

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 51 (Delegate Turner)
Environment and Transportation

Zoning - Environmental Justice Considerations

This bill requires a local governing body to require the preparation of an environmental justice analysis, as specified, upon an initial application for a special exception to construct or operate a landfill in an area zoned for residential use, or upon an application to extend or renew such a special exception. The environmental justice analysis is to be prepared at the expense of the property owner. The bill also requires the Commission on Environmental Justice and Sustainable Communities (CEJSC) to issue a report by December 1, 2021, making recommendations regarding strategies for increasing State oversight of, and involvement in, local zoning decisions that present environmental justice concerns. **The provision related to the required CEJSC report takes effect June 1, 2021.**

Fiscal Summary

State Effect: The bill’s environmental justice analysis requirement does not directly affect State finances but may have an indirect effect, as discussed below. The Maryland Department of the Environment (MDE) advises that although its personnel who staff CEJSC can prepare the required report with existing resources, it is not be possible to complete a comprehensive study, formulate meaningful recommendations, and write a final report by the December 1, 2021 deadline required by the bill.

Local Effect: The bill’s environmental justice analysis requirement does not directly affect local government finances but may have an indirect effect, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The environmental justice analysis must include (1) a description and demographic profile of the surrounding neighborhood; (2) a description of the actual or potential adverse environmental impacts to land, air, and water resources within a two-mile radius of the landfill or proposed landfill; (3) a description of the actual or potential human health impacts and economic impacts to the individuals who live or work within a two-mile radius of the landfill or proposed landfill; and (4) an assessment of the cumulative impact to the environment and health of the surrounding community resulting from the construction or operation of the landfill when added to the effects of other past, present, and reasonably foreseeable land uses within a two-mile radius of the landfill or proposed landfill.

Current Law: The Secretary of the Environment may not issue a permit to install, materially alter, or materially extend a refuse disposal system (which includes a landfill) until, among other things, the county has completed its review of the proposed system and has provided to MDE a written statement that the refuse disposal system meets all applicable county zoning and land use requirements and conforms with the county solid waste plan.

State/Local Fiscal Effect: The bill's environmental justice analysis requirement does not directly affect State finances (since it applies to a local governing body) or local government finances (since the analysis is prepared at the expense of the property owner). However, to the extent that an environmental justice analysis prepared pursuant to the bill contributes to a local government's denial of an initial application for a special exception, or an application to extend or renew a special exception, there may be indirect effects on the State and local governments. In the event an application to extend or renew a special exception for an existing facility is denied as a result of the environmental justice analysis required by the bill, MDE would need to review closure and post-closure plans for a landfill required to cease operations. In addition, MDE may need to review and approve an amended solid waste management plan for the local government. An affected local government likewise may need to amend its solid waste management plan and may experience fiscal impacts associated with the closing of a landfill (*e.g.*, any increased costs incurred by the county associated with alternative solid waste management options).

Small Business Effect: To the extent that any small business is, or will be, involved in the construction or operation of a landfill in an area zoned for residential use, and as the property owner is responsible for the expense of the required environmental justice analysis, its costs increase. Any small business involved in the development of such an analysis benefits from a potential increase in the demand for its services.

Additional Information

Prior Introductions: SB 563 of 2019, a similar bill, passed the Senate but received an unfavorable report from the House Environment and Transportation Committee. Its cross file, HB 1419, was referred to the House Rules and Executive Nominations Committee but was subsequently withdrawn.

Cross File: SB 121 (Senators Patterson and Benson) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel, Garrett, and Montgomery counties; City of Laurel; Maryland Department of the Environment; Department of Legislative Services

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