

# **Testimony - HB 24 Permits and State Agency - Favor**

Uploaded by: Ashley Egan

Position: FAV



# Unitarian Universalist Legislative Ministry of Maryland

## Testimony in Support Impact of Environmental Permits and State Agency Actions

To: Chair Korman and members of the Environment and Transportation Committee  
From: Phil Webster, PhD  
Lead Advocate on Climate Change  
Unitarian Universalist Legislative Ministry of Maryland.  
Date: February 21, 2024

The Unitarian Universalist Legislative Ministry of Maryland (UULM-MD) strongly supports **Impact of Environmental Permits and State Agency Actions** and urges a FAVORABLE report by the committee.

The UULM-MD is a statewide faith-based advocacy organization, with over 1,200 members, based on the Principles of Unitarian Universalism. Unitarian Universalists believe in *“justice and equity in human relations”* and *“respect for the interconnected web of all existence of which we are a part.”*

This legislation has many features designed to overcome some of the most egregious vestiges of environmental injustice that many underserved and overburdened communities suffer, where sensitive populations are already disproportionately exposed to high levels of pollution, along with the health harms and other negative consequences of that pollution.

This legislation:

- 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.”
- requires the MDE to set up means for interested citizens to track and weigh in on covered permitting reviews, by text, phone, email or regular mail notifications.
- requires the MDE to deposit fees received through the permitting process into three environment-related funds: the Maryland Clean Water Fund, the Maryland Clean Air Fund or the State Hazardous Substance Control Fund.
- clarifies reporting requirements for major state departments on their performance towards attainment of the State’s emissions reduction goals.

However, we note 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 written into 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.

Despite the limitations noted above, the bill creates very important and useful new procedures for balancing public health and economic production through the large facility permitting process. In the interests of achieving a new balance that better addresses long-standing community harms and concerns, the Unitarian Universalist Legislative Ministry of Maryland urges your FAVORABLE vote on the bill.

*Phil Webster, PhD*

Lead Advocate, Climate Change UULM-MD

**Final Testimony HB24 MD EJ Permitting.docx (1).pdf**

Uploaded by: Betsy Nicholas

Position: FAV



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HOUSE - ENVIRONMENT AND TRANSPORTATION COMMITTEE

House Bill 24

Maryland Department of the Environment (MDE) Permitting Authority Bill

February 21, 2024

Dear Chair Korman, Vice Chair Boyce, and members of the House Environment and Transportation 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.



Potomac Riverkeeper Network is the trade name of Potomac Riverkeeper, Inc.  
a 501(c)3 tax-exempt nonprofit organization #54-1982624 EarthShare # 87828 \* CFC # 87828  
Recognized as "one of the best small nonprofits" by the Catalogue for Philanthropy



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  
[Betsy@prknetwork.org](mailto:Betsy@prknetwork.org)  
202-423-0504

**HB 24\_LWVMD\_FAV.pdf**

Uploaded by: Casey Hunter

Position: FAV



**TESTIMONY TO THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE**

**HB 24 - Environment - Impact of Environmental Permits and State Agency Actions**

**POSITION: Support**

**By: Linda T. Kohn, President**

**Date: February 21, 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 HB 24**, 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. HB 24 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. **HB 24** 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 HB 24.**



**HB0024\_Impact\_of\_Environmental\_Permits\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR HB0024

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

**Bill Sponsor:** Delegate Boyce

**Committee:** Environment and Transportation

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of HB0024 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.

**1 - HB 24 - E&T - MDH - LOS\_.pdf**

Uploaded by: Jason Caplan

Position: FAV



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

February 21, 2024

The Honorable Marc Korman  
Chair, Environment and Transportation Committee  
6 Bladen St, Annapolis House Office Building  
Annapolis, Maryland 21401

**RE: House Bill 24, Environment- Impact of Environmental Permits and State Agency Actions - Letter of Support**

The Maryland Department of Health (MDH) supports House Bill (HB) 24 - Environment Impact of Environmental Permits and State Agency Actions. HB 24 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.

HB 24 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.<sup>1</sup> 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.<sup>2</sup>

HB 24 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", is positioned above the typed name.

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

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

<sup>2</sup> 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 HB24.pdf**

Uploaded by: Jerry Kickenson

Position: FAV

## Testimony in favor of HB24

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

To: Hon. Marc Korman, Chair, Hon. Regina Boyce, Vice-chair and members of the House Environment and Transportation Committee

From: Jerry Kickenson

Date: February 19, 2024

I am writing in **favor of House Bill 24**, 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 HB24.

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)

(<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)

([https://mde.maryland.gov/Environmental\\_Justice/Pages/CEJSC.aspx](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/)

(<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/)

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

# **Testimony in support of HB0024.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

2/21/2024

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON HB#/0024 - POSITION: FAVORABLE**

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

**TO:** Chair Korman, Vice Chair Boyce, and members of the Environment and Transportation Committee and Chair Wilson, Vice Chair Crosby, and members of the Economic Matters Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Keith Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of HB#/0024, Environment - Impact of Environmental Permits and State Agency Actions**

The Maryland Department of the Environment will need to conduct a climate and environmental equity evaluation regarding the impact of issuing an approval for projects affecting these items should this important bill be passed. This bill will enforce a standard treatment on the issuance of approvals that will also require additional public opportunities for input and feedback on the decisions being made.

The strength of this bill is the public notification and input requirements that will force decision makers to do what has been neglected in the past. That neglect to consult and involve the citizens of Maryland has led to environmental degradation, a lack of environmental justice, and disregard for who is affected and how they will be affected in any project of any type with a discernable environmental impact.

ClimateXChange has documented the problems in their article “A Look at Environmental Justice Issues in Maryland”.<sup>1</sup> The article cites specific examples of where this lack of notice to residents and disregard of how decisions are made and the environment considered demonstrate existing and continuing harms to health and the overall environment.

**I respectfully urge this committee to return a favorable report on HB#/0024**

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<sup>1</sup> <https://climate-xchange.org/2022/01/14/a-look-at-environmental-justice-issues-in-maryland/>



**2024-02-21 HB 24 (Support).pdf**

Uploaded by: Tiffany Clark

Position: FAV

**CANDACE McLAREN LANHAM**  
*Chief Deputy Attorney General*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**LEONARD HOWIE**  
*Deputy Attorney General*



**ANTHONY G. BROWN**  
*Attorney General*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*

**PETER V. BERNS**  
*General Counsel*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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(410) 576-7036

WRITER'S DIRECT DIAL NO  
(410) 576-6592

February 20, 2024

**TO:** The Honorable Marc Korman  
Chair, Environment and Transportation Committee

The Honorable C.T. Wilson  
Chair, Economic Matters Committee

**FROM:** Tiffany Johnson Clark  
Chief, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 24 – Environment – Impact of Environment Permits and State Agency Actions – **Support**

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The Office of Attorney General respectfully urges this Committee to report favorably on House Bill 24 -Environment - Impact of Environmental Permits and State Agency Actions. House Bill 24 provides an important enhancement to Maryland Department of the Environment's (MDE's) capacity, providing it with clear statutory authority to deny, amend, or condition permit decisions based upon MDE's assessment of environmental justice factors and related impacts to communities surrounding a permit applicant's facility, and to proactively involve those communities in its decisions.

Additionally, House Bill 24 will authorize MDE to charge a reasonable fee to support implementation of these new requirements. Finally, the bill requires the Maryland Department of Labor (MDL) to annually report on whether agency decisions support businesses that promote equitable labor and wage standards, as specified within the bill. House Bill 24 will address

potential climate impacts and effects on underserved and overburdened communities, seek environmental justice, and provide opportunity for the working people of Maryland.

House Bill 24 would create a quantifiable way to identify and protect overburdened communities, engage in meaningful communication, and prioritize them for investment. Equal treatment and respect for all of our neighborhoods and communities are long overdue.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on House Bill 24.

cc: Committee Members

# **HB\_24\_FAV\_LateTestimony\_LegislativeBlackCaucus**

Uploaded by: Ufoma O. Agarin

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

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February 21, 2024

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Delegate Kym Taylor, District 23  
Delegate Veronica Turner, District 26  
Delegate Jennifer White Holland, District 10  
Delegate Nicole A. Williams, District 22  
Delegate C.T. Wilson, District 28  
Delegate Greg Wims, District 39  
Delegate Caylin Young, District 45

Chairman William C. Smith, Jr.  
Environment & Transportation Cmte.  
251 House Office Building  
Annapolis, Maryland 21401

Dear Chairman Korman and Members of the Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for House Bill 24 - Environment – Impact of Environmental Permits and State Agency Actions, a bill mandating environmental justice evaluations by the Maryland Department of the Environment for communities that rank in the top 25<sup>th</sup> percentile regarding pollution in the state. The bill addresses pollution from various facilities across the state, including industrial facilities, landfills, incinerators, sewage treatment plants, and hazardous substance facilities. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

Environmental racism is an issue that impacts the livelihoods of Black Maryland residents, most notably their health. Often, Black people in Maryland are more likely to live in areas with worse water and air quality, in addition to a higher exposure to hazardous waste. For example, in the Lothian of Anne Arundel County, many residents live near wastewater treatment plants and mining sites, most of which are noncompliant with the Department of the Environment's operating permits. In Lothian, 20 percent of all people living within a 3-mile radius of the mining sites are Black.

This leads to adverse health outcomes for Black Maryland residents. Nationally, Black Americans are exposed to 56 percent more pollution than they produce, compared to only 17 percent less for their white counterparts. As a result, Black Americans experience higher risks of different health issues such as asthma, birth defects, cardiovascular disorders, and cancer. In Maryland specifically, Black residents are 3 times more likely to be exposed to air pollution compared to white residents. Additionally, Black Maryland residents are 1.1 times more likely to suffer from asthma and 2.3 times to die from the disease, even when factoring in air pollution exposure.

House Bill 24 will combat environmental racism in Maryland by mandating the Department of the Environment to evaluate facilities and whether they meet the MDE's regulations on environmental safety. This legislation will protect the health of all Black Maryland residents and eliminate their exposure to pollution across the state. For these reasons, the Legislative Black Caucus of Maryland supports House Bill 24 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland

# **HB24 testimony favorable w amendments.pdf**

Uploaded by: Alice Volpitta

Position: FWA



February 19, 2024

**Maryland Department of the Environment (MDE) Permitting Authority Bill (HB 24)**  
**Position: FAVORABLE WITH AMENDMENT**

Dear Chair Korman, Vice Chair Boyce, and members of the House Environment and Transportation Committee:

Blue Water Baltimore is a nonprofit organization with a mission to protect and restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. **We write today to submit this favorable with amendment testimony in support of HB 24.**

Blue Water Baltimore is home to the Baltimore Harbor Waterkeeper, and our licensed jurisdiction through the international Waterkeeper Alliance includes the entirety of the Patapsco and Back River watersheds. This means that we are uniquely positioned among environmental NGOs in the region to focus on the health and prosperity of these waterways, and the people who live, work, and recreate around them. Unfortunately, these are also two of the most polluted tributaries to the Chesapeake Bay, as evidenced from our routine water quality monitoring and assessments from the University of Maryland Center for Environmental Science<sup>1</sup>. Many of the longstanding challenges with water quality and failing water infrastructure in the Baltimore region are rooted in decades of inequitable infrastructure investments and environmental racism. Polluted streams and rivers are the manifestation of these systemic problems, and the people of Baltimore are being robbed of their inherent right to clean water every day.

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 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 left out of this process entirely. The Maryland Department of the Environment (MDE) Permitting Authority Bill is a small, but foundational, step in addressing environmental racism and injustice in Maryland. The bill would require MDE to screen certain pollution permits for their environmental justice impacts and authorize the agency to respond to those impacts in pollution permit decisions.

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 (permits included in section 1-601(a) of Maryland code).
- 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.

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<sup>1</sup> 2022 Chesapeake Bay Report Card. University of Maryland Center for Environmental Science.  
<https://ecoreportcard.org/report-cards/chesapeake-bay/watershed-health/>

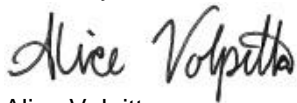
This legislation is needed to require the state to consider the real-world impacts that polluters have on the environment, health, climate, and well-being of Maryland families.

**Amendment Requested:** This bill will make a more meaningful impact if the list of covered permits included 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. Since the majority of indicators used to determine EJ scores are directly related to air pollution and its effects on human health, it makes logical sense to include Title V permits in the scope of this bill. Further, if Title V permits are not included and this bill passes as-is, the end result would be that MDE would necessarily reallocate its limited resources towards the monitoring and review of permits that regulate water pollution at the expense of air permits. This would be actively harmful to people living near sources of air pollution that carry these Title V permits, which are often located in the exact same EJ areas that this bill is focused on protecting.

Passing this legislation with the amendment to include Title V permits would 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."

**Blue Water Baltimore respectfully requests this committee issue a favorable with amendments report on HB24, including the amendment in this testimony to include Title V air emissions permits as covered permits in this legislation.**

Sincerely,



Alice Volpitta  
Baltimore Harbor Waterkeeper  
avolpitta@bluewaterbaltimore.org



# **HB 24 Testimony from the Center for Progressive Re**

Uploaded by: Bryan Dunning

Position: FWA



February 19, 2024

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

**Before the Maryland House of Representatives' Environment and Transportation  
Committee  
Regarding House Bill 24: Environment – Impact of Environmental Permits and State  
Agency Actions**

Dear Chair and Members of the House Environment and Transportation Committee:

Thank you for the opportunity to testify today on behalf of the Center for Progressive Reform (the Center) in support of HB00024 (HB 24). 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.

HB 24 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 with amendments** report on HB 24.

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.<sup>1</sup> 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

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<sup>1</sup> 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>.

<https://progressivereform.org>

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

As such, HB 24'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.<sup>2</sup>

HB 24 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.<sup>3</sup> 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 key means to give effect to Maryland's goal of advancing environmental justice in the state. The permits covered by HB 24 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.

HB 24 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, HB 24 will serve to meaningfully advance environmental justice outcomes in the state of Maryland.

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

<sup>3</sup> 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.

## **Proposed Amendment**

After reviewing HB 24, the Center recommends that the Committee consider adding an amendment that will strengthen MDE's ability to address air pollution in communities with an EJ score greater than 75. Specifically, the amendment should include language that grants MDE jurisdiction to conduct an EJ evaluation, and if merited, impose conditions to address EJ concerns, for permits issued under Part 70 of Title V of the Clean Air Act that are located in a census tract with an EJ score of greater than 75.

Although the permits covered by HB 24 grant MDE authority to conduct an environmental justice 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, HB 24 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 from the Maryland Public Service Commission. Inclusion of Title V permits as covered permits would increase MDE's ability to address these major sources of pollution.

Title V permits are required, broadly, for facilities that emit more than 100 tons of any air pollutant within a given year and represent the greatest contributors of air pollution by a given source in the state. Pollutants released from these facilities are associated with increased prevalence of asthma and other cardiovascular diseases, low birth weight, and the development of cancer in communities exposed to them.

Title V permits are also subject to renewal, and if included within the jurisdiction granted to MDE's covered permits in this bill, would allow MDE to conduct a meaningful evaluation of the environmental justice effects of these major sources of air pollution, as well as impose conditions to reduce the burden of environmental exposures from them.

Inclusion of Title V permits in this bill aligns with Maryland's goal of advancing environmental justice in the state by providing a means for MDE to evaluate some of the largest ongoing sources of pollution in disparately impacted communities.

## **Conclusion**

HB 24 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 HB 24. The Center respectfully requests that the Committee issue a favorable with amendments report on HB 24, including Title V air emissions permits as covered permits in this legislation.

# **HB0024\_Environmental Permits Testimony Favorable.p**

Uploaded by: Dave Arndt

Position: FWA

**Committee:** Environment and Transportation  
**Testimony on:** HB0024 - Environment - Impact of Environmental Permits and State Agency Actions  
**Submitting:** Christine Pendzich  
**Position:** Favorable with Amendments  
**Hearing Date:** February 21, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of HB0024. My name is Dave Arndt, a Baltimore resident, a chemical engineer, a former Marketing Director for BP Solar in Frederick MD, retiree of the National Institutes of Health.

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. HB0024 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.

I welcome the new requirement for the MDE to screen Section 1-601(a) permits for environmental justice considerations. I also very much appreciate 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.

I also welcome 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.

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, coal piles, roadways and 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, I urge you to broaden the list of the permits covered by HB0024. 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 I request that you to vote FAVORABLE WITH AMENDMENTS on the bill.

Thank you,

Dave Arndt

**hb24.pdf**

Uploaded by: Gwen DuBois

Position: FWA





Committee: Environment and Transportation

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

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Chesapeake Physicians for Social Responsibility (CPSR) supports HB24, **but strongly advocates that it be amended to include important air pollution permits**. HB24 would allow MDE to consider environmental justice scores when issuing permits for certain sources of environmental pollution. However, CPSR strongly believes that this bill should have an amendment to include the crucially important addition of sources of ambient (outdoor) air pollution. Exposure to outdoor air pollution accounts for more than 50% of deaths from environmental causes worldwide.

Chesapeake Physicians for Social Responsibility is the statewide affiliate of Physicians for Social Responsibility. With our 900 supporters, our mission is to address the greatest public health threats of all: nuclear war and climate change, but we are also committed locally to addressing environmental injustice and health disparities. CPSR members/leadership have a history of working to support community-led efforts to reduce exposure in Baltimore's Curtis Bay neighborhood, which has the highest EJ score in Maryland, and believes that residents of impacted communities like Curtis Bay would strongly advocate for this amendment.

### **Health outcomes associated with air pollution exposure**

Air pollution exposure is associated with multiple adverse outcomes, including asthma emergency events, myocardial infarction, and low birth weight, three outcomes that are used in calculating the EJ scores.

The chronic exposure to ambient (outdoor) particulates that are 2.5 microns or smaller in diameter (PM<sub>2.5</sub>) and ozone are associated with reduced life-expectancy, loss of healthy life years and excess mortality from cardiovascular, and respiratory diseases. Exposure to ambient PM<sub>2.5</sub> has been associated with adverse birth outcomes, diabetes, neurological diseases, and cancers, especially lung cancer. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9828848/>

Long term exposure to PM<sub>2.5</sub> and ozone have also been associated with increased risk of heart attacks and hospitalizations for strokes. <https://pubmed.ncbi.nlm.nih.gov/34478722/>

Short term and long-term exposure to particulate matter and nitrogen oxides have been associated with increased risk of death from heart attacks. Short-term exposure to PM<sub>2.5</sub> has been associated with an increased risk of strokes.

<https://www.ahajournals.org/doi/pdf/10.1161/STROKEAHA.116.015303>

Increase in COVID-19 mortality has been linked to exposure to PM2.5.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8553633/>

### **Equity and exposures:**

The American Heart Association identified air pollution as causing an increased risk of cardiovascular disease in minority and low-income communities because they are disproportionately exposed to higher concentrations of ambient air pollution.

<https://doi.org/10.1161/CIR.0000000000000930>

Exposure to air pollution, specifically PM2.5 and ozone during the end of pregnancy are associated with premature birth and with low birthweight especially in women with asthma and black women. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260>

Air pollution, specifically PM2.5 and ozone are important risk factors for worsening of asthma and lung function especially in children living in urban areas and this is independent of viral infections. [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(22\)00302-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(22)00302-3/fulltext)

Children, elderly and those with underlying heart and lung diseases most susceptible to the acute effects of PM 2.5. <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>.

Short term exposure to PM2.5 associated with increase in hospital admissions for Medicare population with many different illnesses. <https://www.bmj.com/content/367/bmj.l6258>

### **What is Particulate Matter**

Particulate matter (PM) describes microscopic particles and liquids dispersed in an aerosol that are small enough to be airborne, and for humans to inhale. PM2.5 includes particles 2.5 microns or smaller, 1/20-1/30 the diameter of a strand of hair. The smallest particles are the most dangerous because they evade normal body defense mechanisms like mucous and cough and can get deep into lungs. even cross into the blood stream and get carried around the rest of the body. Some evidence in animals suggest some PM2.5 particles in the nose can travel up the olfactory nerve into the front of the brain, possibly linking them to degenerative brain illnesses like Alzheimer's and Parkinson's. (Alan. Lockwood, The Silent Epidemic MIT Press)

PM2.5 are like toxic delivery vehicles delivering their dangerous passengers including: lead, mercury, arsenic, organic chemicals, and viruses: and once into our bodies, they can cause harm. The more PM2.5 in the air, the more we breath in and the more we are exposed to their harmful effects. In 2013 an article from MIT reported that of 20 major cities, Baltimore was #1 in highest total mortality rate attributable to PM2.5: about 130 early deaths per year per 100,000 inhabitants. [https://www.precaution.org/lib/air\\_poll\\_kills\\_200000\\_per\\_yr\\_2013.pdf](https://www.precaution.org/lib/air_poll_kills_200000_per_yr_2013.pdf) .

### **Local communities**

Curtis Bay currently has the highest EJ score in Maryland, identifying it as the community experiencing the greatest combined burden from pollution. Without this important amendment, much of the pollution plaguing neighborhoods like Curtis Bay will continue. This bill will be stronger if those most impacted, with groups like "Free Your Voice" and "South Baltimore

Community Land Trust,” that have been working tirelessly for environmental justice for their community, could have a voice which surely would be a plea to include consideration of environmental justice scores when permitting sources of ambient air pollution.

This bill, which defines exposed communities according to environmental justice indices, demographic indices, National Air Toxics Data and assessment tools, should be amended to cover new permits for Title V stationary sources of outdoor air pollution so that its impact will make a difference in reducing heart attacks, strokes, asthma attacks and lung cancer, in communities that have previously been subjected to the highest burden of air pollutants. This will save lives especially in those neglected neighborhoods where pollution makes children and adults sick and shortens their lives.

**Chesapeake Physicians for Social Responsibility supports HB0024 with an amendment that includes Title V sources of ambient air pollution.**

Gwen L. DuBois MD, MPH President Chesapeake Physicians for Social Responsibility  
[gdubois@jhsph.edu](mailto:gdubois@jhsph.edu)

# **HB 24 Environment - Impact of Environmental Permit**

Uploaded by: Humna Sharif

Position: FWA

**Wednesday, February 21, 2024**

**TO:** Marc Korman, Chair of the House Environment and Transportation Committee; C. T. Wilson, Chair of the House Economic Matters 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 HB 24 Environment - Impact of Environmental Permits and State Agency Actions

The Nature Conservancy (TNC) supports with amendments HB 24 offered by Vice Chair Boyce. 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.

HB 24 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 HB 24.

HB 24 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 HB 24 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 HB 24 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 HB 24 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 Vice Chair Boyce for introducing this bill. HB 24 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 HB 24.**

# **HB0024 Testimony - IPC Final.pdf**

Uploaded by: Jodi Rose

Position: FWA



*Forming Faithful Stewards,  
Caring for Sacred Waters*

PO Box 6791  
Annapolis, MD 21401

February 21, 2024

Chairman Marc Korman and Members of the Environment and Transportation Committee  
House Office Building  
6 Bladen St.  
Annapolis, MD 21401

**House Bill 24 – Impact of Environmental Permits and State Agency Actions**

Position: **FAVORABLE WITH AMENDMENT**

Dear Chairman Korman 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 (House Bill 24).

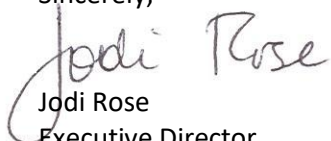
**All people need clean air, clean water, and unpolluted soil to thrive and grow as part of society.** Living next to pollution can affect your health, your ability to think, and reduce your life expectancy. According to the nonprofit CASA, many of the most polluted zip codes are also where immigrants, 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. **House Bill 24 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 House Bill 24 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. House Bill 24 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, House Bill 24 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 Environment and Transportation 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 HB 24 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, 2<sup>nd</sup> Floor

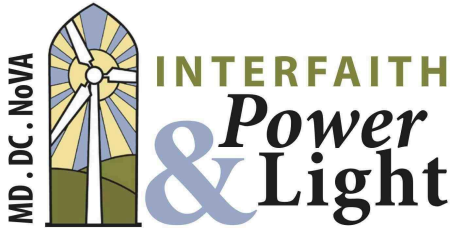
Annapolis, MD 21401



# **IPL-DMV Written Testimony for HB 24.docx.pdf**

Uploaded by: Joelle Novey

Position: FWA



**Testimony Supporting HB 24  
House Environment & Transportation Committee  
February 21, 2024**

**Position:** Favorable with amendment.

Dear Chair Korman, Vice Chair Boyce, 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.

We are writing this testimony to urge a favorable report with amendment on HB 24, the Maryland Department of the Environment Permitting Authority bill.

**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.

**This bill would require MDE to conduct an environmental justice evaluation for covered permits in "covered communities".** Covered communities include any census tract with an Environmental Justice (EJ) score **above 75**. A score this high reflects a community is in the top quarter of the state for four key indicators: pollution burden exposure, pollution burden environmental effects, sensitive population, and sociodemographic data. Communities scoring in this range face the greatest health and wealth disparities compared to the rest of the state. The covered permits include a subset of new and/or renewal pollution permits for some of Maryland's biggest industrial polluters.

**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 borne by 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.

**Passing this legislation would 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.”

**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 HB 24, including the amendment in this testimony to include Title V air emissions permits as covered permits in this legislation.**

# **HB0024\_Environmental Permits\_Environ Transp\_CJW FA**

Uploaded by: Laurie McGilvray

Position: FWA



**Committee:** Environment and Transportation  
**Testimony on:** HB0024 - 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:** February 21, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of HB0024. 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 HB0024.

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. HB0024 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 HB0024. 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 the bill.

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

# **HB 24 MDE SWA.pdf**

Uploaded by: Les Knapp

Position: FWA





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

***House Bill 24***

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

**Position:** Support with Amendments  
**Committee:** Environment and Transportation and Economic Matters  
**Date:** February 21, 2024  
**From:** Leslie Knapp, Jr.

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The Maryland Department of the Environment (MDE) **SUPPORTS HB 24 WITH AMENDMENTS** being offered by the bill sponsor.

**Bill Summary**

House Bill 24, 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. House Bill 24 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 HB 24.

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

# **MBIA Letter Support with Amendment HB24.pdf**

Uploaded by: Lori Graf

Position: FWA

February 20, 2024

The Honorable Marc Korman  
Chairman, House Environment & Transportation Committee  
Room 251 House Office Building  
Annapolis, Maryland 21401

**RE: SB24 Environment- Impact of Environmental Permits and State Agency Actions**

Dear Chairman Korman,

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 24 Environment & Transportation Committee. 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 recommend exempting air quality permits (other than the largest permits), stormwater permits and general permits- see below.

On page 5, in line 10, after "(E) and before PERMIT", insert: "Except as provided in 1-7A-01 (G)"

On page 5, after line 12, insert: "this subtitle does not apply to:

- (1) Air Quality permits to construct other than those subject to 2-404 (C) of this Article;
- (2) Permits to discharge stormwater issued pursuant to section 9-323 of this Article; and
- (3) General permits issued for construction of non-industrial facilities

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the House Environment and Transportation Committee

**HB24\_MDSierraClub\_swa 21February2024.pdf**

Uploaded by: Mariah Shriner

Position: FWA



P.O. Box 278  
Riverdale, MD 20738

**Committee:** Environment and Transportation  
**Testimony on:** HB 24 – “Environment – Impact of Environmental Permits and State Agency Actions”  
**Position:** Support with Amendments  
**Hearing Date:** February 21, 2024

The Maryland Chapter of the Sierra Club supports HB 24, 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.<sup>1</sup>

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 HB 24 with the Title V permits amendment.

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<sup>1</sup> 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. [https://mde.maryland.gov/Environmental\\_Justice/Pages/EJ-Screening-Tool.aspx](https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx)

Paula Posas  
Deputy Director  
Paula.Posas@mdsierra.org

Josh Tulkin  
Chapter Director  
Josh.Tulkin@mdsierra.org

# **HB 24 February 21 FWA\_Health Professionals for a H**

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

Position: FWA

**February 21, 2024**

**Favorable with Amendment: HB 24 - 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 HB 24 - Impact of Environmental Permits and State Agency Actions - with an amendment to address air pollution permits, and we thank Vice Chair Boyce for her 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.<sup>1,2</sup> As a result, it is imperative that we include Title V "permits to operate" in any EJ analysis requirement.

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<sup>1</sup> 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>

<sup>2</sup> Centers for Disease Control and Prevention. (2014, March 25). Nitrogen Oxides | ToxFAQs™ | ATSDR. CDC. Retrieved February 16, 2024, from <https://wwwn.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."<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> Short term exposure to particulate matter and nitrogen oxides have been associated with increased risk of death from heart attacks.<sup>7</sup> 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.<sup>8</sup>

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<sup>3</sup>National 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#>

<sup>4</sup>National 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](https://www.cdc.gov/climateandhealth/effects/air_pollution.htm)

<sup>5</sup>American 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>

<sup>6</sup>Olanayan, 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>

<sup>7</sup>Liu, 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>

<sup>8</sup>Turner, 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>



We support HB 24 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 40% 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.

**HB 24 - CBF - FWA.pdf**

Uploaded by: Matt Stegman

Position: FWA



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## House Bill 24

Environment – Impact of Environmental Permits and State Agency Actions

Date: February 21, 2024	Position: <b>Favorable with Amendment</b>
To: Environment and Transportation Committee Economic Matters Committee	From: Gussie Maguire Maryland Staff Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** HB 24, 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 tracts<sup>1</sup>. 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 limits<sup>2</sup>.

HB 24 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.

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

<sup>2</sup> <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 HB 24, 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](mailto:mstegman@cbf.org).

# **HB 24 MDE Permitting Maryland LCV Fact Sheet One P**

Uploaded by: Rebecca Rehr

Position: FWA



# 2024 Legislative Priority

## MDE Permitting Authority

HB 0024 / SB 0096

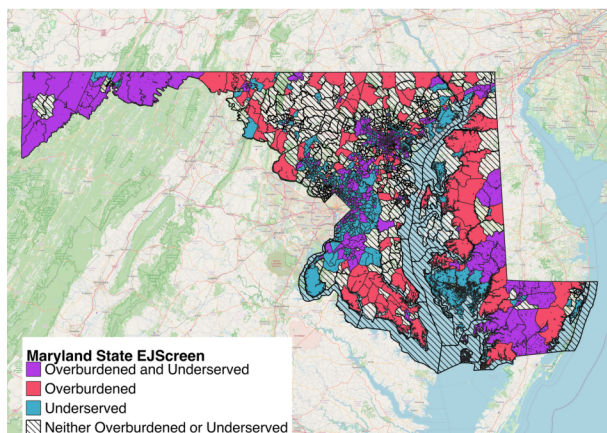
Maryland LCV Position: **Favorable with Amendments**

### BACKGROUND

The 2022 Climate Solutions Now Act enhanced Maryland's ability to address environmental injustice by defining "overburdened" and "underserved" communities within state law. However, Maryland's existing laws and permitting practices have fallen short of embedding this information in its decision-making, so we have not seen progress addressing inequitable pollution distribution. HB 24/SB 96 authorizes the Maryland Department of the Environment (MDE) to consider environmental justice (EJ) in its permitting process, using tools like the MDE EJ Screen mapping tool for better-informed decisions.

- Current permitting practices are insufficient to prevent new pollution or mitigate harm from current pollution sources in the most overburdened communities in Maryland.
- This bill requires MDE to conduct an EJ analysis on permits submitted in communities with an EJ score above 75, which are the communities who have the highest pollution burden and the largest barriers to access resources. It also enables MDE to use the information from the EJ analysis to inform its permit decision. 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.
- Maryland LCV supports an amendment to add Title 5 air permits to the list of covered permits in this bill, which are the most relevant to pollution sources in overburdened communities and for people's health.

Strengthening Maryland's commitment to environmental justice by embedding equity in MDE's permitting process and prioritizing pollution sources most harmful to human health.



**Overburdened and Underserved Communities in Maryland**

### WHAT THIS MDE PERMITTING BILL WILL DO WITH AMENDMENTS

- Enables MDE to make decisions using EJ tools it has developed.
- Builds on definitions from the Climate Solutions Now Act to prevent inequitable pollution distribution.
- Expands the list of permits requiring an environmental justice analysis, ensuring meaningful coverage for overburdened communities.

### WHY IT'S IMPORTANT FOR MARYLAND

As our state addresses current climate and justice crises, it is vital for Maryland to ensure that its environmental policies and practices are equitable, protecting all communities from the disproportionate impact of pollution. By enhancing the MDE's permitting authority, Maryland can lead by example in creating a greener, more just state for current and future generations.

The Maryland League of Conservation Voters educates and activates people to take equitable and just political actions for clean water, healthy air and climate-resilient communities.

[www.MDLCV.org](http://www.MDLCV.org)

# **HB 24 MDLCV Favorable with Amendment - Environment**

Uploaded by: Rebecca Rehr

Position: FWA





February 21, 2024

Kim Coble  
Executive Director

2024 Board of  
Directors

Lynn Heller, Chair  
The Hon. Nancy Kopp,  
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The Hon. Steve Lafferty  
Patrick Miller  
Bonnie L. Norman  
Katherine (Kitty)  
Thomas

**Favorable with Amendment: HB 24 - 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 HB 24 - Environment - Impact of Environmental Permits and State Agency Actions with an amendment pertaining to the definition of covered permits in the bill. We thank Delegate Boyce for introducing this bill and for her ongoing leadership on this issue.

With the sponsor amendments being introduced today, HB 24 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."

HB 24 is enabling legislation and gives MDE the authority to approve, 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 approve or place conditions for a permit renewal of an existing permit. 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 already 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 include pollution sources that most impact communities with EJ concerns, namely air pollution permits to operate (Title V, or section 70, permits).

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 HB 24, and as written, HB 24 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 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 already requires permit applicants to include an EJ score in §1-601(a) permit applications so MDE will already have that information in 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 HB 24, 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 add Title V permits to operate to the permits 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*

**MDE Permitting\_HB 24\_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.<sup>1</sup>

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.<sup>2</sup> Communities burdened by multiple environmental hazards also experience exacerbated socioeconomic disparities, evidenced by owner-occupied housing values 40% less than the state average.<sup>3</sup>

### 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

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

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

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

<sup>3</sup> [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.<sup>4,5</sup> 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%

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

<sup>5</sup> <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 ( $\geq 75$ 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 ( $\geq 75$ 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 ( $\geq 75$ 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 ( $\geq 75$ 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 ( $\geq$ 75th [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 ( $\geq$ 75th [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 ( $\geq$ 75th [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 ( $\geq 75$ 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 ( $\geq 75$ 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.

**(SPONSOR AMENDMENTS) HB24FinalReprint.pdf**

Uploaded by: Regina T. Boyce

Position: FWA



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HOUSE BILL 24

M3  
HB 840/23 - ENT & ECM

(PRE-FILED)

4lr0810  
CF SB 96

By: **Delegate Boyce**

Requested: October 3, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 ~~Environment - Impact of Environmental Permits and State Agency Actions~~ Department of the  
3 Environment - Environmental Justice Evaluation of Environmental Permit Applications

4 FOR the purpose of requiring the Department of the Environment to ~~conduct a certain~~  
5 ~~evaluation regarding the impact of issuing an approval for certain environmental~~  
6 ~~permits; requiring the Department to provide opportunities for certain~~  
7 ~~communication with certain residents in a certain manner; requiring the~~  
8 ~~Department to deposit certain money in certain funds under certain circumstances;~~  
9 ~~altering certain reporting requirements for certain State agencies; and generally~~  
10 ~~relating to the impact of actions on climate and environmental justice and equity;~~ perform a  
11 certain environmental justice evaluation of certain environmental permit applications under certain  
12 circumstances; authorizing the Department to take certain actions on certain environmental permit  
13 applications based on certain findings to address environmental justice concerns; requiring the  
14 Department to maintain a publicly accessible website, part of a website, or application that identifies  
15 pending permit applications in a certain manner; authorizing the Department to charge a certain fee to  
16 cover certain costs; and generally relating to environmental justice and environmental permits.

17 BY repealing and reenacting, without amendments,

18 Article - Environment

19 ~~Section 1-601(a), 1-701(a)(1), (5), (7), and (8), 1-702(b), 2-107(a), and 7-218~~ Section 1-601(a),  
20 1-601.1, and 1-701(a)(1) and (5)

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2023 Supplement)

23 ~~BY repealing and reenacting, with amendments,~~

24 ~~Article - Environment~~

25 ~~Section 1-702(a), 2-107(b), 2-1305, and 7-219~~

26 ~~Annotated Code of Maryland~~

27 ~~(2013 Replacement Volume and 2023 Supplement)~~

28 BY adding to

29 Article - Environment

30 Section 1-7A-01 through 1-7A-05 to be under the new subtitle "Subtitle 7A. ~~Impact~~

31 ~~of Environmental Permits on Climate and Environmental Equity~~ Environmental Justice  
32 Evaluation of Environmental Permit Applications "

33 Annotated Code of Maryland

34 (2013 Replacement Volume and 2023 Supplement)

35 ~~BY repealing and reenacting, without amendments,~~

## 2 UNOFFICIAL COPY OF HOUSE BILL 24

1 ~~Article - Environment~~  
 2 ~~Section 9-320(a)~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2014 Replacement Volume and 2023 Supplement)~~

5 ~~BY repealing and reenacting, with amendments,~~  
 6 ~~Article - Environment~~  
 7 ~~Section 9-320(b)~~  
 8 ~~Annotated Code of Maryland~~  
 9 ~~(2014 Replacement Volume and 2023 Supplement)~~

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 11 That the Laws of Maryland read as follows:

12 **Article - Environment**

13 1-601.

14 (a) Permits issued by the Department under the following sections shall be issued  
 15 in accordance with this subtitle:

16 (1) Air quality control permits to construct subject to § 2-404 of this article;

17 (2) Permits to install, materially alter, or materially extend landfill  
 18 systems, incinerators for public use, or rubble landfills subject to § 9-209 of this article;

19 (3) Permits to discharge pollutants to waters of the State issued pursuant  
 20 to § 9-323 of this article;

21 (4) Permits to install, materially alter, or materially extend a structure  
 22 used for storage or distribution of any type of sewage sludge issued, renewed, or amended  
 23 pursuant to § 9-234.1 or § 9-238 of this article;

24 (5) Permits to own, operate, establish, or maintain a controlled hazardous  
 25 substance facility issued pursuant to § 7-232 of this article;

26 (6) Permits to own, operate, or maintain a hazardous material facility  
 27 issued pursuant to § 7-103 of this article;

28 (7) Permits to own, operate, establish, or maintain a low-level nuclear  
 29 waste facility issued pursuant to § 7-233 of this article; and

30 (8) Potable reuse permits issued in accordance with § 9-303.2 of this  
 31 article.

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.

32 1-701.

3

**UNOFFICIAL COPY OF HOUSE BILL 24**

1 (a) (1) In this section the following words have the meanings indicated.

2 (5) "Environmental justice" means equal protection from environmental  
 3 and public health hazards for all people regardless of race, income, culture, and social  
 4 status.

5 ~~(7) "Overburdened community" means any census tract for which three or~~  
 6 ~~more of the following environmental health indicators are above the 75th percentile~~  
 7 ~~statewide:~~

- 8 (i) ~~Particulate matter (PM) 2.5;~~
- 9 (ii) ~~Ozone;~~
- 10 (iii) ~~National Air Toxics Assessment (NATA) diesel PM;~~
- 11 (iv) ~~NATA cancer risk;~~
- 12 (v) ~~NATA respiratory hazard index;~~
- 13 (vi) ~~Traffic proximity;~~
- 14 (vii) ~~Lead paint indicator;~~
- 15 (viii) ~~National Priorities List Superfund site proximity;~~
- 16 (ix) ~~Risk Management Plan facility proximity;~~
- 17 (x) ~~Hazardous waste proximity;~~
- 18 (xi) ~~Wastewater discharge indicator;~~
- 19 (xii) ~~Proximity to a Concentrated Animal Feeding Operation (CAFO);~~
- 20 (xiii) ~~Percent of the population lacking broadband coverage;~~
- 21 (xiv) ~~Asthma emergency room discharges;~~
- 22 (xv) ~~Myocardial infarction discharges;~~
- 23 (xvi) ~~Low birth weight infants;~~
- 24 (xvii) ~~Proximity to emitting power plants;~~
- 25 (xviii) ~~Proximity to a Toxic Release Inventory (TRI) facility;~~
- 26 (xix) ~~Proximity to a brownfields site;~~

4

## UNOFFICIAL COPY OF HOUSE BILL 24

1 ~~(xx) Proximity to mining operations; and~~

2 ~~(xxi) Proximity to a hazardous waste landfill.~~

3 ~~(8) "Underserved community" means any census tract in which, according~~  
 4 ~~to the most recent U.S. Census Bureau Survey;~~

5 ~~(i) At least 25% of the residents qualify as low-income;~~

6 ~~(ii) At least 50% of the residents identify as nonwhite; or~~

7 ~~(iii) At least 15% of the residents have limited English proficiency.~~

8 ~~1-702.~~

9 ~~(a) On or before December 31, [2023] 2024, the Department, in consultation with~~  
 10 ~~the Commission on Environmental Justice and Sustainable Communities, shall:~~

11 ~~(1) Subject to subsection (b) of this section, adopt a methodology for~~  
 12 ~~identifying communities disproportionately affected by climate impacts;~~

13 ~~(2) Develop specific strategies to address geographical impact concerns,~~  
 14 ~~reduce emissions of greenhouse gases and co-pollutants, and build climate equity and~~  
 15 ~~resilience within communities disproportionately affected by climate impacts;~~

16 ~~(3) Set appropriate goals for the percentage of State funding for greenhouse~~  
 17 ~~gas emission reduction measures that should be used for the benefit of disproportionately~~  
 18 ~~affected communities; and~~

19 ~~(4) Report to the Maryland Commission on Climate Change and, in~~  
 20 ~~accordance with § 2-1257 of the State Government Article, the General Assembly on the~~  
 21 ~~policies and programs developed under this subsection.~~

22 ~~(b) In evaluating methodologies under subsection (a)(1) of this section, the~~  
 23 ~~Department shall, at a minimum, include:~~

24 ~~(1) Underserved communities;~~

25 ~~(2) Overburdened communities; and~~

26 ~~(3) Areas that are vulnerable to climate impacts, such as flooding, storm~~  
 27 ~~surges, and urban heat island effects, due to low levels of tree coverage, high levels of~~  
 28 ~~impervious surfaces, or other factors.~~

29 **SUBTITLE 7A. IMPACT OF ENVIRONMENTAL PERMITS ON CLIMATE AND**  
 30 **ENVIRONMENTAL EQUITY ENVIRONMENTAL JUSTICE EVALUATION OF**  
**ENVIRONMENTAL PERMIT APPLICATIONS.**

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## 1 1-7A-01.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "APPLICANT" MEANS A PERSON APPLYING FOR A PERMIT LISTED  
5 UNDER § 1-601(A) OF THIS TITLE.

6 (C) "ENVIRONMENTAL JUSTICE" HAS THE MEANING STATED IN § 1-701 OF  
7 THIS TITLE.

8 (D) ~~"OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1-701~~  
9 ~~OF THIS TITLE.~~

10 ~~(E)~~ "PERMIT" MEANS A PERMIT LISTED UNDER § 1-601(A) OF THIS TITLE.

11 ~~(F)~~ ~~"UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF~~  
12 ~~THIS TITLE.~~

## 13 1-7A-02.

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

14 ~~(A)~~ ~~(1)~~ (B) IF, AFTER REVIEWING AN EJ SCORE IN ACCORDANCE WITH §  
15 1-601.1(B) OF THIS TITLE, THE DEPARTMENT DETERMINES THAT ~~ISSUING AN~~  
16 ~~APPROVAL FOR A NEW PERMIT MAY IMPACT AN UNDERSERVED COMMUNITY OR~~  
17 ~~AN OVERBURDENED COMMUNITY, THE DEPARTMENT SHALL CONDUCT A CLIMATE~~  
18 ~~AND ENVIRONMENTAL EQUITY EVALUATION OF THE PERMIT~~ THE EJ SCORE IS ABOVE THE 75TH PERCENTILE  
STATEWIDE, THE DEPARTMENT SHALL PERFORM AN ADDITIONAL ENVIRONMENTAL JUSTICE EVALUATION OF THE  
PERMIT  
APPLICATION.

19 ~~(2)~~ ~~THE CLIMATE AND ENVIRONMENTAL EQUITY EVALUATION~~  
20 ~~REQUIRED UNDER THIS SECTION SHALL INCLUDE AN ANALYSIS OF:~~

21 ~~(i)~~ ~~EXISTING ENVIRONMENTAL AND CLIMATE DATA REGARDING~~  
22 ~~THE AFFECTED COMMUNITY, INCLUDING MONITORING, MODELING, OR ANY OTHER~~  
23 ~~DATA DEEMED APPROPRIATE;~~

24 ~~(ii)~~ ~~THE APPLICANT FACILITY'S COMPLIANCE RECORD; AND~~

25 ~~(iii)~~ ~~POTENTIAL METHODS TO MINIMIZE OR MITIGATE POTENTIAL~~  
26 ~~ADVERSE EFFECTS IN THE AFFECTED COMMUNITY.~~

27 ~~(B)~~ IN ADDITION TO THE EVALUATION REQUIRED UNDER SUBSECTION (A) OF  
28 THIS SECTION, THE DEPARTMENT, IN COORDINATION WITH THE MARYLAND  
29 DEPARTMENT OF HEALTH, MAY CONDUCT A HEALTH IMPACT ASSESSMENT OF THE

6

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1 ~~PERMIT.~~

2 ~~(c) (1) IN CONDUCTING A CLIMATE AND EQUITY EVALUATION OR A HEALTH~~  
 3 ~~IMPACT ASSESSMENT IN ACCORDANCE WITH THIS SECTION, THE DEPARTMENT MAY~~  
 4 ~~CONSIDER CUMULATIVE IMPACTS, AS DEFINED IN THE U.S. ENVIRONMENTAL~~  
 5 ~~PROTECTION AGENCY'S REPORT ON CUMULATIVE IMPACTS RESEARCH;~~  
 6 ~~RECOMMENDATIONS FOR EPA'S OFFICE OF RESEARCH AND DEVELOPMENT.~~

7 ~~(2) THE DEPARTMENT SHALL COMPLETE A CLIMATE AND EQUITY~~  
 8 ~~EVALUATION AND, IF APPLICABLE, A HEALTH IMPACT ASSESSMENT WITHIN 60 DAYS~~  
 9 ~~AFTER MAKING A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION THAT~~  
 10 ~~ISSUING AN APPROVAL FOR A NEW PERMIT MAY IMPACT AN UNDERSERVED~~  
 11 ~~COMMUNITY OR AN OVERBURDENED COMMUNITY.~~

(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.

12 1-7A-03.

13 ~~(A) THE DEPARTMENT SHALL REGULARLY PROVIDE OPPORTUNITIES FOR~~  
 14 ~~RESIDENTS OF THE STATE TO OPT IN TO TEXT, PHONE, E MAIL, OR REGULAR MAIL~~  
 15 ~~NOTIFICATIONS REGARDING ANY FACILITY WITH A PENDING OR FINAL PERMIT~~  
 16 ~~APPROVAL IN OR ADJACENT TO THE RESIDENT'S CENSUS TRACT MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE,~~  
PART OF A WEBSITE, OR APPLICATION THAT IDENTIFIES PENDING PERMIT APPLICATIONS WITH SPECIFIC CENSUS  
TRACTS.

17 ~~(B) (1) IF AN APPLICANT IS APPLYING FOR MORE THAN ONE PERMIT FOR~~  
 18 ~~THE SAME FACILITY, THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS~~  
 19 ~~UNDER § 1-7A-02 OF THIS SUBTITLE ONLY UNLESS THE DEPARTMENT~~  
 20 ~~DETERMINES THAT MORE THAN ONE EVALUATION IS NECESSARY DUE TO THE~~  
 21 ~~COMPLEXITY OF THE APPLICATIONS.~~

22 ~~(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED~~  
 23 ~~TO LIMIT THE AUTHORITY OF THE DEPARTMENT TO HOLD OR REQUIRE ADDITIONAL~~  
 24 ~~PUBLIC HEARINGS FOR A PERMIT.~~

25 ~~(c) THE DEPARTMENT MAY DENY OR ALTER A DECISION OR AMEND THE~~  
 26 ~~CONDITIONS UNDER A PENDING PERMIT BASED ON THE DEPARTMENT'S FINDINGS~~  
 27 ~~UNDER THIS SUBTITLE.~~

28 1-7A-04.

29 ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IN ADDITION TO ANY~~  
 30 ~~OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE DEPARTMENT MAY CHARGE~~  
 31 ~~A REASONABLE FEE TO COVER THE DEPARTMENT'S COSTS ASSOCIATED WITH THE~~  
 32 ~~IMPLEMENTATION OF THIS SUBTITLE, INCLUDING COSTS TO PROVIDE TECHNICAL~~  
 33 ~~ASSISTANCE TO PERMIT APPLICANTS AND RESIDENTS OF RELEVANT CENSUS~~  
 34 ~~TRACTS AS NEEDED TO COMPLY WITH THIS SUBTITLE.~~

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1 ~~(b) THE DEPARTMENT SHALL DEPOSIT ANY MONEY FROM FEES THAT~~  
 2 ~~REMAINS AFTER COVERING COSTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS~~  
 3 ~~SECTION INTO:~~

- 4 ~~(1) THE MARYLAND CLEAN WATER FUND;~~  
 5 ~~(2) THE MARYLAND CLEAN AIR FUND; OR~~  
 6 ~~(3) THE STATE HAZARDOUS SUBSTANCE CONTROL FUND~~

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

7 1-7A-05.

8 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
 9 SUBTITLE.

10 ~~2-107.~~

11 ~~(a) There is a Maryland Clean Air Fund.~~

12 ~~(b) (1) Except as provided in § 2-1002(g) of this title, all application fees,~~  
 13 ~~permit fees, renewal fees, and funds collected by the Department under this title, Title 6,~~  
 14 ~~Subtitle 4 of this article, or received from the Maryland Strategic Energy Investment Fund~~  
 15 ~~under § 9-20B-05(g)(2)(iii) of the State Government Article, including any civil or~~  
 16 ~~administrative penalty or any fine imposed by a court under these provisions, shall be paid~~  
 17 ~~into the Maryland Clean Air Fund.~~

18 ~~(2) THE MARYLAND CLEAN AIR FUND MAY RECEIVE MONEY IN~~  
 19 ~~ACCORDANCE WITH § 1-7A-04(B) OF THIS ARTICLE.~~

20 ~~2-1305.~~

21 ~~(a) (1) Each State agency shall review its planning, regulatory, and fiscal~~  
 22 ~~programs to identify and recommend actions to more fully integrate the consideration of~~  
 23 ~~Maryland's greenhouse gas reduction goal and the impacts of climate change.~~

24 ~~(2) The review shall include the consideration of:~~

- 25 ~~(i) Sea level rise;~~  
 26 ~~(ii) Storm surges and flooding;~~  
 27 ~~(iii) Increased precipitation and temperature; [and]~~  
 28 ~~(iv) Extreme weather events; AND~~

8

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1 ~~(v) WHETHER AGENCY DECISIONS CONTRIBUTE TO LOCAL~~  
 2 ~~DETERIORATION OF PUBLIC HEALTH OR INCREASES IN POLLUTION ASSOCIATED~~  
 3 ~~WITH HEALTH AND ENVIRONMENTAL BURDENS FOR UNDERSERVED AND~~  
 4 ~~OVERBURDENED COMMUNITIES.~~

5 ~~(b) Each State agency shall identify and recommend specific policy, planning,~~  
 6 ~~regulatory, and fiscal changes to existing programs that do not currently support the State's~~  
 7 ~~greenhouse gas reduction efforts or address climate change.~~

8 ~~(c) (1) [The] ON OR BEFORE DECEMBER 1 EACH YEAR, THE~~ following State  
 9 ~~agencies shall report [annually] on the status of programs that support the State's~~  
 10 ~~greenhouse gas reduction efforts or address climate change TO THE GENERAL~~  
 11 ~~ASSEMBLY, in accordance with § 2-1257 of the State Government Article, AND to the~~  
 12 ~~Commission and the Governor.~~

13 ~~(i) The Department;~~

14 ~~(ii) The Department of Agriculture;~~

15 ~~(iii) The Department of General Services;~~

16 ~~(iv) The Department of Housing and Community Development;~~

17 ~~(v) The Department of Natural Resources;~~

18 ~~(vi) The Department of Planning;~~

19 ~~(vii) The Department of Transportation;~~

20 ~~(viii) The Maryland Energy Administration;~~

21 ~~(ix) The Maryland Insurance Administration;~~

22 ~~(x) The Public Service Commission; and~~

23 ~~(xi) The University of Maryland Center for Environmental Science.~~

24 ~~(2) The report required [in] UNDER paragraph (1) of this subsection shall~~  
 25 ~~include THE FOLLOWING INFORMATION RELATING TO THE WORK OF EACH STATE~~  
 26 ~~AGENCY FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD:~~

27 ~~(i) Program descriptions and objectives;~~

28 ~~(ii) Implementation milestones, whether or not they have been met;~~



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~~(iii) Enhancement opportunities;~~

~~(iv) Funding;~~

~~(v) Challenges;~~

~~(vi) Estimated greenhouse gas emissions reductions, by program, for the prior calendar year; [and]~~

~~(vii) AGENCY CONTRIBUTIONS OR IMPEDIMENTS TO ENVIRONMENTAL JUSTICE; AND~~

~~(viii) Any other information that the agency considers relevant.~~

~~(3) EACH STATE AGENCY SHALL MAKE THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION PUBLICLY AVAILABLE ON ITS WEBSITE.~~

~~(d) Each State agency, when conducting long term planning, developing policy, and drafting regulations, shall take into consideration:~~

~~(1) The likely climate impact of the agency's decisions relative to Maryland's greenhouse gas emissions reduction goals; and~~

~~(2) The likely impact of the agency's decisions on disproportionately affected communities identified according to the methodology adopted by the Department under § 1-702 of this article.~~

~~7-218.~~

~~There is a State Hazardous Substance Control Fund.~~

~~7-219.~~

~~(A) All application and permit fees, renewal fees, transporting vehicle certification fees, and all other funds collected by the Department under this subtitle, including any civil or administrative penalty or any fine imposed by a court under the provisions of this subtitle, shall be paid into the State Hazardous Substance Control Fund.~~

~~(B) THE STATE HAZARDOUS SUBSTANCE CONTROL FUND MAY RECEIVE MONEY IN ACCORDANCE WITH § 1-7A-04(D) OF THIS ARTICLE.~~

~~9-320.~~

~~(a) There is a Maryland Clean Water Fund.~~

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1 ~~(b) (1) The following payments shall be made into the Maryland Clean Water~~  
2 ~~Fund:~~

3 ~~[(1) (I) All application fees, permit fees, renewal fees, and funds~~  
4 ~~collected by the Department under this subtitle, including any civil or administrative~~  
5 ~~penalty or any fine imposed by a court under the provisions of this subtitle;~~

6 ~~[(2) (II) Any civil penalty or any fine imposed by a court under the~~  
7 ~~provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use;~~

8 ~~[(3) (III) Any civil or administrative penalty or any fine imposed by a court~~  
9 ~~under the provisions of Title 4, Subtitle 1 of this article;~~

10 ~~[(4) (IV) Any fees or funds that the Department collects under Subtitle 2,~~  
11 ~~Part III of this title and §§ 9-269 and 9-270 of this title and any civil or administrative~~  
12 ~~penalty or fine imposed by a court under the provisions of Subtitle 2 of this title; and~~

13 ~~[(5) (V) Any fees or funds that the Department collects under Subtitle 24~~  
14 ~~of this title and any civil or administrative penalty or fine imposed by a court under the~~  
15 ~~provisions of Subtitle 24 of this title.~~

16 ~~(2) THE MARYLAND CLEAN WATER FUND MAY RECEIVE MONEY IN~~  
17 ~~ACCORDANCE WITH § 1-7A-04(B) OF THIS ARTICLE.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2024.

# **HB 24\_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 House Environment and Transportation Committee  
Maryland General Assembly  
February 21, 2024

**Statement of Support (FAVORABLE with AMENDMENT)  
of Maryland Catholics for Our Common Home on  
HB 24, 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 400 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 the passage of **House Bill 24, 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*,<sup>1</sup> 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 CO<sub>2</sub>, N<sub>2</sub>O, 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 House Bill 24.

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 House Bill 24.

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<sup>1</sup> 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](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html).

# **HB\_24\_UNF\_LateTestimony\_DrewVetter**

Uploaded by: Drew Vetter

Position: UNF

**Maryland-Delaware Solid Waste Association**

a chapter of the

**National  
Waste & Recycling  
Association<sup>SM</sup>**

Collect. Recycle. Innovate.

TO: The Honorable Marc Korman, Chair  
Members, House Environment and Transportation Committee  
The Honorable Regina Boyce

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

DATE: February 21, 2024

RE: **OPPOSE** – House Bill 24 – *Environment – Impact of Environmental Permits and State Agency Actions*

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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** House Bill 24.

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



**Mid-AtlanticJusticeCoalitionMD\_HB24\_Oppose.pdf**

Uploaded by: Emily Ranson

Position: UNF

**Testimony Opposing HB24**  
**House Environment and Transportation Committee**  
**Wednesday, February 21, 2024**

**Position: OPPOSE**

Dear Chair Korman 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 HB24. We appreciate Delegate Boyce and MDE meeting with us. 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."<sup>1</sup>

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 HB24 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 mind.<sup>2</sup> 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.

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

<sup>2</sup> 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>).

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 Maryland<sup>3</sup> 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,<sup>4</sup> 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.<sup>5</sup> Conversely, only 1 of the 21 indicators relates solely to surface water pollution.<sup>6</sup> 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 ("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.

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<sup>3</sup> MDE, Issued Part 70 Permits,

[https://mde.maryland.gov/programs/permits/airmanagementpermits/pages/title5\\_issued\\_permits.aspx](https://mde.maryland.gov/programs/permits/airmanagementpermits/pages/title5_issued_permits.aspx).

<sup>4</sup> 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](https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx).

<sup>5</sup> 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.

<sup>6</sup> This indicator is "wastewater discharge indicator."

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 recognition<sup>7</sup> 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.<sup>8</sup>
- 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.<sup>9</sup>

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.<sup>10</sup> 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.

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

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

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

<sup>10</sup> 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](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."<sup>11</sup> 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, Delegate Boyce, and other decision-makers to craft solutions to community problems.

We respectfully oppose HB24 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

**CCAIC MD Ej bill.pdf**

Uploaded by: Gabrielle Ross

Position: UNF



## Testimony Opposing HB24 House Environment and Transportation Committee Wednesday, February 21, 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)



# **HB 24 - Environmental Justice Permitting - Oppose.**

Uploaded by: Grayson Middleton

Position: UNF



*Educate. Advocate. Innovate.*

Date: February 19, 2024  
To: Members of the House Committee on Environment and Transportation  
From: Holly Porter, Executive Director  
Re: HB 24 – 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 HB 24 as written.

Among other things, HB 24 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 75<sup>th</sup> 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



*Educate. Advocate. Innovate.*

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 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](mailto:porter@dcachicken.com) or 302-222-4069 or Grayson Middleton at [middleton@dcahicken.com](mailto:middleton@dcahicken.com) or 410-490-3329.

Sincerely,

Holly Porter  
Executive Director

**CCBA\_SB7\_SBCLT\_HB24OPPOSITION.pdf**

Uploaded by: Gregory Sawtell

Position: UNF

February 19, 2024

Dear Delegate Boyce and Environmental and Transportation Committee members,

**Position: Opposition to HB24**

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.<sup>1</sup> 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*

Community of Curtis Bay Association

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<sup>1</sup> 1993 Maryland Laws Ch. 59 (H.B. 877).

<https://ilovecurtisbay.com/>

South Baltimore Community Land Trust

[www.sbclt.org](http://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



**21FEB24\_HB0024\_LeadDoc\_01b.pdf**

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

Position: UNF



Environment, Social  
Governance

# E•S•G Permitting Requirements

TESTIMONY  
21 FEBRUARY 2024

ENVIRONMENT AND TRANSPORTATION  
ECONOMIC MATTERS COMMITTEE

**Nonprofit  
Advocacy Groups  
and  
MD Legislatures**

**Equality in  
Infrastructure  
Permitting**

**Evolving  
State Approaches  
to Environmental  
Justice**

**HOUSE BILL HB 024 TESTIMONY**  
**Environment and Transportation Committee**  
**February 21, 2024**

**TO:** Chair, Delegate Marc Korman and Vice Chair, Delegate Regina T. Boyce  
**FROM:** Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)  
**POSITION:** Unfavorable

Thank you for the opportunity to offer testimony concerning HB 024. 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 HB 024.

If you have questions or concerns, you can refer this matter to ECCB- Neighborhood Leadership Council (NLC) by email at [btb.eccb@gmail.com](mailto: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

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# OPPOSITION OVERVIEW

## HB 024 Construct

HB 024 portends public scrutiny by numerous local residents within many of your districts... our fiduciary organization Community Development Corporation | Community Development eXchange has interactive local resident engagement hubs for each county in this state, for which the BTB Coalition is a sponsored organization.

Public Interest Groups do not usually expect to profit directly from the policy changes they seek and do not directly community-based nor representative thereof but community oriented. These activists gain financially by attracting donations from individuals and foundations that support their activities, i.e., NRA; NOW; AARP; Sierra Club; LCV, NAACP... (See: Exhibit #2).

The ally industrial complex has been established by activists whose careers depend on the "issues" they work to address. These nonprofit capitalists advance their careers off the struggles they ostensibly support. They often work in the guise of "grassroots" or "community-based" and are not necessarily tied to any locally effected organization.

Guidance from the U.S. Environmental Protection Agency ("EPA") **sheds light** on how states are to incorporate the environment into unjust permitting, and environmental justice ("EJ") policies across the country.

HB 024 fails in its incorporation and is very limited by the fact that (1) it does not itself create any legal requirements and (2) a great majority of permitting policies run by the states, are not bound to follow EPA expectations.

MDE since our first Civil Rights Title VI in 2016 continues to approve projects that disproportionately impact the wellbeing of low-income and minority communities. Perfect example is in 2023 the approval going forth for the 15 heavy industrial heavy pollutant facility under consideration by MDE in Brandywine for which HB 024 would not have precluded, the facility that would run 2 diesel engines 24 hours, approval of 2 Fossil Fuel power plant Title V/Part 70 Operating Permits for which one exceeded the EPA limits, for which MDE spent the funding on a "Fishing" camp, taking all into account for these reasons filing a subsequent Title VI Compliant in 2024.

MDE refuses to bring affected communities voices to the table... merely the doorkeeper purported leaders that speak for and not with, as with CEJSC, as it has been erroneously stated that, "the commission's membership turned over completely", not in 2024 as a façade in connect the dots of these members, their nonprofits and funding associated in some manner are "accomplices" of benefit for self-serving environmentalisms agendas. We have been part of these CEJSC meetings since 2016, and when nothing changes, then nothing changes... same mindset, without foresight. This Commission has done nothing in moving the needle forward since its inception as it relates to disparate impacts, in black, minority, and low-income communities.

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**Communities don't need outreach as engagement but one-on-one relationships being the basic building block of community influencing, "Without the fence-line communities; there can be no liberation", in what you do for us without us is not for us!**

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States going forward need to seek to impose legal permitting requirements for projects affecting black, minority, and low-income communities and EJ communities of the Maryland permits it issues directly, and indirectly. MDE yet directly in its permitting continues to be non-transparent in an agency governmental unfair practice processes. HB 024 has not addressed any of these issues or any of the Title VI related Permitting Principles.

Local affected communities were not involved in this process, rather engaged with these public interest workgroups allied with Delegate Boyce of which many are on the liberal progressive politics so-called "Kochtopus"—a network of center-right nonprofits launched by or funded by these billionaire entrepreneurs such as Charles and David Koch. As is seen by On Fri, Mar 3, 2023 at 10:48 AM Boyce, Regina T. Delegate response by email... basically telling us to have our "2" minutes before the committee (See: Exhibit #1).

These guise community organizations carrying out local and national campaigns in support of their issue-based, progressive politics and coalitional advocacy models, are at table of the "decision-making", as environmentalisms policies as a high-five pat themselves on the back of National/International issues all while local communities continue to suffer the forefront of environmental and health issues that are killing us! (See: Exhibit #2).

Furthermore, effected communities have been effectively cut out of decision-making processes, raising basic procedural fairness issues. No one should be disenfranchised from decisions that affect their health, the health of their families, and the future vitality of their communities everyday especially, in the MDE permitting processes.

The BTB Coalition is committed to ensuring meaningful engagement for all communities since our 2016 Civil Rights EPA Title VI Complaint against the State of Maryland agencies for which MDE skirted around any solidified agreement, rather the PSC fortified its agreement in COMAR, and commitments were by MDNR.

Now, come Wilson, of the University of Maryland, said he would give Hogan an "F" on his EJ performance; the residents of EJ communities gives these same connect the dots with the Governors appointment of Environmentalism advocacy groups associated with Dark Money Funding that "lobby" our Legislatures, and all new assemble chiefs an "F".

Moreover, MDE continues to align themselves with these "Dark Money" funded privileged-liberal progressive farce environmentalism nonprofits groups (See: Exhibit #2) that disenfranchise our black communities as with the "Plastic" Bags legislation for which some stores are charging up to \$2.00 per bag having a direct affect on many minority low-income communities: did these same environmentalism groups care "no". There are unintended consequences inadvertently exacerbated by misguided and burdensome legislation that come along with advocacy environmental pimpologists of community issues for funding to create inadequate policies made in guise of underserved and overburden communities, for which these groups have defined.

Becky Witt, a Community Law Center attorney representing the opposition, was impressed that MDE allowed participants to vent for as long as they wanted. The meeting lasted three hours. But she wondered whether it had made a difference. "In my experience working with communities," she said, "just because you have a meeting, MDE "listening sessions", where people can come and tell you things, it's not particularly useful unless you can use that information in the final decision." Otherwise, "it feels a little hollow." And, for us HB 024 is as hollow in action.

## Exhibit #1

On Fri, Mar 3, 2023 at 10:48 AM Boyce, Regina T. Delegate <[Regina.Boyce@house.state.md.us](mailto:Regina.Boyce@house.state.md.us)> wrote:

Kamita,

Thank you for your email and for sharing your concerns regarding HB840. I look forward to continued discussions through the committee process to ensure that this bill meets the intent to safeguard underserved and overburdened communities that have suffered due to environmental injustices for decades.

Del. Boyce

*Delegate Regina T. Boyce*  
151 House Office Building  
6 Bladen Street  
Annapolis, MD 21401

Phone: 410-841-3476 | 301-858-3476  
Toll-free in MD: 1-800-492-7122 ext. 3476  
[regina.boyce@house.state.md.us](mailto:regina.boyce@house.state.md.us)

## Exhibit #2

Hi all,

I wanted to update you all on a few fronts with progress on the all agency climate, labor, and equity tests to ensure that we are all operating with the same information.

- Len is working on bill language. Please send any draft language to him directly for his staff to incorporate. I have sent over the MA and NJ bill language for the equity portion.
- I spoke with Devon Dodson and Monica Brooks of the EJ Commission. Devon who is the MDE liaison stated that the EJ commission is slated to discuss cumulative impacts, screening tools, and defining overburdened communities. MDE has also just completed its draft EJ implementation plan. One of the recommendations that the EJ Commission is considering is for all other agencies to develop EJ implementation plans. MDE and DNR have already begun theirs which means that our bill is timely.
- Sierra Club and CCAN will be meeting with [Delegate Boyce](#) on the 22nd.
- The NAACP, Waterkeepers Chesapeake and Tracey Garrett will meet with the EJ Commission on the 23rd to talk about community notification of environmental stressors, share the stories of overburdened communities and begin a dialogue with the reconstituted EJ commission.
- Waterkeepers Chesapeake and Energy Foundation would like to host a stakeholder forum with constituents from overburdened communities to develop the equity portion language of the bill the second week of December.
- Len and Jen B-C are working on developing labor language and obtaining feedback from labor. I have also requested that Len reach out to Melissa Wells to get input on labor provisions.

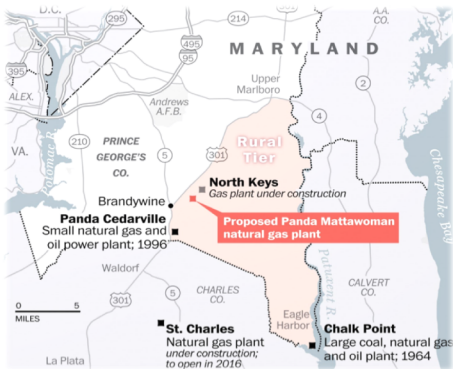
### Considerations

- While this was a top priority coming out of the Energy Foundation process, I have concerns about the "heavy lifting" that it will take to get this bill across the finish line -- given the timeline that we are under and the capacity constraints with Climate Solutions Now. I would encourage folks to have a capacity conversation as well as to discuss the goals for the legislation this year (i.e. passage out of one chamber, an education year bill, the passage of the bill.)

If you have any questions or concerns, please let me know. Thanks and have a good one!

Sincerely,

**BRANDYWINE, MD**



**HB 024**

**Environment and EJ Permitting principles**

We are not offering amendments due to HB 024 being inherently inadequate and does not offer any of the following:

1. HB 024 fails to engaged the local affected communities early in the permitting process to promote meaningful involvement and equitable fair treatment. In addition, the bill has not changed to in considering proposing changes to this regulation to enhance the opportunities for expedited treatment for records of interest to communities with environmental justice concerns as the EPA proposes.
2. HB 024 should conduct a “fit for purpose” environmental justice analysis when a permitting action may result in disproportionately high and adverse human health or environmental effects on a community. If screening-level EJ analysis indicates that the permitting action will have a disproportionate effect on the basis of race, color, or national origin, then analysis of disparate impacts under federal non-discrimination laws, including Title VI, may be necessary.
3. HB 024 scopes of permits called out in the bill is very broad applying to intense activities like waste-water treatment plants and hazardous waste facilities but also to relatively minor activities in being majorly broad in not addressing environment atmospheric happing in black, low-income, and minority communities. The bill and its provisions do not differentiate between permitted activities based on the intensity of use. We do not see why these types of activities are included in the scope of the bill.
4. HB 024 allows the authority for MDE to make permit decisions based on such speculative analysis is questionable.
5. HB 024 does not provide a permitting authority with the discretion to require post-monitoring to determine the effect a source is actually having on air quality in any area.
6. HB 024 fails to identify appropriate permit terms and conditions and other outcomes that may result from the permitting process, and unintended consequences.
7. Improving methods for identifying, addressing, tracking and measuring progress toward achieving environmental justice we need accountability in our overburden communities, especially in Brandywine, MD, with CEJSC having not made one meaningful trip visit to Brandywine since 2016... there’s plenty of “accomplices” exploitations. We’ve had 3 bus tours having one with AABE and the AGU, and they were invited.

The General Assemble needs an MDE process that actually provides a vehicle that could advance environmental justice for all communities, especially those communities that have been disenfranchised for years. Much of what could be accomplished in this area is accessible under current law and can be implemented at the Agency through policy changes.

Where regulatory change is indicated, it could be accomplished in the course of a plan for a proposed rulemaking as did the PSC as agreed through our Title VI Complaint, and the only agency to adhere legally through rulemaking. MDE specified in the Title VI Complaint mediation process they had not indented to discuss Title VI through the 2016 complaint processes and to date they have not adhered to any anticipated agreements provided as a resolution through that process as completed by the other agencies.

For these reasons, BTB Coalition respectfully requests your unfavorable report on HB 024.

## **HB24\_BT B Coalition\_UNF**

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

Position: UNF

# Brandywine/TB, Southern Region Neighborhood Coalition

Many Communities · One Voice · Keeping Community Informed

**TESTIMONY IN SUPPORT OF SENATE BILL SB0160**  
Labor and Employment – Payment of Minimum Wage – Tipped Employees  
Before Senate Finance Committee, February 1, 2024

## Oral Testimony

**TO:** Chair, Delegate Marc Korman, and Vice Chair, Delegate Regina T. Boyce

**FROM:** Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)

**POSITION:** Unfavorable

Kamita Gray, the President of the BTB Coalition a place-based organization.

Climate Change has nothing to do with long standing decisions about the environment and land-use injustices, these inequalities are the direct cause of unequal, unfair, and inappropriate land-uses in permitting over the past several decades which have exacerbated the challenges that affected residents. This disinvestment, racial inequities and failed legislation and policy strategies imposed from outside the local affected community have left local communities with intersecting environmental crises. Environmental Justice is conceptualities not foundational as Title VI is rooted law.

HB 024 #7 “Overburdened community which three or more environmental health indicators above the 75th percentile statewide being 24 percentiles.

News flash Brandywine is well over the 90 Percentile for one pollutant... that is above the cancer-causing rate... so to chance that we need three? Brandywine Air Quality program employed “Bio Engineering Scientist”, for which we are in the worst 30% of public health risk of air contaminants associated with one pollutant industry and we have 14, HB 024 addresses none of these in accountability.

When PSEG exceeded is EPA Air Quality permitting limits in its failure to comply with the environmental laws MDE resolved through a SEP, the project was to provide tangible environmental or public health benefits to the affected community or environment, yet MDE use the funding to support a “fishing” camp.

Brandywine has the most unique vulnerable population in MD. The misguided unreliability of an overburden of community, with 140 hazardous pollutant health risks are enough to demand action. HB 024 rated to “permitting” is superfluous in its may or cost?

Therefore, we ask that for the sake of and on behalf of the affected Title VI communities that HB 024 received an unfavorable report. Thank you.

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

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**HB 24\_MAA\_UNF.pdf**

Uploaded by: Rachel Clark

Position: UNF

CHAIRMAN:  
Jeff Graf  
VICE CHAIRMAN  
David Slaughter

**MARYLAND ASPHALT ASSOCIATION**



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

February 21, 2024

Delegate Marc Korman, Chair  
Environment and Transportation Committee  
251 House Office Building  
Annapolis, MD 21401

**RE: HB 24 – 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.

House Bill 24 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 HB 24.

Sincerely,

Tim E. Smith. P.E.  
President  
Maryland Asphalt Association

**HB 24\_MTBMA\_UNF.pdf**

Uploaded by: Rachel Clark

Position: UNF



February 21, 2024

Delegate Marc Korman, Chair  
Environment and Transportation Committee  
251 House Office Building  
Annapolis, MD 21401

**RE: HB 24 – UNFAVORABLE – Environment – Impact of Environmental Permits and State Agency Actions**

Dear Chair Korman 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.

House Bill 24 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 House Bill 24.

Thank you,

A handwritten signature in black ink, appearing to read 'Michael Sakata', is written over a light blue horizontal line.

Michael Sakata  
President and CEO  
Maryland Transportation Builders and Materials Association



**PERMITS TestimonyHB0024.pdf**

Uploaded by: Sonia Demiray

Position: UNF



## **Testimony HB0024: Environmental Permits and State Agency Actions**

**Position: OPPOSE**

February 21, 2024

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 HB0024 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. HB0024 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.

###

# **HB024 - Impact of Environmental Permits - State Ag**

Uploaded by: Tom Ballentine

Position: UNF





February 19, 2024

The Honorable Marc Korman, Chair  
House Environment and Transportation Committee  
House Office Building, Room 251  
6 Bladen St., Annapolis, MD 21401

**Oppose: HB 24 – Environmental Permits – State Agency Actions**

Dear, Chair Korman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing 700 companies involved in all aspects of commercial, light-industrial, and mixed-use real estate I am writing in opposition to HB 24.

This bill would require that the Department of Environment conduct a climate and environmental equity evaluation of permit applications made for locations within an underserved for overburdened community that scores in the 75<sup>th</sup> percentile or higher using the MDE Environmental Justice Screening Tool. As part of the evaluation, the Department may consider cumulative impacts as defined in the U.S. Environmental Protection Agency's Cumulative Impacts Research Recommendations. NAIOP has concerns with the broad scope of the bill, the potential for inconsistencies between state and local land use plans and the EJ Screening Tool. We further anticipate that MDE and regulated entities will encounter technical difficulties conducting the impact assessment and identifying appropriate mitigation for permit applications that are related to development and redevelopment projects. The rationale for NAIOP's opposition includes:

- The scope of permits covered by the bill is overly broad. Its provisions apply to almost all air and water discharge permits. The bill covers intense activities like waste-water treatment plants and hazardous waste facilities as well as minor activities like stormwater management on development sites, restaurant grills, heating boilers, backup power generators. On balance we believe that redevelopment is a catalyst for positive economic and environmental change bringing housing, commercial amenities, and improved quality of life. Because it applies to permits regardless of the intensity of use, HB 24 will serve as a disincentive to commercial and residential redevelopment projects in underserved and overburdened communities.
- The land area indicated as scoring in 75<sup>th</sup> percentile or higher in the EJ Screening Tool coincides with designated Priority Funding Areas and Transit Oriented Development Areas. Areas mapped as being in the 75<sup>th</sup> to 100<sup>th</sup> percentile include most of the City of Baltimore, Odenton Town Center, Columbia Gateway Innovation District, Columbia Wilde Lake as well as important redevelopment sites such as the Lake Forest Mall near Gaithersburg. Designated Transit Oriented Development Areas at New Carrollton, Greenbelt, Naylor Road, Branch Avenue, Savage, Odenton, Westport, State Center, and Reisterstown Plaza are in locations that the EJ Screening Tool scores are being in the 75<sup>th</sup> percentile or higher. Purple Line stations at New Carrollton, Annapolis Road / Glenridge, Beacon Heights, Riverdale Park, U of M East Campus, U of M Campus Center, Riggs Road, Piney Branch Road, Silver Spring Library, Woodside / 16<sup>th</sup> Street are mapped in the 75<sup>th</sup> percentile by the EJ Screening Tool. These results indicate to us that the EJ Screening Tool should be utilized in conjunction with local land use plans to ensure coordination and reduce inconsistent decision making at the state and local levels.
- There is no methodology to accurately determine cumulative impacts, or a clear standard of review for MDE to follow. The document that MDE is directed to reference does not provide a methodology for conducting a

cumulative impacts analysis. To the contrary, the report notes that cumulative impact assessments to inform site-specific decisions often require environmental and socioeconomic data at high-resolution such as the census block or finer. The report states that the lack of high-resolution spatial and temporal data, “pose significant challenges to EPA’s ability to conduct and translate cumulative impact assessments, as well as EPAS’ ability to build a scientific foundation for cumulative impact assessments in the first place.”<sup>1</sup>

- For minor stormwater and air permits, it is unlikely the bill would result in greater environmental protections or pollutant reductions than would be achieved using the permit review and technology based environmental management practices currently employed by MDE when reviewing development and redevelopment permit applications.
- The conditions that MDE could put on a permit are open ended. Unlike other permits, this process does not include a clear standard of review, a performance requirement or technology-based standard that a permitted activity must meet. As a result, there is no limitation on what conditions MDE may put on a permit or clear standard upon which to approve, deny, or modify a permit. The factors that determine the EJ score can change as health, socio-economic or environmental indicators change and for reasons unrelated to the permitted use. This creates another level of uncertainty about where the provisions of the bill might be applied in the future and how overlapping land use designations that may not be well aligned will be resolved.
- Intervention should happen earlier than at permit application. The bill does not address the role of local zoning and comprehensive plans in determining land use in underserved and overburdened communities. As the mapping examples above show, the mapping tool does not take all factors into account and should not be relied upon for decision making at the exclusion of other indicators and policy priorities. Evaluating the suitability of a zoned land use should be done earlier in the land use planning process than is proposed in HB 24. Raising fundamental issues of suitability at the permit application stage makes it more difficult to achieve desired outcomes related to both environmental justice and redevelopment goals. Local land use plans are required to include sensitive areas elements that inform decisions about zoning and permitted land uses in environmentally sensitive areas, Environmental Justice considerations could be incorporated in a similar fashion.

**For these reasons, NAIOP respectfully requests your unfavorable report on HB 24.**

Sincerely,

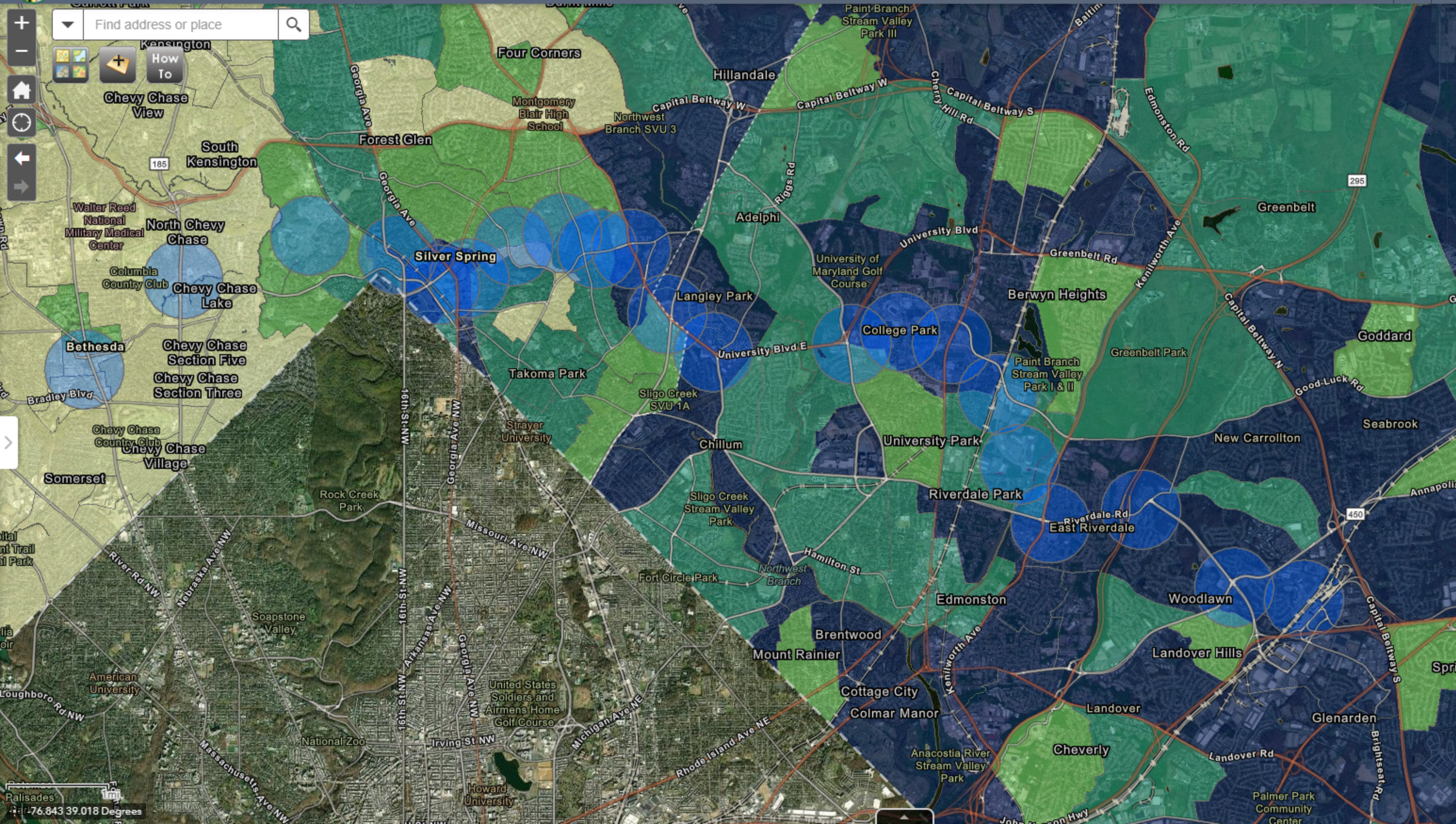
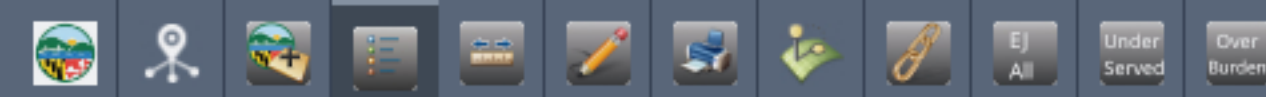


Tom Ballentine, Vice President for Policy  
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Environment and Transportation Committee Members  
Nick Manis – Manis, Canning Assoc.

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<sup>1</sup> U.S. EPA. Cumulative Impacts Research: Recommendations for EPA’s Office of Research and Development. *U.S. Environmental Protection Agency, Washington, D.C., EPA/600/R-22/014a, 2022, Page 20.*



### Legend

Purple Line Station Half Mile Buffers - Purple\_Line\_Stations\_Half\_Mile\_Buffer

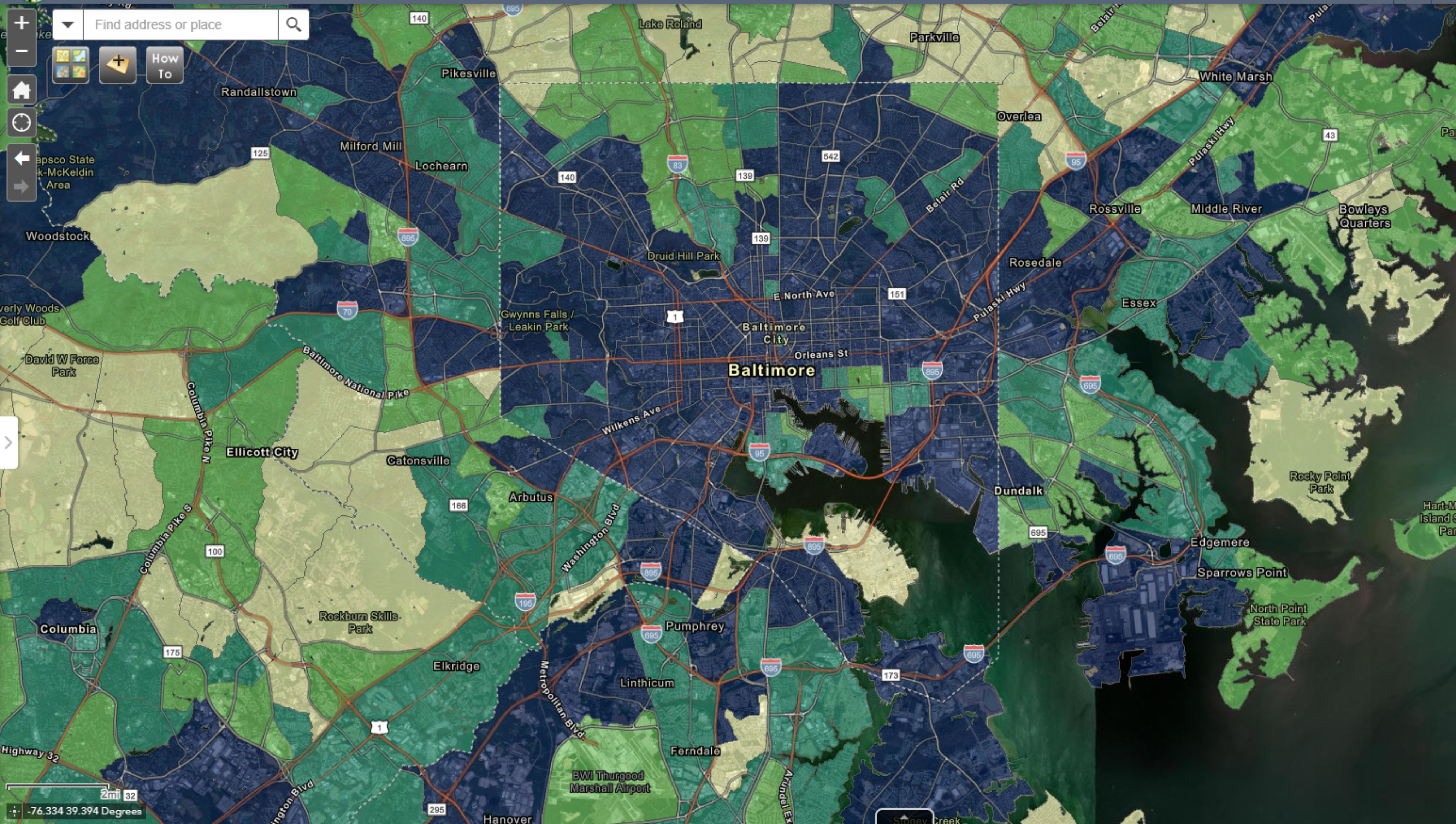
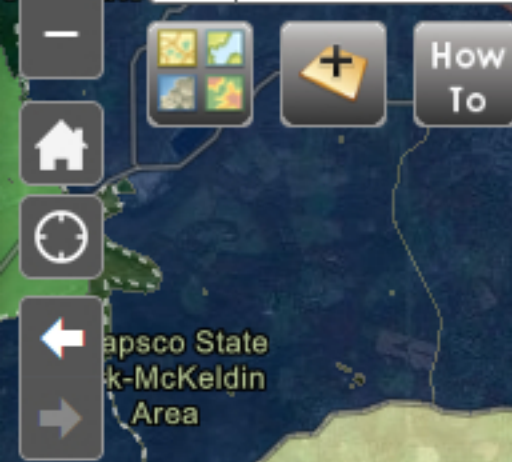
MDE\_EJ\_Score\_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile



Find address or place



### Legend

MDE\_EJ\_Score\_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile

2mi 32  
-76.334 39.394 Degrees



Find address or place

How To

Map navigation controls: Home, Back, Forward, etc.



### Legend

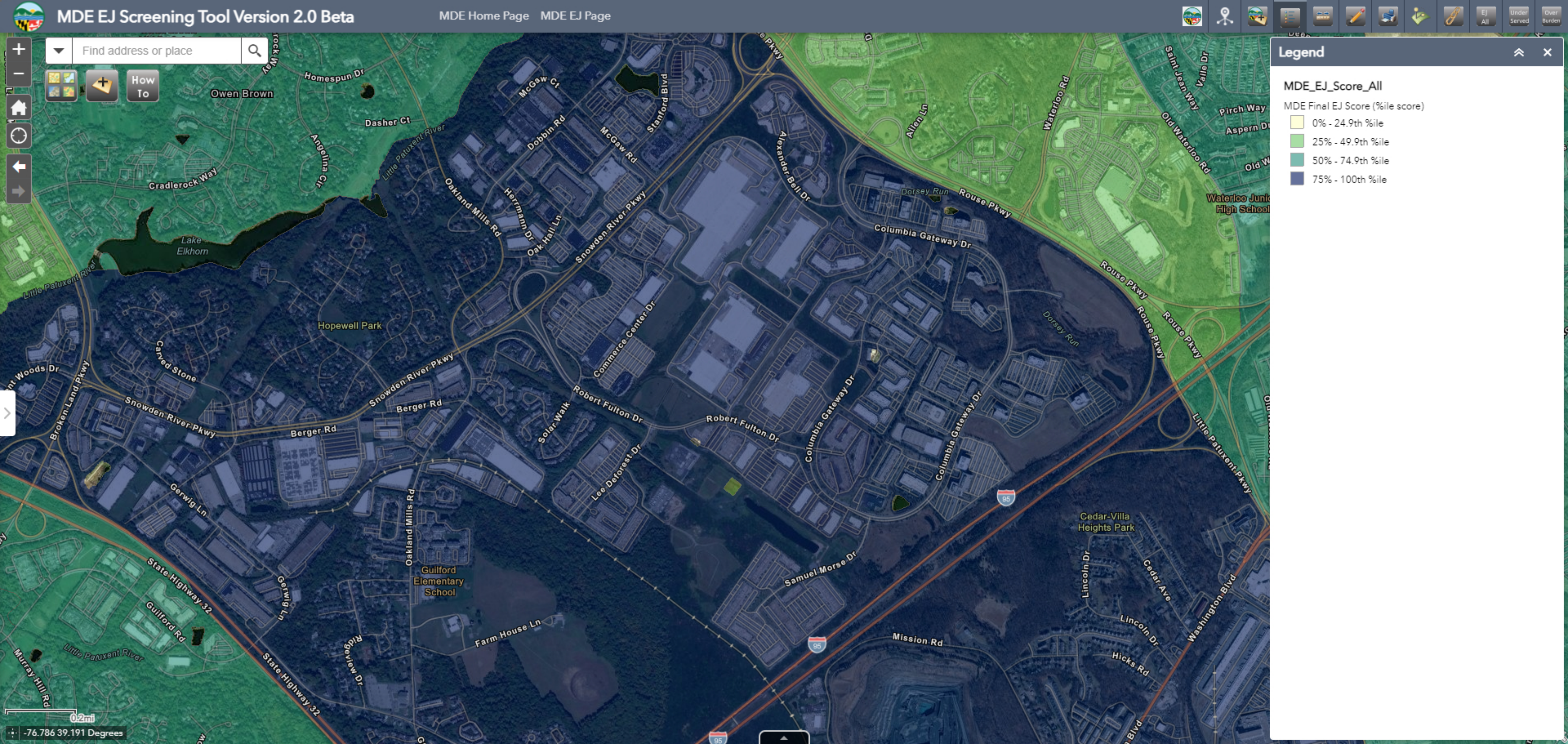
MDE\_EJ\_Score\_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile



Find address or place



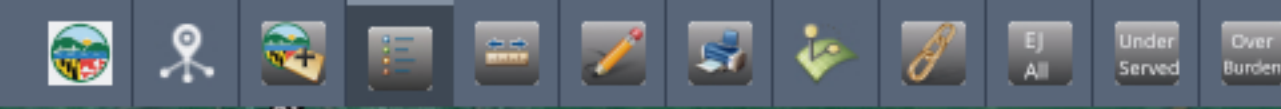
**Legend**

MDE\_EJ\_Score\_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile

0.2mi  
-76.786 39.191 Degrees



Find address or place



**Legend**

MDE\_EJ\_Score\_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile

600ft  
76.853 39.228 Degrees

**2024 - HB24- PHI-- LOI.pdf**

Uploaded by: Anne Klase

Position: INFO





February 21, 2024

112 West Street  
Annapolis, MD 21401

**Letter of Information – House Bill 24 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 **House Bill 24 - Environment - Impact of Environmental Permits and State Agency Actions**. House Bill 24 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:

Anne Klase  
Senior Manager, State Affairs  
240-472-6641  
[Anne.klase@exeloncorp.com](mailto:Anne.klase@exeloncorp.com)

Katie Lanzarotto  
Manager, State Affairs  
410-935-3790  
[Kathryn.lanzarotto@exeloncorp.com](mailto:Kathryn.lanzarotto@exeloncorp.com)

# **BGE\_House Bill 24\_LOI\_ECM\_ET\_Impact of Environme**

Uploaded by: Dytonia Reed

Position: INFO

Letter of Information  
Economic Matters  
Environment and Transportation  
2/21/2024

### **House Bill 24 - Environment - Impact of Environmental Permits and State Agency Actions**

Baltimore Gas and Electric Company (BGE) is pleased to submit this letter of information for **House Bill 24 - Environment - Impact of Environmental Permits and State Agency Actions**. *House Bill 24* 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, *House Bill 24* 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.

*House Bill 24* 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 in *House Bill 24* and

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.

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. *House Bill 24*, in its current form, would significantly impair that ability to enable utilities to deliver the energy needed to meet future customer demands.

BGE is committed to continuing our conversations with the bill sponsor to address our concerns regarding this legislation.

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.

# **HB 24\_MDCC\_Environment - Impact of Environmental P**

Uploaded by: Hannah Allen

Position: INFO



**LEGISLATIVE POSITION:  
LETTER OF INFORMATION**

**House Bill 24**

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

**House Environment and Transportation Committee**

**Wednesday, February 21, 2024**

Dear Chairman Korman 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.

House Bill 24 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. HB 24 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. HB 24 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, HB 24 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 HB 24.



# **Final Testimony.pdf**

Uploaded by: Leah Kelly

Position: INFO





**Testimony on HB24**  
**House Environment and Transportation Committee**  
**February 21, 2024**

**Position: Informational**

Dear Chair Korman and Members of the Committee,

The Environmental Integrity Project respectfully writes to provide information regarding HB24. In addition to the information shared below, we strongly support the testimony submitted by the Mid-Atlantic Justice Coalition. It is non-negotiable that environmental justice policies must be developed with input and leadership from the most affected communities. This is explained in Principle 7 of the 17 Principles of Environmental Justice, which 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.”<sup>1</sup> Decision-makers should have sought input on this bill from long-time organizers in Baltimore’s Curtis Bay neighborhood, the community with the highest-ranking EJ score in the state, but failed to do so following a 2023 listening session. In addition, the bill fails to address decisions on permits most directly related to the environmental health problems in the hardest-hit communities as identified by the State’s own “EJ scores.”

**Critical permits not covered**

This bill fails to cover the majority of essential air pollution permits. Air quality is of critical importance when assessing the public health impacts of exposure to pollution. This is particularly true in Baltimore City, which has the highest-scoring census tracts in Maryland for communities affected by pollution, represented by the “EJ scores.” As described in more detail below, apart from demographics, EJ scores are mostly based on air pollution factors.

Baltimore City is home to all of the census tracts with the 46 highest EJ scores in Maryland, the top 96.86 percentile. Of the areas with the top 100 EJ scores in Maryland, 86 are in Baltimore City (with the Curtis Bay neighborhood in South Baltimore ranking the highest in the entire State).<sup>2</sup> And Baltimore City does not use well water for drinking.<sup>3</sup> This means that drinking water contamination, which can result from groundwater pollution, is not something that is addressed in Baltimore’s most affected communities using the bill’s localized permitting approach. Although all routes of exposure are of concern in communities with pre-existing pollution and health burdens, air pollution is of even greater relative importance in Baltimore City because of the lack of connection between the permits listed in the bill and drinking water impacts in Baltimore City’s most vulnerable neighborhoods.

This bill fails to cover the most important air pollution permits. It does not cover the following:

1. **Any permit renewals for existing air pollution sources.** The bill covers issuance and renewal of a list of permits already set in law at section 1-601(a) of the Environment Article. The 1-601(a) list includes “air quality permits to construct subject to section 2-404” of the Environment Article. However, air quality permits to construct cannot be renewed. Permits for ongoing operation of air pollution sources are called “permits to operate.” The bill covers zero air quality permits to operate. These permits to

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

<sup>2</sup> See Attachment A for a ranked list of top EJ scores in Maryland exported from Maryland’s EJ Screening Tool, [https://mde.maryland.gov/Environmental\\_Justice/Pages/EJ-Screening-Tool.aspx](https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx).

<sup>3</sup> Baltimore City Department of Public Works, Baltimore DPW: The Region’s Water Supplier, <https://publicworks.baltimorecity.gov/drinkingwater>.

operate are further sub-classified by regulators as being for “major” and “minor” sources of air pollution. Both types of source can be very problematic in overburdened communities, but this bill does not even cover the larger, “major source” category.

The State of New Jersey’s recently-passed environmental justice law- which was spearheaded by frontline environmental justice groups<sup>4</sup> - lists major sources of air pollution as the first category of facility that triggers an environmental justice analysis.<sup>5</sup> There are only 109 of these major source operating permits in Maryland and not all are located in areas that would trigger additional requirements.<sup>6</sup>

The Maryland Department of the Environment (“MDE”), will likely argue that the “permits to construct” category covers permits for expansions of already-existing sources. However, companies that operate these sources frequently engage in “creative” accounting regarding emissions and attempt to show that no expansion has occurred and this permit requirement is not triggered. In other words, this is not even close to an acceptable substitute for covering the renewal of the permits to operate air pollution sources.

## 2. **Permits to build new energy-generating air pollution sources like power plants and incinerators.**

When a new air pollution source will generate energy, it is not issued an air quality “permit to construct” by MDE. Instead, it is issued a Certificate of Public Convenience and Necessity (“CPCN”) by the Maryland Public Service Commission (“PSC”). These CPCNs are issued, in lieu of state permits to construct, for some of the largest air pollution sources: power plants and energy-generating incinerators.<sup>7</sup> These CPCNs are also not covered by the bill.

MDE will likely argue that CPCNs are covered by this bill when authorizing construction of a new air pollution source. This is not correct. The bill attaches the EJ requirements to (some) air quality “permits to construct.” MDE does not have the authority to require a permit to construct for a facility that must obtain a CPCN. Section 2-402 of the Environment Article states: “MDE may not require a permit [to construct] . . . for . . . [t]he construction of a generating station constructed by a person that is required to obtain a [CPCN] under §§ 7-207 and 7-208 of the Public Utilities Article,” which sections apply to energy-generating facilities.<sup>8</sup>

Since the Environment Article prohibits MDE from requiring a permit to construct for a facility that must obtain a CPCN, any attempt to rely on the authority granted by this bill to address the air quality conditions in a CPCN would almost certainly be struck down quickly in court.

### **Mismatch between “EJ score” and permits covered**

The factors used to identify the communities experiencing the most harm are misaligned with the permits covered by the bill. The bill identifies communities that are overburdened primarily by air pollution and this bill does not even try to address the problem.

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<sup>4</sup> NJ.com, Landmarks law to protect N.J.’s poorest communities from pollution signed by Murphy, Sept. 18, 2020,

<https://www.nj.com/news/2020/09/landmark-law-to-protect-njs-poorest-communities-from-pollution-signed-by-murphy.html>

<sup>5</sup> State of New Jersey, Governor Murphy Announces Nation’s First Environmental Justice Rules to Reduce Pollution in Vulnerable Communities, <https://www.nj.gov/governor/news/news/562023/approved/20230417a.shtml>.

<sup>6</sup> These major source operating permits are called “Part 70” or “Title 5” permits and they are listed on MDE’s website at: [https://mde.maryland.gov/programs/permits/airmanagementpermits/pages/title5\\_issued\\_permits.aspx](https://mde.maryland.gov/programs/permits/airmanagementpermits/pages/title5_issued_permits.aspx).

<sup>7</sup> CPCNs must still meet the requirements of the federal Clean Air Act. However, MDE’s authority to use the EJ score to affect permits, as set forth in this bill, is not attached to federal requirements but to the state “permit to construct” requirement.

<sup>8</sup> Md. Code, Environment, § 2-402(3), also available at

[https://govt.westlaw.com/mdc/Document/N64AA21F098DD11DFA11CF4C2C3EE1A63?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N64AA21F098DD11DFA11CF4C2C3EE1A63?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

This bill identifies communities in need of help based on whether those communities are “overburdened” and “underserved.” Overburdened status is based on a list of 21 indicators<sup>9</sup> of exposure to pollution or lack of infrastructure (underserved status is based on demographic indicators). The same 21 exposure indicators also comprise 3/4 of the EJ score

Of these 21 indicators:

- Eight relate exclusively to air pollution exposure. These are: (1) particulate matter (PM2.5); (2) ozone, (3) National Air Toxics Assessment Assessment (NATA) diesel PM; (4) NATA cancer risk; (5) NATA respiratory hazard risk; (6) traffic proximity; (7) proximity to an emitting power plant (“emitting” refers to air pollution); and (8) risk management plan proximity (risk management plans are required under section 112 of the federal Clean Air Act because of the risk of chemical leaks, explosions, and fires).
- Three are health outcomes – asthma emergency room discharges, low-birth-weight infants, and myocardial infarction – that are most often correlated in literature with exposure to air pollution but can also be triggered by other types of exposures, such as ingestion.<sup>10</sup> However, air pollution remains the primary concern for these health outcomes in Baltimore City since the bill does not cover permits that relate directly to drinking water quality in affected communities, which would be associated with the “ingestion” route of exposure.
- Only one indicator relates exclusively to surface water pollution.<sup>11</sup> But the bill covers many types of these surface water pollution permits: “major” and “minor” sources of surface water pollution as well as renewals of all permits and first-time issuance of new permits for discharges to surface water.<sup>12</sup>

This bill fails to prioritize solutions to the problem that it identifies. If enacted as law, it will divert resources away from the priorities that the most-affected communities would likely have identified, had they been asked.

Legislators should consider crafting a bill that is more narrowly focused on the communities experiencing the most harm and the permits (or other decision points) most directly related to that harm. For example, legislators could add air pollution permits but apply the bill only to permits in areas with the top 90<sup>th</sup> percentile of EJ scores, rather than the 75<sup>th</sup> percentile as currently written. Alternatively air permits could be substituted for a different category of permit already in the bill.

### **Who isn’t in the room**

Frontline environmental justice communities are, by definition, those that have historically lacked power. Neighborhoods become overburdened with pollution when they lack the political power of wealthier communities to fight off polluting development. Baltimore City’s Curtis Bay neighborhood, which has the highest EJ score in the State of Maryland, is in an area with a median household income of about \$35,000, where 32.9% of family households live below the poverty line.<sup>13</sup>

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<sup>9</sup> Md. Code, Environment, § 1-701(a)(7). The 21 indicators used to identify overburdened communities are also listed on MDE’s website at [https://mde.maryland.gov/Environmental\\_Justice/Pages/EJ-Screening-Tool.aspx](https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx).

<sup>10</sup> See, e.g., Zheng, Xue-yan, et al. 2015. “Association between Air Pollutants and Asthma Emergency Room Visits and Hospital Admissions in Time Series Studies: A Systematic Review and Meta-Analysis.” PLOS ONE: 2. DOI:10.1371/journal.pone.0138146. Link: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0138146>; R. Nachman, et. al., Intrauterine Inflammation and Maternal Exposure to Ambient PM2.5 during Preconception and Specific Periods of Pregnancy: The Boston Birth Cohort, Environ. Health Perspect., Advanced Publication, DOI:10.1289/EHP243: 4; Wolf K, Schneider A, Breitner S, Meisinger C, Heier M, Cyrys J. Associations between short-term exposure to particulate matter and ultrafine particles and myocardial infarction in Augsburg, Germany. *Int J Hyg Environ Health*. 2015;218(6):535–542. doi: 10.1016/j.ijheh.2015.05.002.

<sup>11</sup> This is the “wastewater discharge indicator.”

<sup>12</sup> This is the third category of permit listed under 1-601(a): “permits to discharge pollutants to waters of the State,” subject to section 9-232 of the Environment Article.

<sup>13</sup> Baltimore Neighborhood Indicators Alliance, 2021 Vital Signs, <https://bniajfi.org/>.

Communities like Curtis Bay do not employ lobbyists. And community-based environmental justice advocacy organizations – like the South Baltimore Community Land Trust, a resident-led group that has organized in Curtis Bay for over a decade - are chronically underfunded.<sup>14</sup> Groups like this are often unable to take on a new issue, like this problematic bill, without significant planning or to set aside an entire afternoon to testify at a bill hearing. This is why organizations working in the hardest-hit communities must be consulted as a bill is drafted and not told about it after the major decisions have already been made. We ask that legislators consider this resource disparity when assessing the groups from which they are hearing on this bill.

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<sup>14</sup> The Community of Curtis Bay Association, another community-based group, unsuccessfully called on MDE in April 2023 to declare an Air Pollution Emergency following yet another chemical incident, this time a nitric acid leak from the nearby W.R. Grace chemical plant, <https://ilovecurtisbay.com/2023/05/19/call-for-declaration-of-air-pollution-emergency-in-curtis-bay/>.

# **Informational – HB0024 -Environment - Impact of En**

Uploaded by: Tyler Hough

Position: INFO



## Maryland Farm Bureau

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**To:** House Environment and Transportation Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** Informational – HB0024 -Environment - Impact of Environmental Permits and State Agency Actions

On behalf of the nearly 9,500 Farm Bureau families of Maryland, I am reaching out with informational testimony on HB0024. This bill would require the Department of the Environment to conduct a climate and environmental equity evaluation regarding the impact of issuing an approval for certain environmental permits.

This bill has potential crossover into the agricultural sector and could affect the Maryland general Concentrated Animal Feeding Operation (CAFO) permit. In Maryland, the CAFO permit is regulated by the Maryland Department of the Environment. The United States Environmental Protection Agency (EPA) also regulates CAFOs in Maryland, and recently published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requiring the electronic reporting of the Annual Implementation Reports (AIRs) for Concentrated Animal Feeding Operations (CAFOs). The CAFOs of the state are closely monitored and inspected, to ensure that they are not causing pollution to the surrounding area. Currently there are roughly 520 CAFOs in the state, most of which being poultry operations located on the Eastern Shore.

Maryland Farm Bureau respectfully asks for an amendment to HB0024 that would exempt Concentrated Animal Feeding Operations (CAFO).

A handwritten signature in black ink, appearing to read 'Tyler Hough', with a horizontal line above it.

Tyler Hough  
Director of Government Relations

*Please contact Tyler Hough at (443) 878-4045 with any questions*