4	<u>Alpha Ridge Landfill</u>	6/18/21	4/30/26	2350 Marriottsville Road	Marriottsville	9A

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 9A: Myocardial Infarction Discharges, Lacking Broadband Coverage, Power Plant Proximity, Hazardous Waste Landfill Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Montgomery

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
84.89	031-112 9	<u>GSA White Oak</u>	7/1/22	1/31/27	10901 New Hampshire Avenue	Silver Spring	20

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 20: Minority, Lead Paint Indicator, Power Plant Proximity, TRI Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Prince George's

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
81.75	033-0010	<u>UMD College Park</u>	12/15/22	9/30/27	4716 Pontiac Street, Seneca Building 812	College Park	21
79.02	033-1862	<u>Sandy Hill Creative Disposal Project</u>	6/1/18	5/31/23	9500 Old Laurel Bowie Road	Bowie	23
91.73	033-2737	<u>Keys Energy Center</u>	10/18/23	11/30/27	10322 N. Keys Road	Brandywine	27B
84.48	033-2920	<u>Chalk Pt Power</u>	12/1/22	11/30/27	25100 Chalk Point Road	Aquasco	27B
91.73	033-2200	<u>KMCThermo Brandywine</u>	7/1/15	1/31/20	16400 Mattawoman Drive	Brandywine	27B

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 21: Minority, Lead Paint Indicator, Wastewater Discharge Indicator, Low Birth Weight, Lacking Broadband Coverage, Power Plant Proximity
- District 23: Asthma Emergency Discharges, Myocardial Infarction Discharges, Low Birth Weight
- District 27B: Wastewater Discharge Indicator, Asthma Emergency Discharges, Myocardial Infarction Discharges, Low Birth Weight, Power Plant Proximity, TRI Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.

Wicomico

EJ Score	Permit No.	Name of Proposed Activity	Date Issued	Permit Expires	Street Address of Proposed Activity	City of Proposed Activity	Maryland Legislative District
76.35	045-0208	<u>Newland Park Landfill Renewal</u>	4/1/19	3/31/24	6948 Brick Kiln Road	Salisbury	37A
76.35	045-0287	<u>Ingenco Wholesale Power, LLC Renewal</u>	3/1/18	2/28/23	6967 Brick Kiln Road	Salisbury	37A
81	045-00042	<u>Perdue Farms Inc</u>	7/1/15	6/30/20	6906 Zion Church Road	Salisbury	38C

The EJ challenges (≥ 75 th [indicators](#)) experienced in census tracts located in the above Districts are:

- District 37A: Poverty, TRI Proximity, Hazardous Waste Landfill Proximity, Limited English Proficiency, CAFO Proximity, Power Plant Proximity, Brownfields Proximity
- District 38C: Minority, Asthma Emergency Discharges, Myocardial Infarction Discharges, Low Birth Weight, Lacking Broadband Coverage, CAFO Proximity, Power Plant Proximity, TRI Proximity

This list does not include high indicators within the tract, just the distribution across Maryland percentile.