

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