

House Bills 1287 and 1268 – SUPPORT

Certificate of Public Convenience and Necessity - BURDEN Analysis (HB 1287)

and

Environmental Permits - Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (Cumulative Harms for Environmental Restoration for Improving Shared Health (HB 1268)

(CHERISH Our Communities Act)

House Environment and Transportation Committee

Dear Chair Korman and Members of the Committee,

My name is John Garofolo. Thank you for allowing me to testify for HB 1287 and HB 1268. I'm writing a combined testimony in support of these bills since they are closely related and would protect my health and the health of communities all around me from the many sources of pollution in my area of Curtis Bay in Anne Arundel County. I am a retired federal scientist, an Anne Arundel Watershed Steward, a citizen environmentalist, a citizen member of the MPA Cox Creek Citizen Oversight Committee, and I have previously been on the board of directors of my community association. I also facilitate the all-volunteer Anne Arundel Patapsco Environmental Coalition which engages with several hundred citizens of Pasadena, Glen Burnie, and Curtis Bay on pollution issues because my area of northern Anne Arundel County along the Patapsco River has been struggling with polluters and pollution for decades.

I have lived in Stoney Beach for over 20 years – a beautiful 62-acre peninsula community of 458 homes in Curtis Bay in Northern Anne Arundel County surrounded by the Patapsco River, Stoney Creek, and Cox Creek. It would be an oasis if it wasn't also surrounded by polluters. Our area in northern Anne Arundel County and South Baltimore nearby is riddled with legacy pollution and continued polluters of many types spanning coal/diesel/gas power plants, sewage treatment plants, medical and other waste incinerators, dumps of toxic materials and forever chemicals, heavy metals, PCBs, petroleum byproducts, chemical and nuclear waste, coal piles and spent coal ash, contaminated dredge material, fuel and processed fuel storage, and more. **We have identified 4 polluting facilities within hundreds of feet of our community and are aware of over 60 in our area.**

The impacts of pollution on health are serious. **But, we are extremely concerned about the multiplicative effects on our health from the cumulative impacts of the many sources of pollution near our communities.**

Myself and many neighbors in my community and nearby communities in northern Anne Arundel County are convinced that the pollution here has greatly affected our health. We are discouraged that in 2026 the state still treats our area like the “Sacrifice Zone” of greater Baltimore through its lack of meaningful regulation and oversight of polluters and protection of pollution overburdened communities from cumulative pollution.

Exposure to multiple pollutants creates greater synergistic health risks and impacts spanning chronic illnesses, early mortality, lost work, lost business, health care system strain, infrastructure strain, depressed home values, and overarching economic impacts. Unfortunately, right now, the state approves permits for polluting agencies and industries largely without considering these impacts of cumulative pollution in a given area or the socioeconomic status of nearby communities. The bills collectively called “CHERISH” will create modernized regulatory controls on the amount and kinds of pollution that will be permitted to be generated in overburdened areas of the state. **It’s important that the legislation defined in HB 1287 and HB 1268 is passed into law to protect us from the cumulative impacts of multiple sources of pollution. This matters to me very personally.**

My home and the hundreds of others in my community (see attached photo) and in several nearby communities are within 1000 feet of the coal-powered Brandon Shores power generation station and even closer to the Wagner power generation station which was recently converted from coal to diesel and natural gas. Per the Talen Energy website¹ (the owner of the two plants), these plants currently employ 4 boilers emitting pollution – that’s 4 sources of pollution. **Our community sometimes chokes on the fumes of these polluters, and we have ash from Brandon Shores frequently falling on our homes – even with the emissions mitigation added to Brandon Shores in 2012.** And we’ve now been told that these polluters must be kept open until 2029 because the PJM grid operator and BG&E and multiple states on the PJM grid have made poor decisions about electricity reliability. We are paying the price with our health. I began engaging with Anne Arundel County and MDE in 2016 on these polluters after learning that the entire Greater Baltimore area had been declared a sulfur dioxide non-

¹ <https://www.talenenergy.com/our-portfolio/>

attainment zone by the EPA because of the power plants next to my home. I worked with Senator Simonaire and District 31 legislators and our county councilman in 2017 for a bill that was signed in to law to place an SO2 monitor in my community because there was no nearby monitor. In 2018, as required by that legislation, the MD Department of Environment (MDE) installed a SO2 monitor in nearby Riviera Beach which was described by the EPA in its 2022 report as antiquated and buggy and its data useless. At MDE's request, the EPA allowed MDE to remove the monitor instead of replacing it. The EPA was forced to disregard all of the data from the monitor. **Our community has never had actual independent continuous physical monitoring of its SO2 levels or other toxins emitted by coal burning including NO2, particulates, mercury, other heavy metals, and toxic chemical byproducts.**

But, we have anecdotal evidence that we have been exposed to extensive pollution from these power plants. Two years ago when we set out to create a living shoreline to protect a vulnerable point in our community from extreme erosion caused by storms, we reached out to the MD Port Administration (MPA) to make beneficial use of dredge material taken from the water around our community to replace the lost sand there. MPA identified newly dredged material from just off our shore from Cox Creek between our community and the Wagner power plant. **When it was tested as required by MDE, it was found to contain high levels of a carcinogenic chemical from coal-burning called benzo[a]pyrene.** This means that we've been exposed to this chemical in the air and in our soil and in the waters around our community for decades. The pile of sand had to sit in the sun for a year so that the chemical would dissipate before we could use it. **We do not know how much benzo[a]pyrene (or other toxins) we're still being exposed to.**

In engaging MPA on our living shoreline project, we learned that they planned to dig up the Patapsco River just off our shore, mine the sand and gravel in the riverbed up to 90 feet deep, and dump contaminated harbor dredge in its place in a process they call Confined Aquatic Disposal (CAD). Our kids swim and crab and fish in that water. We should be trying to protect and restore the fragile Patapsco, not unnecessarily worsen it. A group of volunteers have spent the last two years working tirelessly to bring sensibility to the state on this issue and worked hard with our District 31 legislators to create a 4-year moratorium on Confined Aquatic Disposal which was just recently signed into law by a General Assembly over-ride of the Governor's inexplicable veto. There are now only 3 years left on the moratorium.

Just over the last few months, there have been suspicious emissions of pollution from both the Wagner and Brandon Shores power plants that members of our community reported to

multiple agencies in the state. A boiler/stack cleaning operation from Brandon Shores rained a dirty salty substance down on our homes last fall. Our community was frightened because we weren't told what it was or where it came from. Since then, there have been several emissions of black smoke from the Wagner power plant during faulty startups of its diesel generators. We have begun asking more questions about these issues and lodging complaints, but nothing has been done except that the power plant owner recently agreed to notify us when there's an issue, but that won't stop the problems or our exposure. We are considering installing our own air monitoring equipment at our own expense so that we're better informed about our local air quality because we're not getting timely reliable information. **HB 1287 could make a significant difference in assuring oversight and accountability for these kinds of emissions and that they're taken into account in their determination of our cumulative exposure to pollution.**

There are also long-standing toxic pools and new piles of coal and spent coal ash pits on the grounds of the power plants that are likely leaching into the Patapsco near our community. **It's not clear which of HB 1287 or HB 1268 would apply to those. This is one of many reasons why HB 1287 and HB 1268 are both important and need to both be implemented in tandem.**

We also experience frequent horrible sewage smells coming from the Anne Arundel Cox Creek Water Reclamation Facility (sewage treatment plant) which is also just hundreds of feet from our community, and it has had several spills into Cox Creek adjoining our community. We've made many reports to the county and state regarding the odor, with absolutely no resulting action. We'd like to better understand what toxins and bio hazards we're being exposed to in those odors.

We also are constantly barraged with extremely toxic odors coming from the Curtis Bay Energy medical waste incinerator. The odors smell like a combination of organic material, plastics, and chemicals. Once again, we've made many reports, but nothing seems to happen. It's essential that we better understand what toxins we're being exposed to in those odors. And that emissions from this horrible polluter are properly regulated for our health.

We have anecdotal evidence from our community and neighboring communities of higher respiratory, cardiac, cancer, and neurological disease in our area – likely due to the proliferation of polluters all around us. **I know this personally because over the last several years, I've struggled with lymphoma (cancer), cardiac atrial fibrillation (AFIB) and atrial flutter, asthma,**

and other health problems that perplex my doctors and I am concerned that they were brought on by the toxins in my environment.

The awful and harsh reality is that a long time ago, the state apparently decided that we're part of the "Sacrifice Zone" for the greater Baltimore area and that we're just supposed to accept that and shut up. But, nobody sent me that memo when I moved here 20 years ago. Nobody handed me a pollution report when I bought my home. I wish they had! Ironically, a version of that is now being created and available through an app and it's impacting our home values.² My home got a 5/10 on the app – a "Major" pollution air quality score and it shows nearby polluters as well as historical pollution.

Nobody's health or prosperity should be sacrificed to industrial poisoning for the good of corporate greed or laziness of the state and counties. Our state and counties should be standing up for our health! First and foremost – especially with skyrocketing health costs! And, our state and local governments should be taking the real health and environmental costs of pollution into account when they consider permitting requests from polluters – especially for overburdened communities. And it shouldn't be forcing us to do the research and investigation that it should be doing to bring awareness to the issues.

The CHERISH Bills HB 1287 and HB 1268 have a number of benefits that will help to address these issues.

1. CHERISH would create a fair and equitable system for measuring the degree and types of pollution in communities across the state, determine action levels for implementing overburden regulatory controls, and create a regulatory framework to reduce pollution levels in these communities via enhancements in the existing permitting and oversight process.
2. CHERISH would protect the most overburdened communities from the harms of cumulative pollution and provide a voice for these communities in the permitting process and since historically, pollution has been concentrated largely in socioeconomically depressed communities, it would significantly help to address ongoing environmental justice issues in the state.

² <https://firststreet.org/>

3. CHERISH would not only protect the most overburdened communities from air, water, and soil pollution, but those nearby as well. This is especially important since air pollution can travel great distances and impact many communities and soil and water pollution can impact downstream communities.
4. CHERISH seeks to create an economical and efficient solution to overburden regulation. The proposed legislation would cover pollution from many, but not all sources of pollution. It was designed to balance the burden of implementing these new regulations by the state and the taxpayers with the burden of pollution in overburdened communities and by addressing the worst forms of pollution not covered in existing regulations.
5. The CHERISH bill will help to protect community and worker health, reduce sick days and pollution-related chronic illnesses and disabilities, reduce impacts on businesses, reduce impacts to both public and private health and economic infrastructure, and improve property values.
6. The CHERISH bill will help to fill essential gaps in the quickly eroding EPA pollution regulatory infrastructure in meaningful ways that will protect citizens' health.
7. The CHERISH bill will help to protect new homeowners in new housing developments being built to support the state's goals in providing sufficient housing and affordable housing.
8. Fines collected from permit violations can be used to support the CHERISH program in MDE and to help offset the taxpayer burden in regulating and enforcing compliance.

My dream is for clean water, air, and land for ALL communities across the state and to turn that dream into a reality for communities which have struggled for decades with pollution overburden like my community and nearby areas in Northern Anne Arundel County and South Baltimore. These communities will then become Abundance Zones rather than Sacrifice Zones that they've been. And to get there, we need legislation to more appropriately regulate industrial pollution that we're exposed to and fight the inertia that has held us in its grip for so long. This is even more important as **the state and county is committed to building thousands of new homes in our area. The state of MD needs to equally commit to providing a clean environment for the citizens who will live in them and for those of us who have suffered from cumulative pollution for decades – especially in the face of weakening EPA regulations.**

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House Bills HB 1287 and HB 1268 proposed in this legislative session will create the necessary regulatory infrastructure to implement a measured and cost-effective approach to correcting the heavy burden of cumulative pollution in Maryland's most polluted communities and it will give overburdened communities a voice in the process. It is the right approach to reducing pollution overburden and its many costs to health, economic prosperity, and health-impacted infrastructure for our state. This is URGENT as the EPA is quickly eliminating regulation of pollution. Maryland must stand up for a clean environment for ALL of its citizens!

I ask you to strongly SUPPORT Bills HB 1287 and HB 1268 per the language proposed by the sponsor with no amendments and give it a favorable reading.

Sincerely,

John S. Garofolo

Stoney Beach, Curtis Bay, MD

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Photo of Stoney Beach Community from late 2024 in Curtis Bay, Anne Arundel County with Brandon Shores and Wagner power generation stations just next to us.

