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**National Waste
& Recycling Association**SM

House Environment and Transportation Committee
March 13, 2026

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)*

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** House Bill 1268.

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. House Bill 1268 includes permits issued for refuse disposal systems. NWRA-MD opposes this bill for three primary reasons: 1) The bill is unnecessarily duplicative because the Maryland Department of the Environment's (MDE) current permitting authority already requires the Department to consider environmental and public health risks; 2) The BURDEN report that must be completed by permit applicants is unreasonably onerous and beyond the scope of what an applicant can be expected to provide, and 3) the additional discretion provided to MDE to deny, alter, or impose conditions on new or renewal permits could result in disruptions to essential public services.

1. The bill is unnecessarily duplicative because MDE's current permitting authority already requires the Department to consider environmental and public health risks.

We are concerned because facilities, such as landfills and transfer stations, provide an essential public service by partnering with local jurisdictions to manage waste streams. While it is not anticipated that any new landfills will be built in Maryland, new transfer stations are occasionally built. As refuse disposal permits must be renewed every five years, the renewal permits for each of these facilities would be subject to the new requirements of the bill. We note that the MDE already has the authority to consider a proposed facility's environmental impact under its existing permit review authority. Under COMAR Title 24, Subtitle 4, MDE is required to consider the environmental impacts of a permit, including nuisances, air pollution, environmental impacts, and whether the permit will create other hazards to public health, safety, or comfort. Additionally, our industry is required to comply with MDE's Environmental Justice Screening Tool to develop an Environmental Justice Score.

Public participation in the current permit process is also required under existing law. Title 1, Subtitle 6 of the Environment Article establishes public notice and hearing requirements for permits to install, materially alter, and materially extend landfill systems, incinerators, and rubble landfills.

2. The BURDEN report that must be completed by permit applicants is unreasonably onerous and beyond the scope of what an applicant can be expected to provide.

The proposed legislation makes permit applicants responsible for providing a significant amount of information beyond existing permit requirements that permit applicants are not equipped to provide. Among other things, the bill requires permit applicants to:

- Describe the existing environmental and public health burden for the at-risk census tract where the permit is located, and a description of the potential or current contributions to the existing environmental and public health burden by the site or facility.
- Provide an evaluation of existing environmental and public health stressors and indicators borne by the at-risk census tract or areas within a 1.5-mile radius of the site or facility.
- Provide a comprehensive list of each existing pollution source, or category of sources, that is impacting the at-risk census tract or tracts within a 1.5-mile radius of the site or facility

Requiring the permit applicant to evaluate not just the proposed site or facility, but also the entire census tract where it is located and a 1.5-mile radius around the facility, is an unreasonable requirement to impose on permit applicants. An owner or operator of a landfill or transfer station does not possess the technical expertise to evaluate all environmental or public health risks across an entire census tract or 1.5-mile radius around the facility. Compliance with these provisions would substantially delay the permit application timeline and increase compliance costs for facilities and their clients, who are primarily local jurisdictions. To complete the required BURDEN report, owners or operators would likely be forced to hire third-party environmental consultants. We believe that MDE is better suited to evaluate the context of a given permit application within a particular census tract or geographic area. Adding time and compliance costs to the permit process would increase costs for our local government clients, ultimately borne by taxpayers.

3. The additional discretion provided to MDE to deny or impose conditions on new or renewal permits could result in disruptions to essential public services.

The bill, as drafted, gives MDE broad discretion to deny a permit or impose additional permit conditions. Again, we highlight that MDE's existing permit requirements allow for consideration of environmental and public health impacts. We are particularly concerned about providing additional discretion to deny or impose conditions on renewal permits. These existing facilities reflect millions of dollars in investment in facilities that serve local jurisdictions, providing the essential public function of proper waste disposal. Imposing additional conditions on these operations creates uncertainty around the continued performance of a public function and could result in increased costs, which again, will ultimately be borne by the public.

Our industry is committed to increasing recycling rates, diverting waste from the waste stream, and being good environmental stewards. Our facilities have a long-standing existing working relationship with MDE. We do not object to measures that will bring additional clarity or transparency to the existing permit process. However, the obligations imposed by this bill are duplicative, unreasonably onerous and costly to comply with, and could result in disruption to essential public services. We would be happy to engage in conversations with the bill sponsors, advocates, and MDE about improvements to the facility permit process, but do not believe this bill represents the best solution. For these reasons, we respectfully request an unfavorable report on this legislation.

For more information:

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