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Committee: Education, Energy, and the Environment

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

Position: Support with Amendments

Hearing Date: March 5, 2024

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

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

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

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

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