



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 Science¹. 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.

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

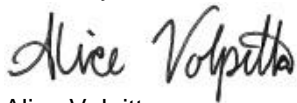
This legislation is needed to require the state to consider the real-world impacts that polluters have on the environment, health, climate, and well-being of Maryland families.

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,



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