

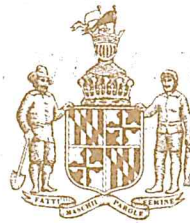
MICHAEL A. JACKSON
Legislative District 27
Calvert, Charles and
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Budget and Taxation Committee

Subcommittees

Chair, Pensions

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY – SENATE BILL 96

***ENVIRONMENT – IMPACT OF ENVIRONMENTAL PERMITS
AND STATE AGENCY ACTIONS***

EDUCATION, ENERGY, & THE ENVIRONMENT COMMITTEE

MARCH 5, 2024

Chair Feldman, Vice Chair Kagan and Committee Members:

Senate Bill 96 is a piece of legislation designed to require state agencies to take better account of their actions in relation to climate, labor, employment, and environmental justice policies in overburdened communities. This bill improves Maryland's permitting process when it comes to building industrial factories, wastewater treatment facilities, highways, mining operations, power plants and other potentially dangerous projects by doing a few things:

It ensures that key state agencies in Maryland are held accountable (through reporting) to the state's climate, environmental justice, and labor goals. It requires thorough planning, evaluation, reporting, and mitigation of negative impacts on underserved or overburdened communities before operations are permitted to begin on meaningful projects. It fosters measurable communication between the Maryland Department of the Environment, environmental permit applicants, and underserved or overburdened communities and it allows Marylanders to receive regular notifications regarding environmental permits that may have a negative impact on their health and well-being.

This legislation is a very straightforward attempt to ensure that all Maryland communities receive the necessary oversight actions to ensure their environmental safety and protection. This legislation simply aims to better serve all Marylanders.

For the reasons listed above, I ask for a favorable report of Senate Bill 96.



SB0096/803820/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

05 FEB 24
12:00:17

BY: Senator Jackson

(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENTS TO SENATE BILL 96

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Department of the Environment – Environmental Justice Evaluation of Environmental Permit Applications"; strike beginning with "conduct" in line 3 down through "equity" in line 9 and substitute "perform a certain environmental justice evaluation of certain environmental permit applications under certain circumstances; authorizing the Department to take certain actions on certain environmental permit applications based on certain findings to address environmental justice concerns; requiring the Department to maintain a publicly accessible website, part of a website, or application that identifies pending permit applications in a certain manner; authorizing the Department to charge a certain fee to cover certain costs; and generally relating to environmental justice and environmental permits"; strike line 12 in its entirety and substitute "Section 1–601(a), 1–601.1, and 1–701(a)(1) and (5)"; strike in their entirety lines 15 through 19, inclusive; and strike beginning with "Impact" in line 22 down through "Equity" in line 23 and substitute "Environmental Justice Evaluation of Environmental Permit Applications".

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 9 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, after line 31, insert:

"1–601.1.

(a) A person applying for a permit listed under § 1–601(a) of this subtitle shall include in the permit application the EJ Score from the Maryland EJ tool for the census tract where the applicant is seeking a permit, unless the permit requires the applicant to use a tool developed by the U.S. Environmental Protection Agency.

(b) On receiving an application for a permit listed under § 1–601(a) of this subtitle, the Department shall, in accordance with regulations adopted under this section, review the EJ Score for the census tract where the applicant is seeking a permit using the Maryland EJ tool to verify the applicant’s information.

(c) The Department shall adopt regulations to implement this section.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 28 on page 4, inclusive.

On page 4, strike beginning with “IMPACT” in line 29 down through “EQUITY” in line 30 and substitute “ENVIRONMENTAL JUSTICE EVALUATION OF ENVIRONMENTAL PERMIT APPLICATIONS”.

On page 5, strike beginning with the first open quote in line 8 down through “(E)” in line 10; strike in their entirety lines 11 and 12; after line 13, insert:

“(A) THIS SECTION APPLIES TO A PERMIT APPLICATION RECEIVED BY THE DEPARTMENT ON OR AFTER OCTOBER 1, 2024.”;

in line 14, strike “(A) (1)” and substitute “(B)”; and strike beginning with “ISSUING” in line 15 down through “PERMIT” in line 18 and substitute “THE EJ SCORE IS ABOVE THE 75TH PERCENTILE STATEWIDE, THE DEPARTMENT SHALL PERFORM AN ADDITIONAL ENVIRONMENTAL JUSTICE EVALUATION OF THE PERMIT APPLICATION”.

On pages 5 and 6, strike in their entirety the lines beginning with line 19 on page 5 through line 11 on page 6, inclusive.

On page 6, after line 11, insert:

“(C) BASED ON THE FINDINGS OF AN EVALUATION PERFORMED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT MAY:

(1) FOR A PERMIT FOR A NEW POLLUTION SOURCE OR A PERMIT THAT ALLOWS FOR AN INCREASE IN POLLUTION FROM AN EXISTING POLLUTION SOURCE, DENY THE PERMIT OR IMPOSE CONDITIONS IN THE PERMIT TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS; AND

(2) FOR THE RENEWAL OF AN EXISTING PERMIT THAT WOULD NOT RESULT IN AN INCREASE IN POLLUTION FROM AN EXISTING POLLUTION SOURCE, IMPOSE CONDITIONS IN THE RENEWAL PERMIT TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS.”;

strike beginning with “REGULARLY” in line 13 down through “TRACT” in line 16 and substitute “MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE, PART OF A WEBSITE, OR APPLICATION THAT IDENTIFIES PENDING PERMIT APPLICATIONS WITH SPECIFIC CENSUS TRACTS”; strike beginning with “DUE” in line 20 down through “APPLICATIONS” in line 21; and strike in their entirety lines 25 through 27, inclusive.

On pages 6 and 7, strike beginning with “(A)” in line 29 on page 6 down through “FUND” in line 6 on page 7 and substitute:

“IN ADDITION TO ANY OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE DEPARTMENT MAY CHARGE A REASONABLE FEE TO COVER THE DEPARTMENT’S COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS

(Over)

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SUBTITLE, INCLUDING THE COSTS TO PROVIDE TECHNICAL ASSISTANCE TO PERMIT APPLICANTS AND RESIDENTS OF RELEVANT CENSUS TRACTS AS NEEDED TO COMPLY WITH THIS SUBTITLE”.

On pages 7 through 10, strike in their entirety the lines beginning with line 10 on page 7 through line 17 on page 10, inclusive.