

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

Sincerely,

Carlos Sanchez

Shashawnda Campbell

Dr. Meleny Thomas

Toby Harris

Greg Sawtell

Michael Middleton

Kellie Gaither

Community of Curtis Bay Association

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

<https://ilovecurtisbay.com/>

South Baltimore Community Land Trust

www.sbclt.org

SB7 Coalition

<https://sb7coalition.org/>

Cc:

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Delegate Jackie Addison

Delegate Nick Allen

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