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**National Waste
& Recycling Association**SM

Senate Education, Energy, and the Environment Committee

February 25, 2025

Senate Bill 978 – *Environmental Permits – Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act)*

POSITION: OPPOSE

The Maryland chapter of the National Waste and Recycling Association (NWRA-MD) 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. NWRA-MD and its members oppose Senate Bill 978.

NWRA-MD appreciates the goal of this legislation, which is to bring increased scrutiny to the environmental and public health impacts of certain types of projects in high-risk areas. Senate Bill 978 defines an expansive list of facilities and projects to which the additional regulatory analysis and requirements would apply. Included among “covered projects” are landfills, materials recovery facilities, and solid waste transfer stations. The requirements of the bill apply to new, renewal, and expansion permits.

We are concerned because facilities such as landfills, recycling, and transfer stations are fulfilling an essential public service. While few, if any, new landfills or transfer stations are expected to be built, our existing facilities are an essential component of Maryland’s waste management infrastructure. We note that our industry is already required to comply with the Maryland Department of the Environment’s (MDE) Environmental Justice Screening Tool to develop an Environmental Justice Score.

The bill, as drafted, gives MDE broad discretion to impose additional permit conditions or require a permittee to enter into a cumulative impacts mitigation fund agreement if it is determined that even a renewal permit would “cause or contribute to an increased potential for adverse community environmental and public health impacts in an at-risk census tract.” We understand and appreciate that the bill allows approval of a “conditional new, expansion, or renewal permit” if the applicant can establish that the purpose of the permit would serve an essential environmental, health, or safety need of the community and that there is no reasonable alternative to the purpose of the permit. However, it is unclear whether existing waste management infrastructure would qualify on these grounds, despite the fact that they are essential for managing waste.

Our industry is committed to increasing recycling rates, diverting waste from the waste stream, and being good environmental stewards. However, managing waste is essential, and we are concerned that this bill could jeopardize existing infrastructure. We would encourage the committee to consider such impacts on permit types that serve essential public services, whether publicly or privately owned.

Unless there is clarification of the concerns raised herein, we respectfully request an unfavorable report on this legislation.

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