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SB0781

March 3, 2026

TO: Members of the Education, Energy, and the Environment Committee

FROM: Nina Themelis, Director, Mayor's Office of Government Relations

RE: Senate Bill 781 - Environmental Permits - Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (Cumulative Harms for Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

POSITION: OPPOSE

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 781: Environmental Permits - Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (Cumulative Harms for Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act).

SB781 establishes new environmental justice requirements for the issuance and renewal of certain individual and general environmental permits for facilities located in designated at-risk census tracts. Beginning October 1, 2027, the bill requires permit applicants to submit a burden report evaluating existing environmental and public health stressors, cumulative pollution impacts, and potential contributions from the proposed or existing facility. The bill directs the Department of the Environment to deny permits for new or increased pollution sources in at-risk areas unless the applicant demonstrates a compelling public interest and authorizes the Department to impose additional permit conditions to protect public health. SB781 also expands public participation and judicial review requirements, increases enforcement penalties for violations in at-risk census tracts, and requires the adoption of regulations to implement these provisions.

The BCA recognizes the ongoing impacts of the environmental injustices faced by our overburdened residents and is committed to planning, implementing, and supporting programs and measures that reduce and remediate those impacts. As such the BCA supports the intent of the environmental justice ("EJ") protections outlined in SB 781. However, as drafted, the bill cannot be effectively implemented by the City and would inadvertently hinder zero waste, climate, and public health

objectives.

Under the State EJ methodology, 100% of the City qualifies as an “at-risk” census tract (75+ EJ Score) which means every solid waste permit or renewal, including recycling centers and compost facilities, would trigger a cumulative impact burden report. The City would be uniquely impacted as no other jurisdiction in Maryland would experience this universal trigger at the same scale. Producing these burden reports would demand specialized modeling and analysis that exceed existing staff capacity and available funding, making ongoing compliance a significant operational and fiscal challenge.

Additionally, the comparative framework (“beyond what other areas of the State bear”) does not function when an entire jurisdiction is the statistical outlier. It removes comparative analysis and replaces it with automatic disadvantage.

The bill also provides additional requirements for MDE to implement when renewing the General Permit for Discharges from Stormwater Associated with Industrial Activities. This proposed language overlaps with existing regulatory authority. The purpose of the National Pollutant Discharge Elimination System (NPDES) is to protect public health and minimize environmental harm. Section 1-709 instead creates a two-tiered system that uniquely subjects sites within Baltimore City to additional general permit conditions.

Given that the State’s own metric has identified Baltimore City as uniquely burdened, the appropriate response cannot be to impose additional, City- specific constraints on its ability to build infrastructure and deliver critical public services. The BCA welcomes additional discussion on how to ensure that the State’s most vulnerable and disproportionately impacted residents are provided all appropriate protections in a manner that supports environmental justice initiatives, recognizes the outsized impact on the City, and recognizes the required partnership and shared responsibility to remediate these impacts.

For these reasons, we respectfully request an **unfavorable** report on SB781.