

PRKN Testimony SB96 MD EJ Permitting.docx.pdf

Uploaded by: Betsy Nicholas

Position: FAV



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HOUSE - ENVIRONMENT AND TRANSPORTATION COMMITTEE

Senate Bill 96

Maryland Department of the Environment (MDE) Permitting Authority Bill

March 5, 2024

Dear Chair Feldman, Vice Chair Kagain, and members of the Energy, Education Environment Committee,

Maryland, like other states around the country, has an environmental racism problem. Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state doesn't consider how industry impacts a community's health or our climate when permits are issued. Local communities are often not consulted about where these projects get sited, and in many cases, have been intentionally left out of this process, all in the name of stimulating economic growth and jobs, but at what cost?

More than 19 states have environmental justice statutes and regulations that allow pollution permits to be conditioned or denied based on the adverse environmental justice impacts in the community. More than half of these states' legislation is more comprehensive than the bill we are trying to pass today. Maryland is very far behind on environmental justice and it is time that we do something about that.

The Maryland Department of the Environment (MDE) Permitting Authority Bill is a small, but foundational, step in addressing environmental racism and injustice in Maryland. Under previous legislation, MDE is already providing public notice of the environmental justice score of a community where a party is seeking a new or renewed pollution permit. However, MDE is unable to do anything beyond simply show that a new pollution load may add to an already unacceptable level of pollution burden in a community. This bill will allow MDE to take action and require appropriate permit conditions or even deny a permit where there are no appropriate conditions to prevent the new or renewed permit from increasing the harm to the community that is already suffering a burden greater than 75% of others in the state.



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This legislation will:

- Require MDE to conduct an environmental justice evaluation for covered permits in “covered communities,” meaning any census tract with an ‘EJ Score’ above 75, placing the community in the top quarter of the state for disparate pollution burdens, toxic exposures, and other social and health vulnerabilities. These permits include a subset of new and/or renewal pollution permits for some of Maryland’s biggest industrial polluters that pollute above an established threshold.
- Authorize MDE to respond to its environmental justice evaluation by denying, OR imposing conditions on new or renewal permits that would otherwise be increasing pollution loading in communities already overburdened with pollution.
- Authorize MDE to impose conditions on renewal permits even when they would not increase pollution to proactively address environmental justice concerns and prevent further harm.
- Require MDE to create a webpage of covered pending permits in covered communities and allows MDE to increase permit fees to cover the costs of implementation.

We need this legislation in Maryland. However, it is our belief that this legislation should go further. All significant environmental pollution permitting programs should be covered, and allow MDE to apply reasonable conditions or even deny a permit in a location where there is simply no way to keep from further harm to the community through permit conditions.

Passing this legislation would help to align with the state’s aggressive climate action and environmental justice plans, as well as Governor Moore’s campaign commitment to prioritize “environmental justice for the low-income communities and communities of color facing the worst effects of climate change by taking action to address extreme heat, improve access to cleaner public transit, increase tree canopy cover to reduce pollution and cool the climate, and ensure equitable access to electric vehicles and charging infrastructure.” Further, it is essential that we take this first step, of many steps needed, if we are ever to truly have an equitable and just Maryland now and for our future.

We ask for a favorable vote. Thank you for this opportunity.

Betsy Nicholas
Vice President of Programs
Potomac Riverkeeper Network
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202-423-0504

SB 96 Center for Progressive Reform Testimony.pdf

Uploaded by: Bryan Dunning

Position: FAV



March 4, 2024

**Testimony of Bryan Dunning
Maryland Policy Analyst
Center for Progressive Reform**

**Before the Maryland Senate's Education, Energy, and the Environment Committee
Regarding Senate Bill 96: Environment – Impact of Environmental Permits and State
Agency Actions**

Dear Chair and Members of the Senate Education, Energy, and the Environment Committee:

Thank you for the opportunity to testify today on behalf of the Center for Progressive Reform (the Center) in support of SB0096 (SB 96). The Center is a nonprofit research and advocacy organization that is focused on addressing our most pressing societal challenges, including advancing the concerns of historically marginalized communities by centering racial and economic justice in climate policy.

SB 96 would legislatively strengthen the Maryland Department of the Environment (MDE), requiring the agency to review certain permits for pollution sources for their environmental justice impact, and issue, deny, or modify those permits based on that evaluation. This represents major progress for the state of Maryland in advancing environmental justice in the state, and for the reasons discussed, the Center requests that this committee issue a **favorable** report on SB 96.

Maryland, both through the legislature and the Moore administration, has prioritized advancing the principles of environmental justice in the state. Advancing these principles is necessary to address the fact that Maryland has historically disproportionately sited and permitted sources of pollution in low-income communities and communities of color.¹ Permitting of new or expanded pollution sources in these disparately impacted communities has continued over the concerns of both local government and residents of those communities. This continues, in part, because

¹ Notably, siting of polluting facilities and infrastructure has occurred at high rates in communities of color regardless of that community's economic status. For instance, the population of Brandywine, a census designated location in Prince George's County, is 78.6% Black or African American. Despite having a median household income over one and a half times greater than the state average, the community of Brandywine suffers from far higher levels of pollution than state average due to repeated decisions by the state to site and approve permits for polluting industries and facilities in or adjacent to the community. See, e.g., <https://www.census.gov/quickfacts/brandywinecdpmaryland>.

state permitting agencies, such as MDE, lack the authority to consider the environmental justice impacts of permitting in these environmentally burdened communities.

As such, SB 96's authorization for MDE to conduct and act upon an environmental justice evaluation is a meaningful step toward advancing Maryland's commitment to ensure equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.²

SB 96 empowers MDE to take action to advance environmental justice in the state of Maryland in the following ways:

- Requires MDE to conduct an environmental justice evaluation of permit applications listed in section 1-601(a) of Maryland's environmental code that are located in an area with an EJ score greater than 75.³ The permits covered under 1-601(a) are inclusive of air and water pollution, landfills, hazardous storage facilities, and others. These covered permits are predominantly for new pollution sources, or expansion of existing ones, though a few permits subject to renewal are included.
- Authorizes MDE, following an EJ evaluation, to either approve, deny, or set conditions on covered permits for new sources of pollution based upon environmental justice considerations.
- Authorizes MDE, following an EJ evaluation, to either approve, or set conditions on the renewal of covered permits for existing sources of pollution based upon environmental justice considerations.
- Requires MDE to establish a publicly accessible website (or part thereof), or application process that would allow the public to identify pending permit applications within census tracts with an EJ score greater than 75.

This legislation provides MDE with a crucial means to give effect to Maryland's goal of advancing environmental justice in the state. The permits covered by SB 96 provide MDE with a crucial tool to safeguard the most disparately impacted communities (*i.e.* those with an EJ score greater than 75) against new or increased sources of pollution. This empowers MDE, after a careful review, to prevent, or mitigate against, new pollution sources that would increase the environmental justice disparities already present in these communities.

SB 96 also grants MDE authority to conduct an environmental justice evaluation of certain permits subject to renewal. This gives MDE the authority to redress excess pollution within these communities by issuing conditions on renewal permits and thus reduce the disparate health and economic impacts from existing sources of pollution. Taken in aggregate, SB 96 will serve to meaningfully advance environmental justice outcomes in the state of Maryland.

Air Quality Permits

² MD Code Ann. Env't § 1-701(a)(5) – defining environmental justice.

³ Those communities are in the top quarter of communities in the state for disparate pollution burden, toxic exposures, and other social and health factors associated with unequal environmental and health outcomes.

After reviewing SB 96, the Center recommends that the Maryland Legislature consider broadening the scope of permits covered by this bill to authorize MDE to address existing sources of air pollution in communities with an EJ score greater than 75.

Although the permits covered by SB 96 grant MDE authority to conduct an EJ evaluation for a wide range of pollution sources, MDE's jurisdiction to directly address the environmental justice impacts of air pollution is somewhat limited. Currently, SB 96 only grants MDE jurisdiction to conduct an EJ evaluation for air quality permits "to construct" subject to section 2-404 of the Maryland Environmental Code. These permits are issued either for a new source of air pollution or the expansion of an existing one and are not applicable to some of the largest sources of pollution in the state — namely, electric generation stations that acquired a certificate of public convenience and necessity (CPCN) from the Maryland Public Service Commission, which is not currently required to conduct an EJ evaluation in that process.⁴

Existing air pollution sources in EJ communities represent a substantial risk to the health and overall wellbeing of the residents of those communities. These air pollution sources are responsible for the release of numerous criteria pollutants into the communities, including PM 2.5, PM 10, ozone, and nitrogen dioxide. These criteria pollutants are directly linked to increased prevalence of asthma and other cardiovascular diseases, low birth weight, and the development of cancers in communities exposed to them. Both the heightened levels of air pollution, as well as the health impacts resulting from them, are major aspects of CSNA's definition of overburdened communities, and addressing them is a critical aspect of achieving Maryland's legislative mandate to guarantee environmental justice, as set forth in CSNA.

Including air quality permits "to operate" in MDE's jurisdiction for EJ permitting review would give the agency the ability to conduct an EJ assessment for existing air pollution sources in communities with an EJ score of 75+. This could include both "significant" sources, as well as "major" sources subject to a Title V permit. In particular, authority to conduct an EJ review of Title V permits would allow MDE to consider the impact of the greatest single sources of air pollution in those communities. Further, it would ensure that MDE has authority to conduct an EJ review of air pollution from electric generation stations – including coal and gas power plants permitted under the CPCN process. As "to operate" permits are subject to renewal, inclusion of them in MDE's jurisdiction for EJ review will empower the agency to not only prevent future harms to disparately impacted communities but allow for an alleviation of the existing pollution burden borne by them.

Conclusion

SB 96 creates a powerful means for MDE to take into consideration environmental justice in its permitting process, and as such safeguard disparately impacted communities from additional environmental burdens, as well as advance environmental justice in Maryland. For this reason, the Center for Progressive Reform supports SB 96. The Center respectfully requests that the Committee issue a favorable report on SB 96. The Center also respectfully requests that the Legislature consider inclusion of air quality "to operate" permits, especially Title V permits, either in this bill or at a future date, to address the disparate burden suffered by EJ communities from existing sources of air pollution.

⁴ The Public Services Commission *is*, however, required to assess whether issuing a CPCN would have a discriminatory impact under Title VI of the Civil Rights Act.

SB 96_LWVMD_FAV_2024.pdf

Uploaded by: Casey Hunter

Position: FAV



Testimony to The SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 96 - Environment - Impact of Environmental Permits and State Agency Actions

POSITION: Support

By: Linda T. Kohn, President

Date: March 5, 2024

Since the emergence of the environment movement in the 1970's, the League of Women Voters has advocated for policies that protect our planet and promote public health. The League believes that promoting environmental justice is critical for protecting our environment and supporting our communities.

The League of Women Voters of Maryland **supports SB 96**, which would require the Maryland Department of Environment (MDE) to conduct a climate and equity review for environmental permits that may impact overburdened and underserved communities. **SB 96** would also expand transparency and community involvement by implementing new reporting standards, and requiring MDE to provide opportunities for Marylanders to receive notifications about permit applications near them.

Overburdened and underserved communities - namely low-income communities and communities of color - **disproportionately bear the brunt** of climate pollution and its associated health impacts. Projects that degrade air and water quality are often placed in these overburdened and underserved census tracts, perpetuating inequities in opportunity and health outcomes. **SB 96** would work to protect these communities from further environmental injustice at the hands of the state's permitting process.

The League of Women Voters of Maryland **strongly urges a favorable report on SB 96.**

SB0096_Impact_of_Environmental_Permits_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0096

Environment - Impact of Environmental Permits and State Agency Actions

Bill Sponsor: Senator Jackson

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0096 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

We strongly support this legislation because it requires state agencies in their decision-making processes to make meaningful assessments of a proposed action's potential climate and health impact and effect on underserved and overburdened communities and environmental justice communities in Maryland. In the past, many decisions have been made that have adversely affected whole communities in Maryland. Decision-making should include the equity impact that the project would have on the communities that it affects as well as the overall cumulative impact of their decisions.

Maryland's public agencies currently do not systematically assess how their decisions may contribute to environmental injustice, climate change, and health impacts and have historically taken actions that have contributed to public health disparities for BIPOC, low-income, and limited English proficient communities. These communities are disproportionately burdened by environmental hazards that include exposure to polluted air, waterways, and landscapes. The hazards ripple through the community creating disparities in health, wealth, and even life expectancy.

This bill, if enacted, creates a quantifiable way to protect these communities, engage in meaningful communication, and prioritize these communities for investment.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

Favorable Testimony SB 0096 TRASS.pdf

Uploaded by: Deidre Trass

Position: FAV

Favorable

Dear Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and Environment Committee,

My name is Deidre Trass. I am a resident of District 23 in Bowie. I am submitting this testimony in **support** of SB96. I have served as my Homeowner's Association President for four years, I serve as the Chief of Staff to the President of my Chapter of NOBLE (National Association of Black Law Enforcement Executives), I am a member of the Order of the Eastern Star, I serve as Vice President of the Prince George's County (MD) Chapter of The Links, Incorporated and I served on the City of Bowie Advisory Planning Board for over a decade. My family has a history of Asthma and COPD, so I understand the importance of a clean air.

I would like to share with you the environmental impacts we are already dealing with in the City of Bowie. The City of Bowie:

- Is in the 80-90% percentile for ozone contamination
- Has Air Toxics cancer risk of 70 - 90%
- Is 80-95% BIPOC
- 70-90% of residents suffer from heart disease and asthma
- Is located near 4 coal ash storage sites within 5 miles

We have enough contaminants in our immediate environment without adding more.

The **Maryland Department of the Environment (MDE)** Permitting Authority Bill (SB 0096) is an important step in addressing environmental racism and injustice in Maryland. This bill would allow MDE to add conditions to permits, or even in some cases, to deny a permit for a facility that would add pollution to a community that is already suffering a pollution burden compared to over 75% of other Marylanders.

This legislation will:

- Require MDE to conduct an environmental justice evaluation for covered permits in "covered communities," meaning any census tract with an 'EJ Score' above 75, placing the community in the top quarter of the state for disparate pollution burdens, toxic exposures, and other social and health vulnerabilities.
- Authorize MDE to respond to its environmental justice evaluation by denying, OR imposing conditions on new or renewal permits that would increase pollution in covered communities.
- Authorize MDE to impose conditions on renewal permits even when they would not increase pollution to proactively address environmental justice concerns and prevent further harm.

- Require MDE to create a webpage of covered pending permits in covered communities and allows MDE to increase permit fees to cover the costs of implementation.

In the past, our state has made decisions about locating harmful, unhealthy, and dangerous facilities in locations that have overburdened many communities in the state, in particular it seems in communities of color like where I live in the City of Bowie. At present, our state still does not consider how industrial pollution impacts a community's health or our climate when permits are issued. Local communities, like mine, are not consulted about where these projects get sited, and in many cases, residents have been intentionally left out of this process.

This legislation takes the first step towards environmental justice and equality that is greatly needed. Bowie will no longer be the dumping grounds for the state of Maryland and we need this bill to pass in order to allow MDE to consider environmental justice impacts when issuing new and renewing permits to pollute.

I respectfully urge this committee to return a favorable report on SB96 and approve this legislation.

Sincerely
Deidre R. Trass
ddtrass@yahoo.com

Maryland Legal Aid Testimony Senate Bill 96.pdf

Uploaded by: Genna Amick

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

Senate Bill 96

Environment – Impact of Environmental Permits and State Agency Actions
In the Education, Energy and the Environment Committee - Hearing on March 5, 2024
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 96 at the invitation of bill sponsor Senator Michael Jackson.

MLA is a non-profit law firm that provides free legal services to thousands of the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters. Many of our clients live within Baltimore City and pollutant-overburdened communities, where their health and the health of their children is adversely affected by negative environmental conditions.

MLA asks that the Committee report **favorably** on SB 96.

Environmental Justice Scores in Baltimore City

All people deserve to live in an environment where they are protected from public health hazards, however this is not a reality for certain Marylanders. Communities of color and low-income people have become overburdened with pollutants due to their proximity to facilities that emit dangerous chemicals. Residents and workers in the southern part of Baltimore City are particularly at risk.

Environmental justice scores were created to identify areas most at risk for health impacts from environmental burdens. Every census tract in Maryland has an environmental justice score. The score is calculated based on pollution burden exposure, pollution burden environmental effects, sensitive populations, and socioeconomic indicators.¹

In Baltimore City, there are 199 census tracts. Of Baltimore City's 199 tracts, 154 tracts have an environmental justice score in the 75th percentile or above.² 77% of Baltimore City residents live in the worst environmental conditions in the state. They suffer from disparate pollution burdens and toxic exposures, which results in health vulnerabilities.

The Impact on Public Health

The health of the residents of Baltimore City suffers because they are disproportionately exposed to environmental hazards. The rate of asthma-related hospitalizations in Baltimore City is double the rate for Maryland.³ High rates of asthma have been linked to air pollution.⁴ Studies show that the risk of developing

¹ See https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx

² All referenced data came from the Maryland Department of the Environment's Environmental Justice Screening tool, which is an interactive online tool that can be found at: <https://mdewin64.mde.state.md.us/EJ/>

³ See <https://www.environmentalintegrity.org/wp-content/uploads/2017/12/Baltimore-Asthma.pdf>

⁴ See <https://aafa.org/asthma/asthma-triggers-causes/air-pollution-smog-asthma/>

cancer that is associated with toxic air exposure disproportionately falls onto Maryland's socioeconomically disadvantaged and African American communities.⁵ In Baltimore City, the cancer mortality rate is 33% higher than in other parts of the state.⁶

The Impact on Academic Performance in Children

Conditions in schools, such as ambient air quality, have been shown to affect both the health and learning potential of students.⁷ A study that assessed the impact that air quality has on student achievement and student health in Baltimore City found that the indoor air in Baltimore City schools frequently exceeded the guidelines for acceptable levels of PM_{2.5}, NO₂, and CO₂, especially during the winter.⁸ Ambient air pollution has been associated with declines in academic performance and increases in absenteeism among children.⁹ The impact of living in an pollutant-overburdened area is actively negatively impacting the growth and academic performance of children in Baltimore City. MLA routinely represents families and children in Baltimore City whose health and academic progress are impacted by exposure to these pollutants.

The passage of SB 96 provides Maryland Department of the Environment (MDE) the authority to protect citizens who live in areas of high public health concern, by denying permits or requiring mitigation efforts. This will protect low-income individuals living in high-risk communities, which aligns with MLA's mission to advocate for people living in poverty and to bring meaningful change to the systems that impact them.

For these reasons, **MLA urges the Committee to issue a FAVORABLE REPORT and PASSAGE of SB 96.** If you have any questions, please contact Genna Amick, (443) 934-7026, gamick@mdl.org.

⁵ See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1257593/>

⁶ See https://health.maryland.gov/phpa/cancer/cancerplan/SiteAssets/Pages/publications/Cancer-MD-Maryland_FINAL%20-1.pdf

⁷ See <https://www.sciencedirect.com/science/article/abs/pii/S1438463918300713>

⁸ See https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstractDetail/abstract_id/10237/report/F

⁹ See <https://www.sciencedirect.com/science/article/abs/pii/S1438463918300713>

SB 96 Environment - Impact of Environmental Permit

Uploaded by: Humna Sharif

Position: FAV

Tuesday, March 5, 2024

TO: Brian Feldman, Chair of Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support with Amendments SB 96 Environment - Impact of Environmental Permits and State Agency Actions

The Nature Conservancy (TNC) supports with amendments SB 96 offered by Senator Jackson. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

SB 96 requires the Maryland Department of the Environment (MDE) to include environmental justice considerations as they pertain to overburdened and underserved communities within their decision-making processes for issuing environmental permits. TNC supports the amendments submitted by the Maryland League of Conservation Voters to include Title 5 air permits within the category of permits covered under SB 96.

SB 96 creates specific guidelines for MDE to conduct a thorough Climate and Environmental Equity Evaluation when a new permit application is under review. The Climate and Environmental Equity Evaluation involves analyzing existing environmental and climate data related to the affected community, assessing the compliance record of the facility seeking the permit, and exploring ways to minimize any adverse effects on the community. A key approach in SB 96 is the consideration given to multiple pollution sources' cumulative impacts or stressors on the community. Communities facing environmental justice issues often experience various environmental factors' compounding effects. For example, in coordination with the Maryland Department of Health, the Health Impact Assessment provisions of the bill will help decisionmakers understand the intersections of Maryland communities' health, environment, and equity concerns.

Air pollution exposure is an environmental justice issue, and the current bill does not include the permits category issued to pollution emitting facilities that are often located in environmental justice communities. The Maryland EJ Screen Mapping Tool is a valuable resource to identify the communities bearing disproportionate environmental pollution burdens, including air pollution. Amending SB 96 would strengthen the bill, ensuring that MDE can consider pertinent environmental pollution data and analysis as they issue final air permits. Within this cumulative approach it's important to include air pollution burdens and mitigate harms by incorporating Title 5 air permits in the legislation.

By implementing measures outlined within SB 96 and the associated amendments shared by the Maryland League of Conservation Voters, MDE can ensure that decision-making processes for environmental permits are transparent, inclusive, and prioritize Maryland residents' well-being. This approach acknowledges historical disparities and works towards environmental justice by actively considering and mitigating potential harms to underserved and overburdened communities. TNC commends Senator Jackson for introducing this bill. SB 96 is a step in the right direction towards building restorative justice within our state's environmental decision-making processes.

For these reasons, we urge a favorable with amendments report on SB 96.

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Uploaded by: Jason Caplan

Position: FAV



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 5, 2024

The Honorable Brian J. Feldman
Chair, Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 96 Environment- Impact of Environmental Permits and State Agency Actions - Letter of Support

The Maryland Department of Health (MDH) supports Senate Bill (SB) 96 - Environment Impact of Environmental Permits and State Agency Actions. SB 96 requires the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation regarding the impact of issuing an approval for certain environmental permits; creates an avenue for health impact assessments; requires MDE to provide opportunities for residents of the State to opt in to text, phone, e-mail, or regular mail notifications regarding any facility with a pending or final permit approval in or adjacent to the resident's census tract; and alters certain reporting requirements for certain state agencies.

SB 96 is important legislation that aims to address the pollution-based inequalities that exist throughout the state utilizing a "Health in All Policies" analytical approach. As described by the Centers for Disease Control (CDC), Health in All Policies recognizes that health is created by a multitude of factors beyond healthcare and takes a collaborative approach to integrate health considerations into policymaking.¹ Census data has consistently demonstrated that low-income and immigrant communities tend to have higher exposure scores to environmental toxins that can exacerbate increased rates of poverty and chronic disease.²

SB 96 supports the Department's mission of addressing social determinants of health, reducing health disparities, and advancing health equity among Maryland residents. A favorable vote is requested.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott".

Laura Herrera Scott, M.D., M.P.H.
Secretary
Maryland Department of Health

¹ <https://www.cdc.gov/policy/hiap/index.html>

² The Intersection of Immigrant and Environmental Health: A Scoping Review of Observational Population Exposure and Epidemiologic Studies; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9438924/>

Testimony in favor of SB96.pdf

Uploaded by: Jerry Kickenson

Position: FAV

Testimony in favor of SB96

Environment - Impact of Environmental Permits and State Agency Actions

To: Hon. Brian Feldman, Chair, Hon. Cheryl Kagan, Vice-chair and members of the Senate Education, Energy and the Environment Committee

From: Jerry Kickenson

Date: March 4, 2024

I am writing in **favor of Senate Bill 96**, Environment - Impact of Environmental Permits and State Agency Actions.

Ever since the [Maryland Advisory Council on Environmental Justice](#) (MACEJ) was established in 1997, it has been recognized that there are serious environmental justice issues in Maryland. Yet, while there has been some progress, such as the creation of the [Commission on Environmental Justice and Sustainable Communities](#), much more needs to be done. Note, for examples, the struggles in the [Curtis Bay area of Baltimore with the CSX coal terminal](#) or the siting of CAFOs (Consolidated Animal Feeding Operation) predominantly in low-income and communities of color on the Eastern Shore ([studies](#) have shown that CAFOs are usually developed in existing communities of color and low-income communities, instead of the CAFO attracting these populations).

HB24 would add concrete teeth to existing law (Environment Article, sections 1-101, 1-601, 1-602) that requires permit applications to include an environmental justice score, by instructing the Department of the Environment to actually incorporate that score in its review process and, if a possible impact on an underserved or overburdened community is determined, to conduct a climate and environmental equity evaluation, which may include cumulative impacts. Critically, the findings of the evaluation may determine permitting decisions or conditions.

Without passing HB24 into law, the existing requirement to report an environmental justice score is just pro forma with no real effect. Maryland residents deserve better.

I respectfully urge you to reach a **favorable** report for SB96.

Respectfully yours,

Jerry Kickenson

1701 Ladd Street

Silver Spring, MD 20902

References:

[Maryland Advisory Council on Environmental Justice](#)

(<https://msa.maryland.gov/msa/mdmanual/26excom/defunct/html/13envij.html>)

[Commission on Environmental Justice and Sustainable Communities](#)

(https://mde.maryland.gov/Environmental_Justice/Pages/CEJSC.aspx)

[Curtis Bay residents ask state to shut down South Baltimore CSX facility](#)

(<https://www.baltimoresun.com/2023/12/14/study-documents-toll-of-coal-dust-on-south-baltimore-curtis-bay/>)

[Environmental Injustice and Industrial Chicken Farming in Maryland](#)

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8582720/>)

SB96 - CASA Written Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



Testimony in SUPPORT of SB96

Environment - Impact of Environmental Permits and State Agency Actions

Senate - EEE

Jose Coronado-Flores , On Behalf of CASA

March 4th, 2024

Dear Honorable Chair Feldman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of SB96 -Environment - Impact of Environmental Permits and State Agency Actions**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families in Maryland. We would like to thank Sen. Jackson and Sec. McIlwain for their leadership on this bill.

In particular, CASA is invested in seeing this bill pass, because our members populate some of the most polluted communities in the state. I want to highlight 2 communities where our members live that would trigger this EJ analysis.

Take Census Tract 8040.01 for example, where East Riverdale and Bladensburg meet in Prince George's County. This low-income immigrant community has an exposure score in the top 83% and overall score EJ score in the top 96%. The residents of this community are exposed to countless toxins and are in proximity to hazardous materials.

Lastly, census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these 2 communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort.

People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, CASA urges a favorable report.

Jose Coronado-Flores

Research and Policy Analyst

jcoronado@wearecasa.org, 240-393-7840

sb96- environment impact and equity- EEE 3-5-2024.

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Education, Energy, and the Environment Committee
on
Senate Bill 96
March 5, 2024
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify for a human right that attends the gifts of creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three synods in every part of our State.

Our community addressed concern for a safe, healthy environment that can sustain life in “Caring for Creation” (ELCA, 1993). Among perspectives articulated in that statement is stewardship of natural resources and processes as a matter for human ethics.

Universality, like human activity, comes with a consequence. Because communities of faith worship a Maker, they approach providence with reverence and gratitude, in solidarity with all living things. With created gifts the holiness of life, time and human experience are glimpsed. We are not merely all in this together; we are all *of this*, together.

Maryland’s General Assembly adopted an Environmental Policy Act in 1973. Among its commitments, *each person has a fundamental and inalienable right to a healthful environment*. We cannot say it any better.

Senate Bill 96 would clarify consequences for climate stability and healthy living from certain public actions in permitting processes. It will bring Maryland process into alignment with current EPA environmental justice requirements and facilitate achieving ambitions of the Climate Solutions Act of 2022. Among its most significant justice improvements is the requirement that communities to be affected by permitting be notified—included, hopefully—in the process. It has become something like public policy that communities already accommodating facilities with deleterious human health and safety effects receive additional dangers and threats. Injustice should not be addressed by compounding it.

We support **Senate Bill 96** and urge your favorable report.

Lee Hudson

Senate Bill 96 - Written Testimony - SCEJC.pdf

Uploaded by: Patricia Monroe

Position: FAV



CHARTER MEMBERS
*Representing over 1800
homeowners*

Patricia Monroe
SCEJC Chair and
President, South Lawn Citizens
Association

Tolson Banner Executive
Director, Prince George's County
Community Development
Corporation

Staci Hartwell
Chair Emerita, NAACP
MD State Conference
Environmental and Climate
Justice Committee

Herbert Jones
President, Tantallon North Area
Civic Association

Sharon Lawrence
Board Secretary, Livingston
Woods Homeowners Association

Dee Smith
Strategic Advisor

Zeno St. Cyr, II
Co-Founder, Greater South
County Coalition for Absolute
Progress

Ron Weiss
President, Indian Head
Highway Area Action Council

**SOUTH COUNTY
ENVIRONMENTAL
JUSTICE COALITION**
6316 Oxon Hill Road, 11
Oxon Hill, MD 20750-0011

Senate Bill 96
MDE Permitting Authority Bill
March 5, 2024
Favorable

Dear Chairman Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and Environment Committee,

My name is Patricia Monroe. I am a resident of District 26, the President of South Lawn Citizens Association and Chair of the South County Environmental Justice Coalition (SCEJC). I am submitting this testimony in support of Senate Bill 96.

I have lived in South Lawn for 20 plus years. My community is very high risk for diesel particulate matter at 90 – 95%, air toxins for cancer at 80-90% and for traffic proximity and related respiratory health issues and thyroid disease at a rate of 90-95%.

For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color like where I live in Oxon Hill, Prince George's County, Maryland. Our state doesn't consider how industry impacts a community's health or our climate when permits are issued. Local communities, like mine, are not consulted about where these projects are sited, and in many cases, have been intentionally left entirely out of the process. The PEPCO Battery Energy Storage System is just one example of how the residents were not included in the decision process to place something with health and safety risks in their neighborhood.

The risk of thermal runaway and toxins released into the environment should that have been an incident would have been catastrophic. While the original siting at the Gaylord and National Harbor had the opportunity to fight against something so risky being placed in their neighborhoods, the residents of South Lawn and surrounding neighborhoods did not have this opportunity, as they were not included in the discussions or the decision making at any level.

The Maryland Department of the Environment (MDE) Permitting Authority Bill is a small, but very important, step in addressing environmental racism and injustices in Maryland. The bill would allow MDE to add conditions to permits, or even in some cases, to deny a permit for a facility to add pollution to a community that is already suffering a pollution burden over 75% of other Marylanders. This just makes sense – there is no point in identifying the unjust impacts to a community if those impacts can't be considered in decisions to allow more pollution.

This legislation will:

- Require MDE to conduct an environmental justice evaluation for covered permits in “covered communities,” meaning any census tract with an ‘EJ Score’ above 75, placing the community in the top quarter of the state for disparate pollution burdens, toxic exposures, and other social and health vulnerabilities. These permits include a subset of new and/or renewal pollution permits for some of Maryland’s biggest industrial polluters that pollute above an established threshold.
- Authorize MDE to respond to its environmental justice evaluation by denying, OR imposing conditions on new or renewal permits that would increase pollution in covered communities.
- Authorize MDE to impose conditions on renewal permits even when they would not increase pollution to proactively address environmental justice concerns and prevent further harm.
- Requires MDE to create a webpage of covered pending permits in covered communities and allows MDE to increase permit fees to cover the costs of implementation.

This legislation does not solve these problems that have occurred over generations, but it takes a first step towards justice and equality that is greatly needed. Our communities will no longer stand for being the dumping grounds for the state and we need this bill to pass so that MDE will be allowed to consider environmental injustice impacts when issuing new and renewing permits to pollute.

I respectfully urge this committee to return a favorable report on SB96.

Patricia Monroe

Chair, South County Environmental Justice Coalition

written testimony, SB 96.pdf

Uploaded by: Jamie Hoare

Position: FWA



Environmental Law Clinic
Francis King Carey School of Law
Director: Prof. Jon Mueller
jmueller@law.umaryland.edu
500 W. Baltimore St., Suite 360
Baltimore, MD 21201

Senate Education, Energy and Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401
March 5, 2024

TESTIMONY IN SUPPORT OF SB 96 – FAVORABLE WITH AMENDMENTS

To the Honorable Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee,

On behalf of the University of Maryland Carey School of Law Environmental Law Clinic, we write today in support of Senate Bill 96 - Environment - Impact of Environmental Permits and State Agency Actions. **First, this bill will enable the Maryland Department of the Environment to consider the impacts of its previous permitting decisions to better inform its subsequent decisions. Second, MDE should be required to consider all environmental harms endured by overburdened and underserved communities in its analysis of whether to grant or condition a pollution permit. Third, we further support the provisions of the bill mandating that all state agencies consider the total environmental impacts on communities arising from their decisions.**

Responsible governance and environmental justice demand these policies, and we applaud this bill's effort to codify them. An in-depth understanding of the aggregated effects of prior government decisions on overburdened and underserved communities is critical for smart agency decision making that benefits everyone. We believe this legislation is a significant step towards more responsible agency action and the creation of a balanced permitting system that serves all stakeholders equitably and with long-term benefits in mind.

Overburdened and underserved communities in Maryland experience overlapping environmental injustices from the significant and disproportionate concentration of harmful pollution sources in their environments due to decades of government decisions, especially concerning zoning and permitting. Environment Article, 1-701 (a)(7) defines a community as "overburdened" when three or more of twenty-one specific factors exist in a census tract and are above the 75th percentile statewide.

Moreover, overburdened and underserved communities inherently have fewer resources and are therefore often unable to effectively represent their best interests in the permitting processes of facilities within or near their borders. For years, our clinic has assisted numerous residents and representatives of these communities as they wrestle with disproportionate

environmental challenges. Overburdened and underserved communities need government intervention to prevent them from being subjected to further harm.

Marylanders in overburdened and underserved communities deserve additional consideration from state authorities during the decision making, permit application, and permit renewal process because they already experience a disproportionate amount of environmental harm as compared to other citizens across the state—often due to actions permitted or undertaken by the state. Mandatory agency consideration of those disproportionate harms during the permit and decision-making process would result in more balanced results for disadvantaged communities that cannot spend significant time or resources to secure adequate representation in the permitting process. So, it is only fair and within the principles of “environmental justice” as defined at 1-701(5) for the General Assembly to mandate consideration, mitigation, and/or prevention of any additional harms that will impact overburdened and underserved communities.¹ This consideration does not require an outright denial of a permit but can include permit modification.

We strongly support the framework created by this bill as written and have two small but impactful amendments. First, the list of permits subject to the bill should be expanded to include Title V air quality control permits, which have a more widespread effect on overburdened and underserved communities than the permits currently affected by the bill. Second, the bill language should be amended to mandate that MDE either deny or modify permit conditions for facilities that would impact overburdened and underserved communities. Such mandatory language would require the permit to mitigate the impacts identified in Climate and Equity Evaluations and Health Impact Assessments. The language should also require that any modifications must align with those documents.

Title V air quality control permits should be added to the list of permits addressed by SB96 because those sources account for most of the most harmful pollution impacting Maryland’s overburdened and underserved communities. Title V of the federal Clean Air Act is an essential part of our nation’s air pollution control framework, targeting major sources of air pollution. Title V covers many hazardous air pollutants, including nitrogen dioxide, sulfur dioxide, lead, carbon monoxide, ozone, and particulate matter. Particulate matter especially is disproportionately likely to affect people of color. Some of the health effects of particulate matter exposure include premature death in people with heart or lung disease, asthma, heart attacks, and decreased lung function. As drafted, SB96 only applies to air quality control permits to construct, permits to install or alter landfills and incinerators or sewage sludge storage structures, water discharge permits, controlled hazardous substance facility permits, low-level nuclear waste facility permits, and potable reuse permits. However, research developed by the League of Conservation Voters¹ established that only 3 permits under the bill as drafted are in census tracts considered

¹ Senate Bill 96 (“Environmental justice” means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status).

overburdened, but 39 Title V permits² are in overburdened tracts.^[00] Therefore, without the addition of Title V permits, the beneficial purpose of this bill would be frustrated, and a major health hazard that overburdened and underserved communities currently experience would not be meaningfully reduced.

To ensure the purpose of the bill is met, there should also be stronger statutory language mandating that MDE must consider the potential harms and implement the solutions identified within each Evaluation and Assessment. 1-7A-03 (C) should thus be changed to read:

“The Department *shall* deny or alter a decision or amend the conditions under a pending permit based on the Department’s findings under this subtitle to alleviate additional adverse effects to overburdened and underserved communities. Permit modifications or amendments shall conform to the recommendations identified in the Evaluation and Assessment.”

This language change makes the Evaluations and Assessments more impactful by requiring the Department to consider and implement its findings when it makes decisions, ensuring that Maryland government fully utilizes its expertise to protect the most vulnerable of us from disproportionate environmental harm. Mandating these considerations would provide much needed additional protections and agency attention to overburdened and underserved communities—and Maryland would not be the first state to do so.³

SB96 is an important step in protecting overburdened and underserved communities in Maryland, taking our state closer towards realizing the goals of environmental justice. We believe our suggested amendments are small but necessary additions to turn a very good bill into a highly impactful one, ensuring the purpose of the bill is achieved and that the department has clear and strong statutory requirements.

Too many Marylanders experience the ripple effects of decades of environmentally unjust permitting decisions and agency actions taken without regard to the existing disproportionate harms facing marginalized communities, and we are hopeful that this bill will help reduce additional burdens placed on them. We urge this committee to incorporate our amendments and ultimately give the bill a favorable report as amended.

Respectfully submitted on behalf of the University of Maryland Environmental Law Clinic,

² Maryland League of Conservation Voters, <https://www.mdclc.org/action-alert/ej-mde>.

³ New Jersey Stat. Ann. § 13:1D-157 requires the denial of permits for new facilities if the facility would disproportionately impact overburdened communities and requires that renewals whose disproportionate impact cannot be avoided must be modified to address the facility’s impacts on certain environmental factors. A New York law, Environmental Conservation Law (ECL) Sec. 70-0118., provides that its Department of Environmental Conservation shall not issue an applicable permit for a new project if it determines that the project will cause or contribute more than a de minimis amount of pollution to the cumulative pollution burden on a disadvantaged community. The Connecticut Department of Energy and Environmental Protection or the Connecticut Siting Council can deny or impose specific conditions on permits for new construction and operation of proposed industrial facilities based on a determination that cumulative environmental or public health stressors on environmental justice communities close to the proposed facility are higher than other communities in the state. General Statutes of Connecticut § 20a-22a.

Camila Reynolds-Dominguez, JD '24

Jamie Hoare, JD '24

Gabriella Werner, JD '24

Please feel free to direct any questions to our clinic director, Prof. Jon Mueller,

jmueller@law.umaryland.edu

SB 96 Testimony - IPC Final.pdf

Uploaded by: Jodi Rose

Position: FWA



*Forming Faithful Stewards,
Caring for Sacred Waters*

PO Box 6791
Annapolis, MD 21401

March 5, 2024

Chairman Brian Feldman and Members of the Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Senate Bill 96 – Impact of Environmental Permits and State Agency Actions

Position: **FAVORABLE WITH AMENDMENT**

Dear Chairman Feldman and Committee Members:

On behalf of Interfaith Partners for the Chesapeake (IPC), I write to urge your **support** for the Impact of Environmental Permits and State Agency Actions bill (Senate Bill 96).

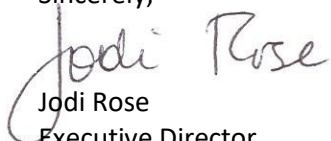
All people need clean air, clean water, and unpolluted soil to thrive and grow as part of society. Living next to pollution can affect your health, your ability to think, and reduce your life expectancy. According to the nonprofit CASA, many of the most polluted zip codes are also where immigrants, people of color, and low-income people call home. These sensitive populations are disproportionately exposed to high levels of pollution, along with the health harms and other negative consequences of that pollution. The Maryland Department of Environment (MDE) states on its website that its purpose is to “protect and preserve the state's air, water and land resources and safeguard the environmental health of Maryland's citizens.” **But, is it doing that? As people of faith, we are called to speak out against injustices that are perpetuating human health risks for our brothers and sisters in poor communities.**

Sacrifice zones are where oppressed communities disproportionately bear the burden of unwanted waste and pollution. The MDE presently does not have the authority to reject a permit in a sacrifice zone based solely on the risk of increased pollution on already-overburdened environmental justice communities. **Senate Bill 96 would change that** by requiring the MDE to screen certain pollution permit proposals when they are located in communities with a high Environmental Justice Score. The legislation then authorizes the agency to use the information MDE collects during an EJ analysis to make a decision about granting the permit, including denying or imposing conditions on proposed permits.

We are disappointed that the proposed Senate Bill 96 does not have more sweeping reach. The scope of permits covered under this bill is limited relative to the scope of health concerns in communities impacted by polluting incinerators, landfills, sewage sludge holding facilities and toxic chemical manufacturing operations. Senate Bill 96 would make a more meaningful impact if the important process enabled in the bill were also applied to air pollution permits, referred to as Title V permits. Despite these limitations, Senate Bill 96 creates important new procedures for balancing public health and economic production through the large facility permitting process, and it would be our hope that this legislation opens the door to increased protections for ALL of Maryland's citizens in the near future. **In the interest of achieving a new balance that better addresses long-standing community harms and concerns, IPC urges your FAVORABLE WITH AMENDMENT vote on the bill, to include Title V permits in the scope of the bill.**

As chairman of the Education, Energy, and the Environment Committee, you have the ability to bring the Impact of Environmental Permits and State Agency Actions before the legislature this year. We ask you to move forward on SB 96 to begin building a permitting process that protects all people from oppressive pollution. Interfaith Partners for the Chesapeake and our partners stand ready to work with you on all matters of environmental justice for all Marylanders.

Sincerely,



Jodi Rose

Executive Director

Interfaith Partners for the Chesapeake

PO Box 6791

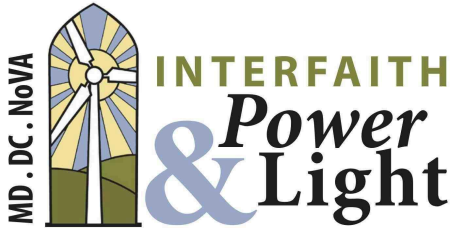
7 Willow Street, 2nd Floor

Annapolis, MD 21401

IPL-DMV Written Testimony for SB 96.docx.pdf

Uploaded by: Joelle Novey

Position: FWA



**Testimony Supporting SB 96
Senate Education, Energy, and the Environment Committee
March 5th, 2024**

Position: Favorable with amendments.

Chair Feldman, Vice Chair Kagan, and Members of the Committee,

Interfaith Power & Light (DC.MD.NoVa) is a grassroots organization working directly with religious communities of faith as we respond to the climate crisis. In Maryland, our organization has relationships with 900 congregations across the state. We are called by our different faith traditions to raise our voices in protection of our neighbors and our common home, and to fight for environmental justice, in which no community has an unfair burden of environmental harms or exclusive access to environmental benefits.

The Maryland Department of the Environment (MDE) Permitting Authority bill is a small, but significant, step forward in addressing environmental racism and injustice in Maryland. The bill would require MDE to screen certain pollution permit proposals for environmental justice considerations. These considerations factor in sociodemographic information and other data to determine whether the pollution proposed will take place in Maryland's most underserved and overburdened communities, where sensitive populations are already exposed to disproportionately high levels of pollution.

The MDE Permitting Authority Bill authorizes MDE to respond to its environmental justice evaluation by denying or imposing conditions on new or renewal permits that would otherwise worsen the pollution burden in covered communities. Research shows that Black communities in Maryland [face greater cancer risks](#) and exposure to air toxins, primarily due to highway pollution and other mobile sources of air pollution. It is critical MDE has this authority to respond as more of our neighbors are exposed to harmful pollutants impacting their health.

Amendment Requested: This bill will make a more meaningful impact if it covers more permits, including Part 70, or Title V, permits. These are the permits that regulate a facility's ongoing air emissions as part of their operations. Facilities applying for a Title V permit include facilities that emit more than 100 tons per year of any air pollutant. Maryland has 109 Title V permits total in the state, and 40% of them are located in communities with an EJ score above 75. Addressing large sources of air pollution is a critical step towards environmental justice in the state.

Interfaith Power & Light (DC.MD.NoVa.) respectfully requests this committee issue a favorable with amendments report on SB 96, including the amendment in this testimony to include Title V air emissions permits as covered permits in this legislation.

SB0096_Environmental Permits_EEE_CJW FAV w AMEND.p

Uploaded by: Laurie McGilvray

Position: FWA



Committee: Education, Energy and the Environment
Testimony on: SB0096 - Environment - Impact of Environmental Permits and State Agency Actions
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Christine Pendzich
Position: Favorable with Amendments
Hearing Date: March 5, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0096. The Maryland Legislative Coalition (MLC) Climate Justice Wing (CJW), a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably but with amendments on SB0096.

The bill requires the Maryland Department of the Environment (MDE) to screen certain pollution permit proposals for environmental justice considerations. These considerations factor in sociodemographic information and other data to demonstrate whether the proposed polluting activity will take place in the State’s most underserved and overburdened communities, where sensitive populations are already disproportionately exposed to high levels of pollution, along with the corresponding health harms and other negative consequences of that pollution. SB0096 authorizes the MDE to use its screening and evaluation to inform permitting decisions, such as whether it will deny or impose conditions on a proposed permit in a community with a high “EJ (environmental justice) Score.”

The bill also requires the MDE to set up the means for interested citizens to track and weigh in on covered permitting reviews, by text, phone, email or regular mail notifications. Further, the bill requires the MDE to deposit permit fees into three environment-related funds: the Maryland Clean Water Fund, the Maryland Clean Air Fund or the State Hazardous Substance Control Fund. Last but not least, the bill clarifies reporting requirements for major state departments on their performance towards attainment of the State’s emissions reduction goals.

The MLC’s Climate Justice Wing applauds the new requirement for the MDE to screen Section 1-601(a) permits for environmental justice considerations. We also very much welcome the new authority proposed for the MDE, giving it the ability to factor the outcomes of their EJ and health screening into their final decisions regarding a permit. This authority has been sorely lacking to date and will help address the very significant cumulative negative effects of facilities that generate toxic air pollution, effluents or other negative consequences for the communities living near them.

The MLC CJW also welcomes the clarification of how State agencies must report on their activities and progress towards achieving the State’s greenhouse gas emission reductions, as

specified in the Climate Solutions Now Act (CSNA) of 2022. These reporting protocols will give the State a clearer view on its progress, possible issues and resources needed to advance steadily towards the CSNA goals. The proposed protocols thus contribute to transparent, effective governing.

The bill does not create any new requirements for projects with existing permits. It does imply that projects that request a permit renewal may be found to negatively affect covered communities and required to offset the health or other damages caused by their operations. These provisions seem reasonable in pursuit of both continued economic activity and safeguarding of public health.

We note, however, that the scope of permits covered under this bill remains very limited relative to the scope of health concerns expressed for years by communities affected by polluting installations such as incinerators, landfills, sewage sludge holding facilities and toxic chemical manufacturing operations. In particular, the permit list included in the bill largely excludes air pollution permits. As public health scientists will confirm, exposure to pollution through inhalation is one of the top concerns regarding effects on human health. The 1-601(a) list of permits alone thus is not sufficient for a bill focused on improving human health and well-being through environmental permitting.

To strengthen the bill and fully address the scope of concerns persistently raised by affected communities over many years, the MLC CJW Coalition urges you to broaden the list of the permits covered by SB0096. In particular, we urge inclusion of the following:

- (1) Permits for the operation of existing major air pollution sources (called “Title 5” or “Part 70” permits after sections of the statute and regulations that reference them);
- (2) Certificates of Public Convenience and Necessity (“CPCNs”) issued by Maryland PSC for the construction of new or expanded energy-generating facilities, like power plants. CPCNs include air quality conditions that would otherwise be in a permit to construct;
- (3) State operating permits for certain minor sources of air pollution that Maryland has already determined must obtain a minor source operating permit. This list of permits is in COMAR 26.11.02.13 and includes coal export terminals, a major problem in Baltimore.

With these amendments, the bill would create important new safeguards for public health while continuing to support economic production through the large facility permitting process established under Section 1-601a of the Maryland Environment Code. In the interests of achieving a new balance that better addresses long-standing community harms and concerns, the MLC CJW urges you to vote FAVORABLE WITH AMENDMENTS on SB0096.

350MoCo
Adat Shalom Climate Action
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry
Chesapeake Earth Holders
Chesapeake Physicians for Social Responsibility
Climate Parents of Prince George's
Climate Reality Project
ClimateXChange – Rebuild Maryland Coalition
Coming Clean Network, Union of Concerned Scientists
DoTheMostGood Montgomery County
Echotopia
Elders Climate Action
Fix Maryland Rail
Glen Echo Heights Mobilization
Greenbelt Climate Action Network
HoCoClimateAction
IndivisibleHoCoMD
Maryland Legislative Coalition
Mobilize Frederick
Montgomery County Faith Alliance for Climate Solutions
Montgomery Countryside Alliance
Mountain Maryland Movement
Nuclear Information & Resource Service
Progressive Maryland
Safe & Healthy Playing Fields
Takoma Park Mobilization Environment Committee
The Climate Mobilization MoCo Chapter
Unitarian Universalist Legislative Ministry of Maryland
WISE

SB 96 MDE SWA.pdf

Uploaded by: Les Knapp

Position: FWA



**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

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.

Contact: Les Knapp, Government Relations Director
Cell: 410-453-2611, Email: les.knapp@maryland.gov

MBIA Letter of Support with amendment sb96.pdf

Uploaded by: Lori Graf

Position: FWA

March 3, 2024

The Honorable Brian Feldman
Chairman, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB96 Environment- Impact of Environmental Permits and State Agency Actions

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland. MBIA appreciates the opportunity to participate in the discussion regarding **SB 96 Environment- Impact of Environmental Permits and State Agency Actions. MBIA Supports the Act with Amendments.**

This bill lays out new review restrictions on projects in underserved communities requiring an EJ score review to determine a permit impact and instituting new fees. MBIA respectfully opposes this measure. While we agree that achieving environmental equity in communities that have been overburdened and underdeveloped is a laudable goal this bill, would have the opposite effect of what is intended. The bill as written gives the Department of the Environment the ability to review all projects in these communities. This adds a significant time burden as the necessary reviews and reports are generated on the projects increasing the cost to develop in areas where the potential margins are already lower due to existing economic circumstances. This disincentivizes development in exactly the areas in which we want to encourage it and would exacerbate those existing conditions as developers avoid the new time, personnel, review, and general difficulty that this bill generates in those areas. The bill also imposes a fee to cover the costs of implementation of this new program imposing even more cost.

In most cases new construction and redevelopment already falls under stricter and more environmentally sound requirements than older buildings and the simple act of re-developing or building new projects has the potential to raise the environmental equity threshold without a regulatory burden. Imposing costs for all building permits reduce the capacity of developers to meet the community needs and ultimately harms overburdened communities by leaving them in the same economic circumstances responsible for the inequity in the first place.

Maryland is currently experiencing a housing shortage and we are concerned this will make housing more difficult to build in the state. We have been working with the Maryland Department of the Environment to address our concerns and find a reasonable approach to this legislation.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee

SB96_MDSierraClub_SWA 5March2024.pdf

Uploaded by: Mariah Shriner

Position: FWA



P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and the Environment

Testimony on: SB 96 – “Environment – Impact of Environmental Permits and State Agency Actions”

Position: Support with Amendments

Hearing Date: March 5, 2024

The Maryland Chapter of the Sierra Club supports SB 96, the bill titled Environment – Impact of Environmental Permits and State Agency Actions. The bill would require the Maryland Department of the Environment (MDE) to screen certain pollution permits for their environmental justice (EJ) impacts and authorize the agency to respond to those impacts in pollution permit decisions. In addition, we recommend strengthening the bill by adding Title V permits as covered permits in the legislation so that air quality permits issued for ongoing emissions would also receive an EJ analysis. Facilities applying for a Title V permit include facilities that emit more than 100 tons per year of any air pollutant. Maryland has 109 Title V permits total in the state, and 40% of them are located in communities with an EJ score above 75.¹

For generations our state hasn’t considered how industry impacts a community’s health or our climate when permits are issued. This bill is a small, but key, step in addressing environmental racism and injustice in Maryland. This legislation would require MDE to conduct an EJ evaluation for covered permits in “covered communities,” meaning any census tract with an EJ Score above 75 – communities that are in the top quarter of the state for disparate pollution burdens, toxic exposures, and other social and health vulnerabilities. Furthermore, it would authorize MDE to respond to its EJ evaluation by denying -or- imposing conditions on new or renewal permits that would increase pollution in covered communities. It would also require MDE to create a webpage of covered pending permits in covered communities and allow MDE to increase permit fees to cover the costs of implementation.

This legislation is needed (1) to require the state to consider the real-world impacts that polluters have on the environment, health, climate, and well-being of Maryland families; (2) to give Maryland residents the ability to be informed about the impacts that polluters have on the environment, and become more engaged in the environmental permitting process; and (3) to take steps towards ending environmental racism and injustice in Maryland.

Maryland is overdue for legislation that begins to address generations of decisions to locate harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state. The Maryland Chapter of the Sierra Club respectfully requests a favorable report on SB 96 with the Title V permits amendment.

Paula Posas
Deputy Director
Paula.Posas@mdsierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@mdsierra.org

¹ MDE calculates an EJ score using four indicators based on census and health data. These four indicators are: pollution burden exposure; pollution burden environmental effects; sensitive populations; and socioeconomic/demographic indicators. EJ scores can range from 0 to 100, with higher scores reflecting greater impacts. See [MDE EJ Screening Tool](#).

Health Professionals for a Healthy Climate FWA Tes

Uploaded by: Maryland Health Professionals for Healthy Climate N/A

Position: FWA

March 5, 2024

Favorable with Amendment: SB 96 - Impact of Environmental Permits and State Agency Actions

Mr. Chairman and Members of the Committee:

Chesapeake PSR, Maryland Health Professionals for a Healthy Climate, and the Maryland Public Health Association support SB 96 - Impact of Environmental Permits and State Agency Actions - with an amendment to address air pollution permits, and we thank Senator Jackson for his leadership on this issue.

This bill takes an important step in embedding equity in the state's regulatory process by enabling the Maryland Department of the Environment (MDE) to include results of an environmental justice (EJ) analysis in its permitting decisions. The proposed EJ analysis would be conducted for permits that are proposed in census tracts with an EJ score of 75 or above (available on [MDE's EJ Screening Tool](#)), which are the top 25% most overburdened and underserved communities in the state. However, the proposed process would only apply to permits in section 1-601(a) of the Maryland code. These include surface water discharge permits, hazardous waste facility permits, landfill systems permits, permits to regulate air emissions during the construction phase of a facility, and several others. What this category does not include are the major facilities that emit air pollution, which are covered under the [Title V program](#) at MDE. Pollutants included in the Title V program are nitrogen oxides, volatile organic compounds, and other hazardous air pollutants covered under the Clean Air Act. These pollutants are particularly harmful with acute effects ranging from watery, burning eyes and throat and headaches to more severe effects such as fluid build up in the lungs, damage to the organs and even death.^{1,2} As a result, it is imperative that we include Title V "permits to operate" in any EJ analysis requirement.

¹ Minnesota Pollution Control Agency. (2023). Volatile organic compounds (VOCs). Minnesota Pollution Control Agency. Retrieved February 16, 2024, from <https://www.pca.state.mn.us/pollutants-and-contaminants/volatile-organic-compounds-vocs>

² Centers for Disease Control and Prevention. (2014, March 25). Nitrogen Oxides | ToxFAQs™ | ATSDR. CDC. Retrieved February 16, 2024, from <https://www.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69#bookmark05>

Air pollution contributes to adverse health outcomes, exacerbating conditions like asthma, chronic obstructive pulmonary disease (COPD), and adding stressors to pregnancy. "Outdoor air pollution has been associated with asthma, heart attacks, strokes and cancer."³ High amounts of air pollution can also impact mental health and children's ability to learn, as microscopic particles can pass through the blood-brain barrier. The CDC has estimated an additional "[...] 1,000 to 4,300 additional premature deaths nationally per year by 2050 from combined ozone and particle health effects" assuming no regulatory action or changes in population characteristics in the U.S.⁴ Facilities that emit air pollution as part of their ongoing operations should be subject to an Environmental Justice review in order to make a meaningful difference in people's quality of life, particularly focusing on protecting children's health. Children are more susceptible to the adverse effects of air pollution due to their developing respiratory systems and higher breathing rates compared to adults.⁵

Long term exposure to air pollution, specifically fine and ultrafine particulate matter, ozone, and nitrogen dioxide are associated with increased incidence of heart attacks and hospitalizations for strokes.⁶ Short term exposure to particulate matter and nitrogen oxides have been associated with increased risk of death from heart attacks.⁷ Long term exposure to outdoor air pollution, especially particulate matter, has been associated with an increased incidence of lung cancer and the International Agency for Research on Cancer (IARC) in 2013 classified both outdoor air pollution and PM in outdoor air pollution as human carcinogens for lung cancer.⁸

³National Institutes of Health. (2018, January 9). *Air pollution linked to risk of premature death*. Retrieved February 18, 2024, from <https://www.nih.gov/news-events/nih-research-matters/air-pollution-linked-risk-premature-death#>

⁴National Center for Environmental Health. (2020, December 21). *Air Pollution | CDC*. Centers for Disease Control and Prevention. Retrieved February 16, 2024, from https://www.cdc.gov/climateandhealth/effects/air_pollution.htm

⁵American Lung Association. (2023, November 2). *Who is Most Affected by Outdoor Air Pollution?* American Lung Association. Retrieved February 16, 2024, from <https://www.lung.org/clean-air/outdoors/who-is-at-risk>

⁶Olanayan, et al. (2022). Ambient air pollution and the risk of acute myocardial infarction and stroke: A national cohort study. *Environmental Research*, 204(Part A). <https://doi.org/10.1016/j.envres.2021.111975>

⁷Liu, et al. (2021). Short-term Exposure to Ambient Air Pollution and Mortality from Myocardial Infarction. *Journal of the American College of Cardiology*, 77(3): 271-81. <https://www.jacc.org/doi/10.1016/j.jacc.2020.11.033>

⁸Turner, et al. (2020). Outdoor air pollution and cancer: An overview of the current evidence and public health recommendations. *CA: A Cancer Journal for Clinicians*, 70(6): 460-79. <https://acsjournals.onlinelibrary.wiley.com/doi/10.3322/caac.21632>



MARYLAND
HEALTH PROFESSIONALS
FOR A HEALTHY CLIMATE



We support SB 96 with an amendment to include Title V permits in the covered permits in this bill. Maryland has 109 Title V “permits to operate” in the state, and 35% of them are located in census tracts with an EJ score above 75. Addressing large sources of air pollution is a critical step towards environmental justice in the state.

Thank you for your consideration.

SB 96 - CBF - FWA.pdf

Uploaded by: Matt Stegman

Position: FWA



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 96

Environment – Impact of Environmental Permits and State Agency Actions

Date: March 5, 2024
To: Education, Energy, and the Environment Committee

Position: **Favorable with Amendment**
From: Gussie Maguire
Maryland Staff Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** SB 96, which requires the Maryland Department of the Environment (MDE) to evaluate climate and environmental equity impacts when issuing and renewing environmental permits that may impact overburdened or underserved communities. Requiring this evaluation means that MDE must consider the cumulative impact of environmental pollutants in these communities, rather than just limiting a single facility's emissions or discharges to align with state standards. The bill also requires that MDE be more transparent in its permit issuances by giving residents opportunities to opt-in to notifications about permit approvals in and adjacent to their census tract.

No one wants a significant source of pollution near their home, but communities with fewer resources to influence siting of landfills, wastewater treatment plants, waste incinerators, confined animal feeding operations, and other industrial facilities have been forced to accept these major dischargers for decades. Proximity to pollution sources leads to negative health outcomes for residents of these overburdened and underserved census tracts¹. Under its current requirements, MDE issues permits for individual facilities without regard for the concentration of pollutants being emitted within a single census tract. As long as all facilities meet their emissions limits, vast amounts of particulate matter and toxic chemicals, for many of which there is no "safe" level of exposure, can legally be released into the air and water surrounding a community. Furthermore, as MDE continues to administratively extend permits without review, impact upon those communities has been effectively ignored- as have even egregious permit exceedances and outdated, insufficient pollution limits².

SB 96 falls short, however, in addressing one of the greatest contributors to negative human health outcomes, and a direct contributor to nutrient pollution in the Chesapeake Bay: air pollution. By only requiring that air quality control permits to construct be considered under this regulation, the bill does not allow for the impact of large-scale polluters like the BRESKO incinerator to be factored into decision-making. The incinerator is regulated under a Title V permit to operate; other omissions include minor source air permits to operate and Certificates of Public Convenience and Necessity, issued by the Public Service Commission.

¹ <https://www.jacionline.org/action/showPdf?pii=S0091-6749%2822%2902555-6>

² <https://www.marylandmatters.org/2022/03/12/shorerivers-put-an-end-to-zombie-permits-and-hold-polluters-in-md-accountable/>

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

Maryland has a long history of environmental inequities, from coal dust-covered neighborhoods of South Baltimore to rural Eastern Shore communities reeling from the smell (and nutrient pollution) discharged from animal rendering facilities. Requiring a holistic appraisal of environmental impacts from polluting facilities will protect public health, help preserve economically critical waterways, and begin to address longstanding injustices. This bill, with the addition of a broader range of air quality permits, will be a step in the right direction.

CBF urges the Committee's FAVORABLE report on SB 96, with the suggested amendment to include an expanded range of air permits to the list of those required for consideration.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

2024JacksonTestimonySB96.pdf

Uploaded by: Michael Jackson

Position: FWA

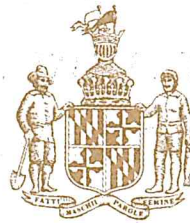
MICHAEL A. JACKSON
Legislative District 27
Calvert, Charles and
Prince George's Counties

Budget and Taxation Committee

Subcommittees

Chair, Pensions

Public Safety, Transportation, and
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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)

SB0096/803820/01
Amendments to SB 96
Page 4 of 4

Jackson

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.

MDE Permitting_SB 96_Maryland LCV Detailed Memo.pdf

Uploaded by: Rebecca Rehr

Position: FWA

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.

SB96 MDLCV Favorable with Amendment - Environment

Uploaded by: Rebecca Rehr

Position: FWA



Kim Coble
Executive Director

2024 Board of
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Thomas

March 5, 2024

Favorable with Amendment: SB96 - Environment - Impact of Environmental Permits and State Agency Actions

Mr. Chair and Members of the Committee:

Maryland LCV is submitting this testimony to strongly support SB96 - Environment - Impact of Environmental Permits and State Agency Actions with an amendment pertaining to the definition of covered permits in the bill. We thank Senator Jackson for introducing this bill and for his leadership on this issue.

With the sponsor amendments being introduced today, SB96 gives the Maryland Department of the Environment (MDE) the authority to use the results of an environmental justice evaluation it conducts for certain permits that are being considered in census tracts with an Environmental Justice (EJ) score above 75 (75th percentile compared to the rest of the state). EJ scores are calculated via MDE's [EJ Screening Tool](#). Having an EJ score above 75 means that census tract is among the top 25% of most polluted and most underserved census tracts in the state. It follows, then, that permits being considered in these communities absolutely should be a top priority for the state to consider additional screening, to protect the health and wellbeing of residents and to fulfill its commitment to environmental justice. Maryland law defines environmental justice as "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status."

SB96 is enabling legislation and gives MDE the authority to place conditions on, or deny a new permit or a major modification to an existing permit based on the results of the EJ analysis, and the authority to place conditions for a permit renewal of an existing permit based on the results of the EJ analysis. The EJ analysis **shall** be conducted, and then MDE **may** use the results in its permitting decision. The bill does not define the details of what will be included in the EJ analysis; it is our understanding this will be determined through regulation (subject to further public participation from all stakeholders).

The category of permits covered in the bill is limited to §1-601(a) permits, which are permits that are subject to enhanced public participation. Permits included in §1-601(a) include surface water discharges; air quality control permits to construct; permits to own, operate, establish or maintain a low-level nuclear waste facility; permits to own, operate, establish or maintain a hazardous material facility, and several other types of environmental permits. It is an expansive list of permits, but does not cover permits that regulate the ongoing operations for any existing sources of air pollution

Air pollution is a frequent concern among community members living in highly impacted areas. We have included several testimonials, below, from Promotoras of Environmental Justice who work with Maryland LCV's Chispa Maryland program to advocate for clean air in their communities. Air pollution is addressed in a very limited way in the list of §1-601(a) permits covered in SB96, and as written, SB96 would not include an EJ analysis for any of the existing major air pollution sources in the state.

§1-601(a) permits to construct would include an emissions rate for the facility under construction, but the permits to construct do not renew. Therefore, the only way to address the ongoing emissions from a facility and to align the bill with community concerns is to include permits that regulate the ongoing operations of air pollution sources. This could be done by including Title V, or Section 70, permits to operate in the scope of this bill. Title V permits are issued to facilities including energy and waste infrastructure, including landfills, incinerators, generators, and manufacturers. Providing MDE with the authority to consider an EJ analysis when issuing these permits would mean including key infrastructure whose operations have adversely affected human and environmental health for the most marginalized Marylanders.

HB24/SB96 – As Written

§1-601(a) permits include an expansive list of permits covered in the state. One of the reasons §1-601(a) permits are included in this bill pertaining to an EJ analysis is that a bill passed in 2022 (HB 1200) requires permit applicants to include an EJ score in §1-601(a), applications so MDE will already have that information when they receive the application. [MDE's public database for §1-601 permits](#) indicates that there were 54 permits with "Deadlines for Requesting Information" listed just for 2023, all of which included an EJ score in the application. Only 3 (5.6%) have an EJ score above 75 and would thus be subject to the review under HB 24. These 3 facilities are located in Cecil, Charles, and Prince George's counties.

HB24/SB96 – With Amendments to Include Title V Permits

In contrast to §1-601 permits, there are only 109 Title V permits total (regardless of year) in the state. 39 of these (35.8%) permits are in communities with EJ scores above 75.

The MDE EJ Screen is operational and the EJ scores for every census tract in Maryland are readily accessible. Therefore, access to this screening tool and the communities' scores are not a limitation for MDE when addressing permits.

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. The heart of SB 96, giving MDE the authority to include an EJ analysis in its permitting decisions, is a key step to embedding equity in MDE's decision making. Factoring in EJ analysis for Title V permits will help to address those living in overburdened communities with the daily adverse impacts of air pollution.

Maryland LCV strongly urges a favorable report on this important bill with an amendment to include air pollution permits to operate in the scope of this legislation that would include an EJ analysis for census tracts with a high EJ score. Thank you for your consideration.

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Lucia Islas

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Lucia Islas, and I am honored to submit this testimony in support with amendment of bill HB0024. Having lived in Baltimore's zip code 21205 for the past five years, I have come to call Baltimore home. During this time, I have witnessed firsthand the critical importance of Environmental Justice in our community. As a proud Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am deeply committed to advocating for policies that safeguard our environment and protect the health and well-being of our residents, particularly our children.

While I am fortunate that neither of my two teenagers suffer from respiratory illnesses, I witness the daily struggles faced by members of my community who contend with respiratory issues. The air we breathe directly impacts our health and quality of life. Every individual, regardless of their background or zip code, deserves access to clean air and a safe environment in which to thrive.

HB0024 represents a crucial step toward addressing environmental inequities in Maryland. However, I implore the committee to consider a vital amendment, the inclusion of Title 5 air permits to operate. By omitting these air permits from the scope of this bill, we risk perpetuating disparities in environmental protection and health outcomes, and would not address existing sources of air pollution. Every child in Baltimore, regardless of their race or socioeconomic status, deserves the opportunity to grow and develop in an environment free from harmful pollutants.

As a Promotora of Environmental Justice, I am steadfast in my support for measures that prioritize clean air and environmental equity. I urge you to stand with me today in advocating for the inclusion of permits for the operation of existing major air pollution sources, commonly known as "Title 5" or "Part 70" permits, in HB0024. Together, let us ensure that every resident of Maryland, especially our children, can breathe clean air and enjoy a brighter, healthier future.

Thank you for your attention to this critical issue, and I urge you to support HB0024 with the amendment.

Sincerely,

Lucia Islas

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Veronica Gasca

Position: Favorable with Amendments

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Veronica Gasca, and for the past 19 years, I have been a resident of Baltimore City, zip code 21224. It is my privilege to offer this testimony in enthusiastic support of bill HB0024 with an amendment. As a Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am deeply committed to advocating for policies that uphold our environment and prioritize the well-being of our communities, and our families.

With two daughters aged 11 and 13, I count myself fortunate that they enjoy good health without suffering from respiratory illnesses. However, the significance of clean air in our lives extends beyond personal experiences; it is a fundamental element in our collective fight to prevent future generations of children, especially those from marginalized communities, from enduring the burden of respiratory diseases.

This bill holds immense importance for my family and me. Witnessing the struggles of my 7-year-old nephew battling asthma, along with the pain endured by my sister, his mother, during his asthma attacks, reinforces my resolve to advocate for improved air quality. I am actively engaged in activities that contribute to this cause because I firmly believe that every individual deserves access to clean air, regardless of their background or zip code.

Overburdened and underserved communities have long been neglected, and it is time for change. Including Title 5 provisions in this bill is imperative to ensure equitable protection for all Marylanders. As a mother and an environmental Promotora, I wholeheartedly support our communities in demanding equitable treatment. Clean air is not a privilege; it is a basic human right that every individual deserves.

I ask you, esteemed Committee members, to stand alongside me and support the inclusion of Title 5 provisions in HB0024. Let us seize this opportunity to enact policies that prioritize the health and well-being of all Marylanders. Particularly those in historically marginalized communities who have been overlooked for far too long.

Thank you for your attention to this crucial matter. I urge you to take decisive action in support of HB0024 with the necessary amendment to ensure a healthier, more equitable future for all.

Sincerely,

Veronica Gasca

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Marta Orellana

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

I extend my gratitude for the opportunity to present testimony today in support of HB0024 with amendment. My name is Marta Orellana, and I have been a resident of Baltimore City, in zip code 21205 for the past 16 years. As a mother of two children, one of whom battles asthma and autism, I am deeply invested in advocating for Environmental Justice. I proudly serve as a Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters. Our community engagement focuses on Environmental Justice and Climate Solutions, recognizing the profound impact they have on our health and the well-being of our children.

The significance of clean air cannot be overstated, particularly for families like mine grappling with health challenges. Living in an area burdened with polluted air poses constant threats to our respiratory health. In my role as a Promotora of Environmental Justice, I fervently support measures to improve air quality, including legislative actions that prioritize the well-being of communities, especially vulnerable populations like children, by ensuring access to clean air and fostering environments conducive to healthier futures.

In endorsing the essence of this bill, which empowers the Maryland Department of the Environment (MDE) to consider Environmental Justice (EJ) scores and evaluations in permitting decisions for census tracts with high EJ scores, I urge for a critical amendment regarding the scope of permits covered. Air pollution stands as a foremost concern for communities living near industrial facilities, consistently contributing to health disparities. Regrettably, the current bill overlooks permits that regulate the ongoing air pollution from major sources, despite air pollution being a primary factor in defining an "overburdened" community in Maryland. To genuinely confront the pollution from facilities that exacerbate health disparities in overburdened communities, it is imperative to incorporate controls for air permits to operate, specifically Title 5 permits in the scope of the bill. By including these permits in this legislation, we can more effectively address the root causes of environmental injustices and safeguard the health and well-being of all Marylanders.

In conclusion, while I lend my support to the overall intent of this bill, I underscore the critical need for this amendment to broaden its coverage to include air permits. By doing so, we honor our commitment to environmental justice and pave the way for a healthier, more equitable future for all.

Thank you for your attention and consideration.

Sincerely,
Marta Orellana

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Facundo Mendez Juares

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Facundo Mendez Juares, and I am grateful for the opportunity to submit this testimony in strong support of bill HB0024 with amendment. Over the past nineteenth years, I have lived in Baltimore's zip code 21224. I have personally experienced the profound significance of environmental justice in our community. As a dedicated Promotor of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am unwavering in my commitment to advocating for policies that safeguard our environment and prioritize the health and well-being of our families, particularly our children.

The importance of this bill cannot be overstated, as I have witnessed firsthand the detrimental effects of air pollution on myself and my community. I am compelled to request additional protections against air pollution, for new sources and for the existing sources in our communities.

As a father, the issue of clean air holds an important personal significance to me. Witnessing the pain and discomfort experienced by my 13-year-old niece during her asthma attacks and hospitalizations is heartbreaking. I refuse to accept a reality where any child, including my daughters, must endure such suffering due to preventable medical conditions. Clean air is not just a matter of convenience; it is a fundamental necessity for ensuring our children can lead full and healthy lives, both physically and academically.

As both a father and an environmental Promotor, I wholeheartedly support amending this legislation and including permits for the operation of existing major air pollution sources, commonly referred to as "Title 5" or "Part 70" permits. I implore you to consider the health of our communities and to prioritize policies that ensure access to clean air and a decent quality of life for all residents, regardless of socioeconomic status.

I urge you to support HB0024 with amendment and to take decisive action to protect the health and well-being of our communities. Thank you for your attention to this crucial matter.

Sincerely,

Facundo Mendez Juares

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Clara Gonzalez

Position: Favorable with Amendments

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Clara Gonzalez, and I am deeply grateful for the opportunity to present this testimony in full support of bill HB0024 with amendments. Over the past eight years, residing in Baltimore's zip code 21205, I have personally experienced the profound significance of environmental justice within our community. As a dedicated Promotor of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am steadfast in my commitment to advocating for policies that safeguard our environment and prioritize the health and well-being of our residents, particularly our children. As a mother of a child with asthma, the quality of the air we breathe holds significant importance to me and my family.

In our neighborhood, every child knows the sound of a cough that lingers, refusing to dissipate. Integrating equity into the Maryland Department of the Environment (MDE) permitting process represents a crucial step towards alleviating the burden of pollution that plagues us daily. It is imperative that we enact legislation that protects our most vulnerable communities and safeguards the air we breathe each day.

As both a Promotora of environmental justice and a mother of a child with asthma, I stand unequivocally in support of bill HB0024. I urge you to recognize the urgency of this issue and to prioritize the inclusion of permits for the operation of existing major air pollution sources, commonly known as "Title 5" or "Part70" permits. By doing so, we affirm our commitment to protecting the health and well-being of all Maryland residents, regardless of their circumstances.

Thank you for your attention to this critical matter. I implore you to support HB0024 with the amendment to address ongoing emissions through Title V permits, and to take decisive action to ensure a healthier, cleaner future for our communities.

Sincerely,

Clara Gonzalez

SB 96_Maryland Catholics for Our Common Home_FWA.p

Uploaded by: Robert Simon

Position: FWA



Maryland Catholics for Our Common Home

Responding to the cry of the Earth
and the cry of the poor.

Hearing before the Senate Education, Energy, and the Environment Committee
Maryland General Assembly
March 5, 2024

**Statement of Support (FAVORABLE with AMENDMENT)
of Maryland Catholics for Our Common Home on
SB 96, Environment - Impact of Environmental Permits and State Agency Actions**

Maryland Catholics for Our Common Home (MCCH) is a lay-led organization of Catholics from parishes in the three Catholic dioceses in Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. It engages in education about, and advocacy based upon, the teachings of the Catholic Church relating to care for creation and respect for all life. We are a grassroots voice for the understanding of Catholic social teaching, which is held by a wide array of Maryland Catholics—over 450 Maryland Catholics have already signed our statement of support for key environmental bills in this session of the General Assembly—but it should be distinguished as an organization from the Maryland Catholic Conference, which represents the public policy interests of the bishops who lead these three dioceses.

Because we are attuned by our faith to hear both the cry of our distressed Earth and the cry of the poor who suffer first and most from environmental degradation and climate disruptions, MCCH would like to express our support for **Senate Bill 96, Environment - Impact of Environmental Permits and State Agency Actions** (also referred to as the MDE Permitting Authority Bill), **with amendment**.

MCCH agrees with the need for this bill as stated in a Fact Sheet that has been circulated by a coalition of groups supporting the bill: “For generations, Maryland has made decisions about locating harmful, unhealthy, and potentially dangerous projects in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities...This bill would ensure that if the Maryland Department of the Environment determines that issuing an approval for a new permit may impact an underserved community or an overburdened community, the Department shall conduct a climate and environmental equity evaluation of the permit, and work with the Maryland Department of Health on a health impact assessment...[It will also require] State agencies to review and report annually on whether their decisions contribute to local deterioration of public health or increases in pollution associated with health and environmental burdens for underserved and overburdened communities.” And, importantly, it will provide opportunities for people living in the impacted communities to contribute to the process of evaluating how permits will impact their lives.

From our faith perspective this is an important bill. In his 2015 encyclical, entitled *Laudato Si': On Care for Our Common Home*,¹ Pope Francis called for a *comprehensive* response to protecting God's creation—one that addresses, simultaneously, three related crises: (1) the climate crisis brought on by human-generated emissions into the atmosphere, especially CO₂, N₂O, and methane; (2) the widespread despoliation of our environment (our air, water and soils that sustain all life) by human activities; and (3) the disproportionate impact on the poor of climate and environmental collapse. This bill addresses all three crises in a comprehensive way.

This bill speaks to the essence of how we cherish, treat and value one another—as human beings and as part of nature—with the respect and dignity each deserves. Pope Francis has written that “everything is connected” and “concern for the environment thus needs to be joined in a sincere love for our fellow human beings and an unwavering commitment to resolving the problems of society. A sense of deep communion with the rest of nature cannot be real if our hearts lack tenderness, compassion, and concern for our fellow human beings” (*Laudato Si'*, no. 91). A bill such as this helps public officials charged with care for the environment and care for the poor to be ever mindful of the consequences of their permitting actions on human society and all of nature.

Even so, MCCH agrees with a number of other groups supporting the bill that there is a missing element that needs to be addressed by an amendment as the bill proceeds through the legislative process—the application of the permitting authorities granted in the bill to permits that regulate a facility's ongoing air emissions as part of their operations. Pope Francis, in *Laudato Si'*, addresses air pollution with these words: “Some forms of pollution are part of people's daily experience. Exposure to atmospheric pollutants produces a broad spectrum of health hazards, especially for the poor, and causes millions of premature deaths” (*Laudato Si'*, no. 20). Nothing is more essential than clean air to breathe. The Book of Genesis tells us that it was our first gift from God (Gen 2:7), the very first breath of God that gave us life. We believe that protecting the clean air necessary for human life is a paramount duty for people of faith.

The State of Maryland has too often failed, in its permitting decisions, to assure clean air for all. Indicators related to air pollution are the largest category of Environmental Justice indicators included in the Maryland definition of communities that are "overburdened" by economic, social, and ecological harms. We have heard time and again that air pollution is the main concern of communities located near polluting facilities. The cry of the poor could not be clearer and more distinct than it is in these communities. To address the pollution from facilities contributing to health disparities in overburdened communities, the list of covered permits under this bill should include Title V air emission permits (also known as Part 70 permits). Our compassionate concern for all God's people, especially those with little other choice than to live in these overburdened communities, requires that permits that regulate a facility's ongoing air emissions be subject to the environmental justice evaluation **and** permitting authorities provided in Senate Bill 96.

For these reasons we strongly urge your support for this bill. Thank you for your consideration of our views and our respectful request for a **favorable with amendment (to include Title V air emissions permits as covered permits)** report on Senate Bill 96.

¹ The English text of the encyclical, to which the paragraph numbers in the following parentheses refer, can be found at: https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

Testimony- Wood Vaults-SB936.pdf

Uploaded by: Elizabeth Law

Position: UNF

Testimony Opposing SB 936

Education, Energy, and the Environment Committee

Tuesday, March 5, 2024

Position: Unfavorable

Dear Chair Brian J. Feldman and Members of the Committee,

As a resident of Maryland and a person who has actively fought environmental degradation for over 50 years, I am appalled at this bill, especially by its greenwashing.

The concept of a wood vault when attached to carbon credits automatically turns the goal towards profit and away from forest health, biodiversity, and climate. This particular project aims to create wood vaults that are “economically viable for large scale in a world-wide carbon market.” (See [presentation](#) at 26:30)

The problem is providing carbon credits for logging. If only waste wood from construction projects were being considered it would be a different matter.

Carbon Credits: Allowing for carbon credits to be earned with wood vaults creates a perverse incentive to increase unnecessary logging. Some wood vault companies are going as far as automating logging to fill the vault as needed, which can generate steep profits for the owners and allow big polluters to conduct business as usual.

The problems with logging:

Maryland is already logging too much, as per the [2023 Maryland Stewardship Disalignment Report](#) authored by the Environmental Policy Center, the Maryland Forestry Foundation, and the Department of Natural Resources, which warns that the “harvest allowances built into the stewardship plans may preclude forest landowners from participating in certain ecosystem markets.” Logging removes trees that would continue to draw down CO₂ to store it in the soil and their mass until they die- often centuries, sometimes even millennia. When we log our trees (usually between 50-100 years of age), we cut their life short and limit their carbon uptake capacity. Newly planted trees will take decades to start drawing down pollution and often centuries to match the draw-down capacity of a mature logged forest. We don’t have the time to wait for these trees and forests to grow back.

Emissions calculations: Not all of the following emissions are being counted:

Logging is one of the [most polluting industries](#) and includes: road building, logging equipment and fuel; loss of soil-c; Arbuscular Mycorrhizal Fungi Network (AMF) die off; soil compaction, transportation of the wood, processing. While the wood vault for now would focus on waste wood, as a product of logging, it generates the same emissions. (Only the live biomass & CO₂ is removed from the forest: the above ground trees. The roots, AMF, damage to other trees, soil, and vegetation – which all release CO₂ when they die- is generally not counted in logging operations.)

Vault operating emissions: Collecting and transporting wood (potentially from up to 10,000 square miles); testing it for chemicals (at a UMD laboratory); sorting the wood and filling the vault; unless it is an abandoned pit, quarry, or mine, there is necessary construction involved in any type of vault – consider the size. Finally, there has to be monitoring – ideally by a third party- and testing for leaks for centuries or millennia and then finally closure and cleanup of the vault. Will the Maryland Department of the Environment be continually monitoring the vaults for generations? At what cost?

Additional problems: *As written*, the bill presents concerns around:

The wood vaults speed up decomposition substantially, releasing more CO₂ into the atmosphere than would have resulted by allowing natural forest processes.

Wood type: *As written*, any woody biomass, as long as it does not contain toxic chemicals or has a different purpose, would qualify for a wood vault.

Land: Wood vaults are planned for land that was placed in agricultural preservation easements. The wood vault would disrupt the protected land and potentially pollute it, including aquifers and waterways in order to generate additional profits on an existing easement. How can we know how land, waterways, and aquifers may shift over the next centuries?

Permits: Existing permitting for landfills and incinerators has proven insufficient to keep our communities safe. The same permitting would apply to this new and untested concept. As we are working to remove incinerators from the Renewable Portfolio Standards (RPS) how can we now add another polluter?

The best strategy to support carbon drawdown and sequestration remains to protect existing forests, let them grow old and provide the ecosystems services we truly need. It may be cool science to some folks, but wood vaults are greenwashing under the present bill.

Respectfully,

Elizabeth Law
Frederick, Maryland

SB96 CCAIC Oppose.pdf

Uploaded by: Gabrielle Ross

Position: UNF



Testimony Opposing SB96 House Environment and Transportation Committee Tuesday, March 5th 2024

Position: OPPOSE

Dear Chair Korman and Members of the Committee,

Concerned Citizens Against Industrial CAFOs (CCAIC) is a community-based organization located on the Eastern Shore of Maryland founded in 2015 to protect citizens from the environmental injustices caused by factory farms. For too long communities on the Eastern Shore have been gravely impacted by the poultry industry's pollution, as well as many other industries. It is no surprise that the communities most impacted by this pollution are those of color, low-income and with language barriers. For over 9 years, CCAIC has been fighting to bring awareness that ammonia emissions as well as volatile organic compounds (VOCs) and particulate matter (PM 2.5 & 10) should be classified as a discharge as gaseous fumes and noxious odors coming out of the fans from CAFOs deposits onto the ground and into our local waterways thus contributing to the degradation of the Chesapeake Bay and MD Coastal Bays. We stand with our fellow members of the Mid-Atlantic Justice Coalition (MAJC) and **strongly oppose** this bill today.

During 2023, CCAIC participated in listening sessions held by MDE. These listening sessions could have informed MDE's next steps, and the community members who participated in those could have participated as equal partners in the needs assessment, planning, implementation, enforcement, and evaluation as required by the 17 Principles of Environmental Justice. Unfortunately, aside from these listening sessions, communities were not involved further along the process. Despite communities throughout the state raising air pollution and human health concerns, this feedback was not incorporated in this bill.

In December 2023, MDE began sharing legislative language for HB24/SB96, which would add layers of process to certain permits for pollution in communities defined as overburdened, a definition developed by the Center for Community Engagement, Environmental Justice, and Health, led by Dr. Sacoby Wilson, that our coalition has promoted into state law in previous years. It appears that MDE did not share the bill with or seek input on it from any of the community groups representing residents in which it had held the earlier listening sessions.

We are opposing this bill based on the following:

1. **The list of permits to which this bill would apply was not developed with environmental justice or public health in environmental justice communities in mind.** This legislation would apply extra review to certain permits to pollute in overburdened communities - but the list of permits the bill would apply to does not

prioritize environmental justice concerns identified by environmental justice communities in listening sessions.

2. **This bill is not limited in scope - instead, it would create a vast scope of work that would not address community needs, misallocating precious state resources.** We have heard this bill categorized as a pilot, as an opportunity for the Department to test how an environmental justice review would work on a more limited set of permits. A pilot program for extra review of pollution permits in EJ communities might be effective, if it identified a small set of permits that do influence public health in EJ communities and subjected them to review.
3. **The metrics used to define an overburdened and underserved community in this legislation are in misalignment with the bill's scope.** The bill mainly uses air pollution exposure to identify communities in need of extra permit review, but then largely does not apply to air pollution permits.
4. **While permit renewals for water pollution sources would trigger additional review under this bill, permit renewals for air pollution permits would not: a fundamental inequity.**

We appreciate the intent of HB24/SB96, but as written, the bill does not move toward providing the protection that affected communities need and have asked for. The bill is not small – it covers many water permits, but it does not address the pollution sources most dangerous for human health. We worry that this bill will require MDE to spend significant staff time conducting reviews that will not meaningfully address the most serious environmental justice and health concerns raised by communities in Maryland. We would like MDE to make good on their promise of highlighting communities concerns at the forefront of the environmental justice plans.

For these reasons above, we respectfully oppose HB24/SB96 and urge the State to meet with residents of environmental justice communities throughout the state to understand on which permits those communities need heightened review and present a set of options for what a better bill would look like next year.

Respectfully submitted,

A handwritten signature in black ink that reads "Gabrielle Ross". The signature is written in a cursive, flowing style.

Gabrielle Ross
Founder, Concerned Citizens Against Industrial CAFOs (CCAIC)

SB 96 - Enviornmental Justice Permitting - Oppose.

Uploaded by: Grayson Middleton

Position: UNF



Educate. Advocate. Innovate.

Date: March 4, 2024
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Holly Porter, Executive Director
Re: SB 96 – Impact of Environmental Permits on State Agency Actions - **Oppose**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, processing companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes SB 96 as written.

Among other things, SB 96 would require MDE to conduct a climate and environmental equity evaluation regarding the impact of issuing an approval for certain environmental permits. Furthermore, the department would have the ability to impose conditions, alter, or deny a permit based on their evaluations of real or potential environmental justice concerns.

As a matter of policy, DCA explicitly supports environmental justice initiatives in both our legislative policy document and our 2024 legislative priorities, both approved by the DCA Board of Directors. However, we believe these initiatives should be balanced with the economic interests of farmers and the communities that surround them. After all, Delmarva chicken growers are 23% minority, compared with 4.5% of all farmers nationally. This rate tends to be even higher in those areas on Maryland's Eastern Shore where the Environmental Justice score would be above the 75th percentile statewide. We want to avoid a situation where an environmental justice policy harms the economic well-being of those it's meant to protect.

We have several concerns about this legislation, including the lack of guidance for the department in their evaluation of permits. However, our main concern is how this legislation would be applied to general permits, namely the Concentrated Animal Feeding Operation (CAFO) general permit.

Pursuant to Section 402 of the Clean Water Act, 33 USC § 1342, the Maryland Department of the Environment has the delegated authority from the EPA to administer National Pollutant Discharge Elimination System (NPDES) permits. Under the Clean Water Act, MDE may issue general permits to regulate facilities which have similar discharges and are subject to the same conditions and limitations within a specified geographic area. MDE has determined that this is the best course of action for CAFOs, and therefore under Code of Maryland Regulations (COMAR) 26.08.03.09, one general permit covers nearly all chicken farms in the state, regardless of geographic location within the state or the socioeconomic status of the communities surrounding them.

We should also note that current regulations recognize that there is no discharge from chicken houses and is therefore informally known as a "non-discharge discharge permit." This is because each applicant must adhere to the nine minimum standards to protect water quality, which if adhered to, do not allow for discharge. These standards cannot be altered on a farm-by-farm basis.

Given that technically one general permit is issued to all chicken farms in Maryland, and that the EPA and other bodies have recognized that there is no discharge from these facilities, we believe that CAFO



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and perhaps all other general permits are unsuitable for evaluation by a state agency on an individual basis as outlined in this legislation. Not only is it incongruent with the current permitting structure, but it is also unfair to include them with other discharge permits in this legislation since there is no discharge from these facilities.

Both MDE and the sponsors of this legislation have been very receptive to our concerns regarding the inclusion of the CAFO and other general permits. We hope that this legislation will be formally amended so as not to upend or overcomplicate the current permitting structure. DCA recognizes that there are still concerns about how agricultural activities can affect underserved and overburdened communities, and we want to continue being a part of that conversation with the sponsors and relevant agencies. However, we believe that the current language are unworkable under the current permitting structure administered by MDE and delegated by the EPA.

For these reasons we urge the bill be amended to exclude the CAFO general permit.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Grayson Middleton at middleton@dcahicken.com or 410-490-3329.

Sincerely,

Holly Porter
Executive Director

SB0096 - Jennifer Kunze - Mid Atlantic Justice Coa

Uploaded by: Jennifer Kunze

Position: UNF

Testimony Opposing SB96
Senate Education, Energy, and the Environment Committee
Tuesday, March 5, 2024

Position: OPPOSE

Dear Chair Feldman and Members of the Committee,

The Mid-Atlantic Justice Coalition is a regional, community-focused coalition of residents concerned about environmental toxins affecting their health, legal, policy, and health experts, and other allies advancing environmental and economic justice. We respectfully oppose SB96. We appreciate MDE meeting with us in advance of session and forming a workgroup since the House hearing, but the workgroup has not changed our position and our substantial concerns have not been addressed. Our opposition rests on both procedural and policy problems with the bill: that the bill was developed without input from Maryland's most overburdened and underserved communities and that the bill fails to provide additional permitting authority for the air permits most relevant to human health.

Environmental justice must, by definition, be informed primarily by the needs and priorities identified by affected communities. Without leadership from affected communities, a policy may be well-intentioned, but falls short of being environmental justice. This principle was codified by the activists who founded the environmental justice movement and later drafted the 17 Principles of Environmental Justice. These principles were adopted at the National People of Color Environmental Leadership Summit in 1991. Principle 7 states: "Environmental justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation."¹

During 2023, the Maryland Department of the Environment ("MDE") held listening sessions in some of Maryland's communities overburdened with pollution. These listening sessions could have informed MDE's next steps, and the community members who participated in those could have participated as equal partners in the needs assessment, planning, implementation, enforcement, and evaluation as required by the 17 Principles of Environmental Justice. Unfortunately, aside from these listening sessions, communities were not involved further along the process. Despite communities raising air pollution and human health concerns, this feedback was not incorporated in this bill.

In December 2023, MDE shared legislative language for HB24/SB96, which would add layers of process to certain permits for pollution in communities defined as overburdened. This is a definition developed by the Center for Community Engagement, Environmental Justice, and Health, led by Dr. Sacoby Wilson, that our coalition has promoted into state law in previous years. Following MDE's circulation of the bill, members of the Mid-Atlantic Justice Coalition began raising concerns about the bill's failure to prioritize public health or community-identified priorities.

Several key concerns with the bill's content led to our opposition to the legislature passing SB96 this year and our request for different process and content to shape environmental justice legislation in future sessions.

1. **The list of permits to which this bill would apply was not developed with environmental justice or public health in environmental justice communities in mind.** This legislation would apply extra review to certain permits to pollute in overburdened and underserved communities - but the list of permits the bill would apply to does not prioritize environmental justice concerns identified by environmental justice communities in listening sessions. With one exception, that list of permits — as an enumeration of existing permits to which new legislation would apply — has appeared verbatim in multiple Maryland laws enacted since 1993, and was not developed with environmental justice in

¹ 17 Principles of Environmental Justice, <https://climatejusticealliance.org/ej-principles/>

mind.² Instead of addressing the concerns put forward by communities, MDE is using a 30-year-old list of permits to prioritize how it allocates limited agency resources to address environmental injustice. Environmental justice legislation in other states, like New York, New Jersey, Massachusetts, Washington, and California, includes air pollution because it is consistently identified as a priority issue by communities impacted by disproportionate levels of pollution. HB24/SB96 should use the feedback from MDE’s community listening sessions to inform the first group of permits to be covered.

2. **This bill is not limited in scope - instead, it would create a scope of work that would not address community needs, misallocating precious state resources.** We have heard this bill categorized as an opportunity for the Department to test how an environmental justice review would work on a more limited set of permits. A pilot program for extra review of pollution permits in EJ communities might be effective, if it identified a small set of permits that do influence public health in EJ communities and subjected them to review. But that is not the approach that this bill has taken. The preexisting list of permits that HB24/SB96 would apply to is not small, and some of these permits have limited impact on human health and the concerns expressed by EJ communities. On the other hand, there are only 109 permits for the operation of “major” air pollution sources (Title V or Part 70 permits) in the entire state of Maryland³ and not all of these are in communities that would trigger the extra review. This would be a manageable number to pilot a new review process, while protecting community health. This legislation prioritizes less significant pollution permits and leaves Title V permits out. State resources are scarce, and we cannot support legislation that will direct these limited resources to conduct reviews on permits that do not address the vast majority of community needs.
3. **The metrics used to define an overburdened and underserved community in this legislation are in misalignment with the bill’s scope.** The bill mainly uses air pollution exposure to identify communities in need of extra permit review, but then largely does not apply to air pollution permits. “Overburdened communities” are defined in the bill using a list of 21 indicators,⁴ which also make up 3/4 of the “EJ scores” by which MDE is identifying the hardest-hit communities. Of these 21 indicators of an overburdened community, the majority — 11 — relate solely or mainly to exposure to air pollution..⁵ Conversely, only 1 of the 21 indicators relates solely to surface water pollution.⁶ Yet the bill covers just about every type of permit addressing water pollution discharges to surface waters and only a small subset of air permits. We see a mismatch between what is currently in law and has been prioritized by EJ communities and what is in the current bill.
4. **While permit renewals for water pollution sources would trigger additional review under this bill, permit renewals for air pollution permits would not: a fundamental inequity.** For surface water pollution permits, the bill covers renewals of permits for existing sources as well as first-time permit issuance for new sources. It also covers both large (“major”) and small (“minor”) sources of surface water pollution. For air pollution permits, MDE’s bill addresses only a small subset: “permits to construct subject to § 2-404 of” the Environment Article. Because this type of permit cannot be renewed (permits for existing air pollution sources are called “permits to operate”), **the bill does not cover renewal permits for ANY existing air pollution sources.** It also does not cover permits to construct new air pollution sources when those permits are issued by the Maryland Public Service Commission

² 1993 Maryland Laws Ch. 59 (H.B. 877). This law can be accessed in the Maryland Archives Online (volume 772, pages 1054-1055) <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000772/html/am772--1054.html>).

³ MDE, Issued Part 70 Permits, https://mde.maryland.gov/programs/permits/airmanagementpermits/pages/title5_issued_permits.aspx.

⁴ The bill incorporates Maryland’s recently-added definition of “overburdened communities,” which is at section 1-701 of the Environment Article and shown on MDE’s website here: https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx.

⁵ These 11 indicators are: PM2.5 and ozone (both air pollutants), three categories shown by the National Air Toxics Assessment which uses only air toxics data (diesel PM, cancer risk, respiratory hazard), risk management plans (required under section 112 of the federal Clean Air Act for facilities that pose a risk of chemical leaks, explosions, and fires), asthma emergency room discharges (associated with multiple air pollutants); myocardial infarction (associated with PM2.5), low-birth-weight infants (associated with PM2.5), proximity to emitting power plants (“emitting” means air pollution), and traffic proximity.

⁶ This indicator is “wastewater discharge indicator.”

(“PSC”), which occurs when a pollution source generates energy. These PSC permits are issued for some of the largest air pollution sources in existence: power plants and energy-generating trash incinerators.

For example, Baltimore’s Curtis Bay community hosted a listening session with MDE and identified day-to-day toxic exposures. Curtis Bay has the highest EJ score in the state with heavy industry, nearby incinerators, and coal storage that showers the community with fine particulate matter. Their neighborhood remains an attractive spot for more pollution, and their fight for their health and lives has galvanized the environmental justice movement in Maryland. Yet, this bill will not provide them with more protection from the pollution that harms them most, as represented in the EJ score. When a company called Energy Answers proposed to build the country’s largest trash incinerator in South Baltimore in 2009, four miles from Baltimore’s existing trash incinerator (the largest in the state), the permit to construct was issued by the PSC. The community-led movement to end the proposal gained international recognition⁷ and clarified the need for bold action in Maryland for environmental justice. Other PSC-issued permits have become flash points for community opposition over the last 10 years in Maryland. Yet PSC permits are not addressed in this bill.

When we look at the pollution sources that matter most to overburdened communities, this bill does not prioritize them. This is a major deficiency in the bill and underscores why we cannot support HB24/SB96. In order to equitably push forward the state’s nation-leading climate program, there are opportunities to learn from other states that are pushing environmental justice to the forefront in parallel.

- In Massachusetts, not only is there a state definition for cumulative impacts ("the total effect of past, present, and future actions on the environment and human health") but also legislation that mandates the Massachusetts Department of Environmental Protection (MassDEP) to evaluate and seek public comment on incorporating cumulative impact analysis into its review of applications for certain categories of air permits and approvals.⁸
- In Minnesota, the legislature passed the Frontline Communities Act (FCPA), which grants overburdened communities with stronger regulatory protections against further pollution. Under this legislation the state requires the Minnesota Pollution Control Agency (MPCA) to conduct cumulative impact studies when issuing or denying a permit for siting new facilities. This legislation was developed in partnership with local grassroots organizations and aims to protect environmental justice communities and will go into effect in April 2026 following a robust and active public participation period which kicked off in October 2023. A preliminary analysis conducted by the MPCA estimates that roughly 120 current facilities in the state will be impacted by this new legislation specifically due to their air permits they require and where they are sited.⁹

Maryland has environmental health resources with track records of engaging overburdened and underrepresented communities in addressing their public health concerns; for example, the Center for Community Engagement, Environmental Justice and Bloomberg School of Public Health’s Health Impact Assessments.

Our coalition appreciates the commitment to environmental justice that MDE and others have expressed. Decades of decisions have heaped environmental contamination on the same communities over and over, even resulting in the permanent displacement of the Fairfield and Wagners Point communities that once existed near Curtis Bay.¹⁰ We appreciate the intent of HB24/SB96, but as written, the bill does not sufficiently move toward providing the protection that affected communities need and have asked for. The bill is not small – it covers many water permits, but it does not address the pollution sources most dangerous for human health. We worry that this bill will require MDE to spend significant staff time conducting reviews that will not meaningfully address the most serious environmental justice and health concerns raised by communities in Maryland.

⁷ 2016 Goldman Prize Award Winner for North America: Destiny Watford, <https://www.goldmanprize.org/recipient/destiny-watford/>.

⁸ Massachusetts DEP, <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>

⁹ Minnesota Pollution Control Agency, <https://www.pca.state.mn.us/sites/default/files/cumulative-impacts-facilities.pdf>

¹⁰ See, e.g., An Environmental History of Fairfield/Wagners Point by Philip Diamond, based on research by University of Maryland School of Law (1998), https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1030&context=mlh_pubs.

We appreciate recently-appointed MDE Assistant Secretary for Environmental Justice Atkinson’s statement that MDE “is listening to those who have been ignored in the past.”¹¹ Unfortunately, this bill does not make good on that promise. Overburdened communities, like leaders in Curtis Bay, have been clear that legislation needs to focus state efforts on EJ concerns. In the Moore-Miller Transition report, the transition plan recommends that the state “develop effective and meaningful legislation on cumulative impacts, comparable to legislation recently passed in Massachusetts, New Jersey, and New York.” The legislation in those states started with addressing the pollution needs in communities.

MDE should continue the process it started of listening to and engaging with communities at the frontlines of environmental danger. MDE should work with them and experts like the Center for Community Engagement, Environmental Justice and Health to meaningfully address environmental justice and incorporate their needs into prioritizing permits for additional review. Residents across the state and the Maryland Mid-Atlantic Justice Coalition stand eager to work with MDE, Senator Jackson and Delegate Boyce, and other decision-makers to craft solutions to community problems.

We respectfully oppose SB96 and urge the State to meet with residents of environmental justice communities to understand which permits those communities need heightened review and present a set of options for policy tools to address their concerns.

Sincerely,

Mid-Atlantic Justice Coalition, Maryland Table

Steering Committee members:

Shashawnda Campbell / Toby Harris, Baltimore

Norberto Martinez, Langley Park

Samuel Jordan, Baltimore

Annie Bristow, Frostburg

Anchors:

Walkiria Pool, Centro de Apoyo Familiar

Emily Ranson, Clean Water Action

05MAR24_SB0094_LeadDoc_Pg01a.pdf

Uploaded by: Karyn Sonu | or Representative or AdminChair Kamita Gray

Position: UNF

HOUSE BILL SB 0094 TESTIMONY
Environment and Transportation Committee
March 5, 2024

TO: Chair, Senator Brian J. Feldman, and Vice Chair, Senator Cheryl C. Kagan
FROM: Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)
POSITION: Unfavorable

Thank you for the opportunity to offer testimony concerning SB 0094. The BTB Coalition is the sponsored membership a "community development locality nonprofit organization", having HUBS for every county in the State of Maryland, with members and supporters who live throughout the state, and nationally.

In addition, there are dozens of affiliated locality community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our opposition for SB 0094. Our opposition is the same as with HB 0024. Our amended written testimony for SB 0094 is under review and awaiting supplementary resources is not being submitted today but we ask that this committee accept our written materials to be presented in being delayed.

If you have questions or concerns, you can refer this matter to ECCB– Neighborhood Leadership Council (NLC) by email at btb.eccb@gmail.com or by phone at 240.681.9070.

Thank you for your considerable time and attention.

ECCB–NLC Administrative Chair


Respectfully submitted

In solidarity, Brandywine/TB Southern Region Neighborhood Coalition; and the
Executive Community Citizen's Board (ECCB) neighborhood Leadership Council

SB 96_MTBMA_UNF.pdf

Uploaded by: Michael Sakata

Position: UNF



March 4, 2024

Senator Brian Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Building
Annapolis, MD 21401

RE: SB 96 – UNFAVORABLE – Environment – Impact of Environmental Permits and State Agency Actions

Dear Chair Feldman and Members of the Committee:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry and advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

Senate Bill 96 proposes measures to evaluate and address the impact of issuing environmental permits and state agency actions on climate and environmental justice in Maryland. It requires the Department of the Environment to conduct evaluations, assessments, extensive reporting, and community notifications as a part of the permitting process.

MTBMA opposes this legislation because the new provisions will significantly prolong the already lengthy permitting process. This will cause a significant administrative burden, and will further prolong critical infrastructure projects. While we appreciate the intention of the bill to enhance environmental oversight, we believe it will stifle economic growth without providing meaningful and practical environmental benefits.

We appreciate you taking the time to consider our request for an **UNFAVORABLE** report on Senate Bill 96.

Thank you,

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association

SB0096_UNF_NWRA_Env. - Impact of Env. Permits and

Uploaded by: Pam Kasemeyer

Position: UNF

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Michael A. Jackson

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

DATE: March 5, 2024

RE: **OPPOSE** – Senate Bill 96 – *Environment – Impact of Environmental Permits and State Agency Actions*

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 96.

MDSWA appreciates the intent of this bill to promote environmental justice (EJ) and ensure that already overburdened communities do not suffer additional harm. MDSWA members already comply with the State's existing EJ requirements and support the important policy objectives of such laws and regulations. However, this legislation seeks to expand the authority of the Maryland Department of the Environment (MDE) to delay, deny, or alter permits in an overbroad manner. Some of our specific concerns are as follows:

1. It appears that the bill is intended to apply to "new" permits only. This language should be clarified to ensure that the requirements do not also apply to modifications and renewals of permits. Further, adding that the new requirements are limited to entirely new facilities should also be considered.
2. The bill authorizes MDE to conduct a Climate and Environmental Equity Evaluation of new permits. Although the bill lists what factors the evaluation may include, it does not include any guidance or criteria by which MDE can delay, deny, or alter a permit based on the results of the evaluation. This implies that MDE has broad, and perhaps subjective, authority to delay or deny permits. Specific criteria should be included in the bill to more clearly delineate MDE's authority.

3. Beyond MDE's review, the bill also authorizes the Department of Health to conduct a health impact assessment. There is a similar lack of criteria to guide when a permit may be delayed or denied based on the health impact assessment. Criteria should be added here as well.
4. The bill requires the Climate and Equity Evaluation and, if applicable, the Health Impact Assessment, to be completed within 60 days after making a determination that issuing an approval for a new permit may impact an underserved community or an overburdened community. 60 days is a lengthy period of time for an applicant to have uncertainty about whether their permit will be further delayed, denied, or altered. Additionally, there is no timeline for making the initial determination that a permit may impact an underserved community or an overburdened community. A timeline for this determination should be included in the bill.

In summary, MDSWA believes there are a number of areas where this bill could be strengthened to bring more clarity to the process and to create more specific criteria upon which decisions will be made. We understand that the bill sponsor and MDE are continuing to work on this legislative proposal. MDSWA is prepared to participate in these discussions to help craft a final product that is more practical for our industry. As currently drafted, however, MDSWA requests an **unfavorable** report.

For more information call:

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

SB0096_Permits_ClimateCC.pdf

Uploaded by: Sonia Demiray

Position: UNF



Testimony Opposing SB0096

Impact of Environmental Permits and State Agency Actions

Education, Energy, and the Environment Committee

Tuesday, March 5, 2024

Position: OPPOSE

Dear Chair Feldman and Committee Members,

My name is Sonia Demiray, I am the co-founder of the Climate Communications Coalition, a member of the Mid Atlantic Justice Coalition, and a Frederick County Resident. Our group opposes SB0096 because it does not meet the needs of Marylanders.

Our overburdened communities badly need a real environmental justice bill. The list of permits this bill would apply to does not prioritize environmental justice concerns identified by environmental justice communities during listening sessions. With one exception, the list of permits is the same since 1993 because, instead of addressing the concerns put forward by communities, MDE is using a 30-year-old list of permits to prioritize how it allocates limited agency resources to address environmental injustices.

As written, this bill does not move the needle toward providing the protection that affected communities need and have asked for. While the bill covers several water permits, it does not address the pollution that has been the most dangerous for human health and the most pervasive and persistent for Marylanders: air pollution. SB0096 does not cover renewal permits for any existing air pollution sources or permits to construct new air pollution sources when those permits are issued by the Maryland Public Service Commission ("PSC"). In other words- we are not covering the biggest sources of pollution in the state: fossil fuel sourced power plants, trash incinerators, biogas digesters, biomass for energy, roads, etc.

This bill would require MDE to spend significant staff time conducting reviews that will not meaningfully address the most serious environmental justice and health concerns raised by communities in Maryland. We encourage MDE to revise the bill to include real protections for all of our communities, especially environmental justice communities, by including strong air quality permits for all polluting sources, no matter whether they're seeking new permits for new sources of pollution or renewing older permits. Thank you.

###

SB 96_MAA_UNF.pdf

Uploaded by: Tim Smith

Position: UNF

CHAIRMAN:
Jeff Graf
VICE CHAIRMAN
David Slaughter

MARYLAND ASPHALT ASSOCIATION



TREASURER:
Paul Bramble
SECRETARY:
Curtis Hall
PRESIDENT:
Tim Smith

March 4, 2024

Senator Brian Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Building
Annapolis, MD 21401

RE: SB 96 – UNFAVORABLE – Environment – Impact of Environmental Permits and State Agency Actions

Dear Chair Korman and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 19 producer members representing more than 48 production facilities, 25 contractor members, 25 consulting engineer firms, and 41 other associate members. MAA works proactively with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 96 proposes measures to evaluate and address the impact of issuing environmental permits and state agency actions on climate and environmental justice in Maryland. It requires the Department of the Environment to conduct evaluations, assessments, extensive reporting, and community notifications as a part of the permitting process.

MAA opposes this legislation because the new provisions will significantly prolong the already lengthy permitting process. This will cause a significant administrative burden, and will further prolong critical infrastructure projects. While we appreciate the intention of the bill to enhance environmental oversight, we believe it will stifle economic growth without providing meaningful and practical environmental benefits.

We appreciate you taking the time to consider our request for an **UNFAVORABLE** report Senate Bill 96.

Sincerely,

Tim Smith, P.E.
President
Maryland Asphalt Association

CCBA_SB7_SBCLT_SB96OPPOSITION.pdf

Uploaded by: Toby Harris

Position: UNF

Testimony Opposing SB96
Senate Education, Energy, and the Environment Committee
Tuesday, March 5, 2024

Position: OPPOSITION to SB96

Dear Chair Feldman and Members of the Committee,

We are writing on behalf of the South Baltimore Community Land Trust, the SB7 Coalition and the Community of Curtis Bay Association to express our profound concerns regarding the proposed legislation HB24. We oppose the bill. Furthermore, we would like to see a reset to ensure that environmental justice communities play a role in identifying facilities of concern to help guide policy development and agency resource allocation.

While we acknowledge the intent behind this bill, as resident-governed environmental justice organizations working in frontline communities, it fails to address the most critical concerns regarding pollution sources affecting us here in Curtis Bay and South Baltimore. Curtis Bay has an overall EJ score of 100% according to MDE's EJ Screening Tool. The neighborhood is also in the 90.57th percentile for asthma emergency room discharges; 87.90th percentile for low infant birth rates; and 88.38th percentile for myocardial infarction discharges. The neighboring communities of Cherry Hill, Westport, Mt. Winans, Lakeland and Brooklyn are all in the top 3% of the state for environmental burden.

HB24, if passed, will require MDE to conduct an environmental justice evaluation and, based on that analysis, expressly authorize MDE use that analysis in decisions when issuing or denying certain types of permits. The list of permits to which this authority would attach is a critically important part of the bill. This list gives short shrift to permits addressing air pollution, which is one of the top concerns regarding public health and exposure to toxics and other harmful compounds. Exposure to pollution through inhalation – breathing in air pollution – has long been a major focus of advocates focusing specifically on environment public health. It has also long been a major focus of the environmental justice movement.

It is unacceptable that a bill expressly focused on human health and well-being, the crux of environmental justice, would largely fail to address air pollution. This is especially hard to understand given that the bill covers just about every possible type of permit addressing water pollution discharges to surface waters, which is usually less directly connected to human health impacts. For these surface water pollution permits, the bill covers renewals of permits for existing sources as well as first-time permit issuance for new sources. It also covers both large (“major”) and small (“minor”) polluters.

For air pollution, the bill does not cover any permit renewals at all. In other words, the air permit for the largest air pollution source in Maryland, which has historically been a complex consisting of two large power plants located only four miles from the Curtis Bay residential area in South Baltimore, would not be covered. And for new sources of air pollution, the bill excludes permits issued to energy-generating facilities by the Maryland Public Service Commission. These often

include some of the largest air pollution sources: power plants and incinerators. For instance, the Energy Answers incinerator in Baltimore, which was permitted in 2010, was a classic example of environmental injustice. This incinerator would have been the largest in the United States and was sited only 4 miles from Baltimore's existing trash incinerator. However, the air pollution permit for the Energy Answers incinerator would not have been covered had HB24 been in effect. The incinerator proposal galvanized community opposition across Maryland because of detrimental impacts to our health and environment. The community-led movement to end the proposal gained international recognition and clarified the need for bold action in Maryland for environmental justice.

Currently, Curtis Bay residents are seeking to address air pollution from the open air coal terminal that operates 1,000 feet from our homes, rec centers and parks in Curtis Bay. We have published a collaborative report with MDE that affirms decades of resident concerns about coal dust spreading into their community and negatively impacting their health and quality of life. We have organized hundreds of community members to engage and make their voices heard as MDE considers a new operating permit for the terminal. However, we do not even have the legal right to participate in this permit renewal process. Under Maryland law, the public has no right to provide input in the renewal of this type of permit (a "minor source" air permit to operate) and HB24 does nothing to address this.

These major omissions in HB24 are likely due to the fact that the bill incorporates a permit list that, with one exception, has been in Maryland law unchanged since 1993.¹ We are extremely concerned about using a 30-year-old policy approach to address environmental injustice, a problem that has only recently been taken seriously as a major public health and equity issue. The list of permits in HB24 was not designed with environmental justice or the needs of overburdened communities in mind. Communities in Maryland that are disproportionately harmed by pollution deserve an environmental justice bill that prioritizes their needs.

Sincerely,

Carlos Sanchez

Shashawnda Campbell

Dr. Meleny Thomas

Toby Harris

Greg Sawtell

Michael Middleton

Kellie Gaither

¹ 1993 Maryland Laws Ch. 59 (H.B. 877).

Community of Curtis Bay Association
<https://ilovecurtisbay.com/>

South Baltimore Community Land Trust
www.sbclt.org

SB7 Coalition
<https://sb7coalition.org/>

Cc:

Delegate Marc Korman
Delegate Jackie Addison
Delegate Nick Allen
Delegate Terry L. Baker
Delegate Barrie S. Ciliberti
Delegate Debra Davis
Delegate Linda Foley
Delegate Michele Guyton
Delegate Anne Healey
Delegate Marvin E. Holmes Jr.
Delegate Jay A. Jacobs
Delegate Mary A. Lehman
Delegate Jeffrie E. Long Jr.
Delegate Sara Love
Delegate Todd B. Morgan
Delegate Ryan Nawrocki
Delegate Charles J. Otto
Delegate Sheila Ruth
Delegate Dana Stein
Delegate Vaughn Stewart
Delegate Jen Terrasa
Delegate Natalie Ziegler

2024 - PHI - SB96- LOI.pdf

Uploaded by: Anne Klase

Position: INFO



March 5, 2024

112 West Street
Annapolis, MD 21401

Letter of Information – Senate Bill 96 Environment - Impact of Environmental Permits and State Agency Actions

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) submit this letter of information on **Senate Bill 96 - Environment - Impact of Environmental Permits and State Agency Actions**. Senate Bill 96 requires the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation of a permit application if, after conducting an Environmental Justice (EJ) score review required under current law, MDE determines that issuing an approval for the permit may impact an underserved community or an overburdened community. Additionally, the legislation establishes provisions relating to such an evaluation and establishes additional requirements for MDE regarding public input. Finally, MDE may deny or alter a decision or amend the conditions under a pending permit based on the Department's findings. MDE is required to adopt regulations and may charge a reasonable fee to cover implementation costs associated with the provisions described above.

Pepco and Delmarva Power are committed to conducting business activities with respect and care for the environment and strive to minimize any environmental impacts that may result from our operations. Pepco and Delmarva Power support the intent of the legislation but are concerned about how it may impact important reliability and resiliency projects. Utilities will need to make significant investments in our infrastructure to meet our state's climate goals. As written, there is currently no definition for "new permit" which could lead to the proposed provisions being applied to permit renewals for existing infrastructure. Utilities need practical implementation policies that streamline the sitting and permitting processes to build and operate the electric grid of the future that will incorporate renewables, and distributed generation assets such as solar and wind.

Pepco and Delmarva Power look forward to continuing conversations with the bill sponsor and all stakeholders involved.

Contact:

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BGE-LOI-EEE-SB96-Impact of Environmental Permits a

Uploaded by: Guy Andes

Position: INFO

Letter of Information
Education, Energy, and the
Environment
3/5/2024

Senate Bill 96 - Environment - Impact of Environmental Permits and State Agency Actions

Baltimore Gas and Electric Company (BGE) is pleased to submit this letter of information for **Senate Bill 96 - Environment - Impact of Environmental Permits and State Agency Actions**. *Senate Bill 96* requires the Maryland Department of the Environment (MDE) to conduct a Climate and Equity Evaluation before issuing a new permit for a project impacting an underserved or overburdened community.

BGE is committed to providing reliable, resilient, and affordable energy to our customers. We strongly support policies that facilitate an equitable energy transition and minimize any environmental impacts. BGE is on a Path to Clean to cut our own operational emissions and ultimately achieve net-zero emissions, while helping customers reduce their emissions through affordable, equitable and reliable programs.

BGE believes equity is a component of the energy transition. However, *Senate Bill 96* will create barriers for many utility projects undertaken to further the state's ambitious climate goals as well as to provide the state's residents with safe and reliable service. Utilities will need to make significant investments in the distribution system infrastructure to meet the state's ambitious climate goals. The state's goals will require infrastructure to be constructed or upgraded across Maryland, including 250 new or upgraded substations in BGE's service territory.

Senate Bill 96 requires MDE to conduct a Climate and Equity Evaluation before issuing a new permit. MDE, in coordination with the Maryland Department of Health, may also conduct a health assessment to determine the impact of the proposed project permit 60 days after determining that issuing an approval for a new permit may impact an underserved or overburdened community. BGE is concerned that the proposed changes

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

in *Senate Bill 96* and other state policies would create barriers and delays with siting and permitting the infrastructure projects needed to meet the state's greenhouse gas reduction goals. Moreover, the legislation provides no guidance as to how the results of the evaluation are to be utilized in determining whether or not a permit should be granted or denied.

Utilities need practical implementation policies that streamline the siting and permitting processes to build and operate the future electric grid that will incorporate renewable, distributed generation assets such as solar and wind. *Senate Bill 96*, in its current form, would significantly impair that ability to enable utilities to deliver the energy needed to meet future customer demands.

While BGE is committed to continuing our conversations with the bill sponsor to address our concerns regarding this legislation, we believe a workgroup should be convened during the interim to address the concerns of all the various stakeholders throughout the State.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

Charles Washington | Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281

SB 96 MDCC Environment - Impact of Environmental P

Uploaded by: Hannah Allen

Position: INFO



**LEGISLATIVE POSITION:
LETTER OF INFORMATION**

Senate Bill 96

Environment - Impact of Environmental Permits and State Agency Actions

Senate Education, Energy, and the Environment Committee

Tuesday, March 5, 2024

Dear Chairman Feldman and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth and recovery for Maryland businesses, employees, and families.

Senate Bill 96 would require the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation regarding the impact of issuing an approval for environmental permits, allowing MDE to deny or alter a decision, or amend the conditions under a pending permit. SB 96 would also require MDE to provide opportunities for residents to opt in to text, phone, email, or mail notifications regarding any facility with a pending or final permit approval. Additionally, this legislation allows MDE to charge a “reasonable fee” to cover implementation and administrative costs.

While the Chamber supports efforts to promote environmental equity and stewardship, we believe that certain provisions of the legislation would have disadvantageous effects on businesses across the state. Changes to the regulatory and permitting process must prioritize efficiency and reliability. Maryland already has long permit wait times compared to many other states. SB 96 requires additional reviews, which could lead to delays in permitting decisions. Businesses rely on timely permitting decisions to plan and execute projects, and prolonged delays could hinder economic growth and development in Maryland. We suggest outlining a defined timeline in the bill for MDE to inform the applicant of their decision.

The bill also allows MDE to consider “cumulative impacts” when conducting a climate and equity evaluation or a health impact assessment. This evaluation reaches beyond the impact of the permit itself and extends to how the permit could add to existing conditions. Additionally, the scope of the bill raises concerns for many industries as minor permits would be included, requiring them to go through an extended review process. It remains unclear whether MDE can adequately analyze the cumulative impacts as advocated for, given the broad range of permits covered. Moreover, there is uncertainty surrounding the definition of “new permits” and whether modifications to existing permits, such as expansions, would be considered as such. This lack of clarity could lead to confusion and inconsistency in the permitting process.

Lastly, SB 96 allows MDE to assess a “reasonable fee” to the permit applicant to fund the administration and implementation. What will MDE consider a reasonable fee? We suggest outlining the cost of the fee or setting a cap so potential permit applicants have clarity on the cost.

The Maryland Chamber of Commerce urges the committee to carefully consider the potential impacts on Maryland’s business community and future economic development. We appreciate your consideration of these comments on SB 96.

