



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

March 13, 2026

The Honorable Marc Korman, Chair
House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

Re: House Bill 1268 – 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)

Dear Chair Korman and Distinguished Members of the Committee,

The Maryland Environmental Service (MES) supports HB 1268, with amendments. This bill represents a fundamental shift in Maryland’s permitting structure – this would move Maryland away from the current model that uses technical criteria as a basis for issuance, to a more discretionary, broader compelling public interest, impact-balancing model that is grounded more in environmental justice and cumulative harm.

While MES agrees with the intent of the bill – to incorporate more of these types of considerations in the permitting application process as a tool to better understand and evaluate the impacts these types of facilities will have on the immediately surrounding population – we nevertheless strongly recommend amendments to strengthen and tighten this new permitting regime.

MES operates many different environmental facilities and projects across the state, several of which will be impacted by this bill. Fundamentally, we recommend that MDE be given more discretion over the permitting approval process. The bill, as introduced, will **require** MDE to deny a permit if MDE determines that the permit will cause or contribute to adverse environmental or public health stressors or indicators in the at-risk census tract, unless the applicant can demonstrate the activity will provide a compelling public interest in the at-risk census tract in which the activity takes place.

The legal standard “compelling public interest” sets an extremely high bar that may result in existing wastewater and solid waste facilities being denied permit renewal in the future. For example, MES operates wastewater treatment facilities on behalf of its client, the Department of Public Safety and Correctional Services, at correctional institutions in Hagerstown, Jessup, and in Somerset County. Each of these facilities serves the inmate and staff population, not the potential at-risk population. Therefore, at renewal, the bill language might require MDE to deny a permit and there is no possibility for the applicant to demonstrate a compelling public interest

for the at-risk census tract population.

Midshore. MES operates a unique multi-county partnership for solid waste services called Midshore Regional Landfill Agreement (hereinafter "Midshore").

Originally an 80-year agreement between Talbot, Caroline, Kent and Queen Anne's counties, each county hosts a landfill for a 20-year period. Costs to construct, operate, and decommission landfills are extraordinarily expensive, but this regional agreement (1) spreads the cost out over a long period of time, (2) allows for economies of scale, (3) reduces the impacts on the counties. Talbot's "turn" was completed on December 31, 2010. In 2025, it was determined that Caroline County's landfill had not met capacity and the agreement was extended to a total of 92 years. Both Queen Anne's and Kent Counties will need to select sites and permit new landfills. We are very concerned that these requirements could harm and put the agreement in jeopardy.

We request that these types of multi-county agreements be excluded from the bill's provisions.

MES is committed to working with the bill sponsor, MDE, and stakeholders on this and we look forward to contributing to Maryland being a leader in tackling this very important environmental problem.

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