



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses

Position: Informational
Committee: Education, Energy, and the Environment
Date: February 25, 2025
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) is providing **INFORMATIONAL** testimony for SB 978.

Bill Summary

Senate Bill 978, would require MDE to conduct an environmental justice (EJ) evaluation through the review of an Existing Burden Report and Environmental Impact Analysis for certain new, renewal, or expansion permit applications. The EJ evaluation must be performed if the permitted facility is located in or within a 1.5-mile radius of the boundary of a census tract that scores in the top 75th statewide percentile using MDE's EJ Screening Tool. The Environmental Impact analysis and Existing Burden Report, if applicable, would functionally allow MDE to take into account the totality of specified environmental health stressors in the state's most overburdened and underserved communities. Based on the results of the analysis and report, MDE could put conditions on, or deny, the permit.

Position Rationale

The State is committed to decreasing the pollution burden on underserved and overburdened communities - a top priority for Secretary McIlwain. The Moore-Miller administration has incorporated environmental justice principles into the State Plan to guide the state's all-the-above strategy to advance Maryland as a leading state in environmental justice. Following the development of the EJ Screening Tool and identifying overburdened and underserved communities, Senate Bill 978 would take the critical step of establishing the basic framework to evaluate the pollution burden in a given census tract. Limiting the bill to individual new permits rather than including general permits would allow for the integration of special conditions into the permit using established processes and procedures not contemplated for general permits. Additionally, integrating the MDE EJ Screening tool into the permitting process would ease the burden on agency staff and streamline the process. MDE would like to 1) work with stakeholders to understand the implications of using the proposed 75th percentile designation; 2) evaluate the impact of this enhanced process on the spectrum of permits; and 3) explore alternate methods of engagement with the Maryland Department of Health (MDH), the Commission on Environmental Justice & Sustainable Communities (CEJSC), and local jurisdictions. As introduced, implementing SB 978 would require substantial additional resources for the Department. MDE remains committed to working with the bill's sponsors, community members, and all other stakeholders to address environmental justice issues in underserved and overburdened communities.

Accordingly, MDE respectfully requests the Committee consider this information during its deliberation.

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