



**The Maryland Department of the Environment**  
**Secretary Serena McIlwain**

***Senate Bill 96***

***Environment - Impact of Environmental Permits and State Agency Actions***

**Position:** Support with Amendments  
**Committee:** Education, Energy, and the Environment  
**Date:** March 5, 2024  
**From:** Les Knapp

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The Maryland Department of the Environment (MDE) **SUPPORTS SB 96 WITH AMENDMENTS** being offered by the bill sponsor.

**Bill Summary**

Senate Bill 96, as amended by the bill sponsor, would require MDE to conduct an environmental justice (EJ) evaluation for specified permits for new, renewal, or modification applications. The EJ evaluation must be performed for the specified permits if the permitted facility is located in a community that qualifies as “underserved and overburdened” meaning that the community scores in the top 75th statewide percentile in MDE’s EJ Screening Tool and has multiple pollution generators located within the community’s census tract.

The EJ evaluation would be developed by MDE through regulations and MDE intends to consult with all relevant stakeholders during the development process. The EJ evaluation would focus on community health and would not be a cumulative impact assessment; as such an assessment is beyond MDE’s expertise. Based on the results of the EJ evaluation, MDE could put conditions on a permit renewal designed to address the EJ/community health needs of the community or put conditions or deny a new permit or permit modification that increased the amount of pollution affecting the community.

**Position Rationale**

Incorporating EJ concerns into MDE’s policies is a core principle for Secretary of the Environment Serena McIlwain. The Secretary is deeply committed to addressing the health needs of underserved and overburdened communities, but doing so in a way that is also practical, consistent for EJ communities and regulated permittees, and legal.

The creation of the EJ Screening Tool and identification of EJ communities was the first step. Senate Bill 96 would take the second critical step by establishing the basic framework of how MDE can incorporate EJ into its permitting decisions. But it is not and cannot be the last step. MDE is committed to working with both the bill’s proponents and opponents to address their concerns going forward. No one should be left behind.

For the reasons detailed above, MDE urges a **FAVORABLE WITH AMENDMENTS** report for SB 96.

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**Contact:** Les Knapp, Government Relations Director  
Cell: 410-453-2611, Email: [les.knapp@maryland.gov](mailto:les.knapp@maryland.gov)