

Chapter 588

(House Bill 1200)

AN ACT concerning

Environment – Permit Applications – Environmental Justice Screening

FOR the purpose of requiring a person applying for a certain permit from the Department of the Environment to include in the application the EJ Score from the Maryland ~~EJScreen mapping~~ EJ tool for the ~~address~~ census tract where the applicant is seeking the permit; requiring the Department, on receiving a certain permit application, to ~~conduct an environmental justice analysis of the address~~ review the EJ Score for the census tract where the applicant is seeking a permit using the Maryland ~~EJScreen mapping~~ EJ tool; ~~requiring the Department to conduct the analysis before deciding whether to issue a permit;~~ requiring notices regarding certain permit applications to include information related to EJ Scores ~~and environmental justice analyses;~~ and generally relating to environmental permits and environmental justice screenings.

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–101 and 1–602

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

BY adding to

Article – Environment

Section ~~1–205~~ 1–601.1

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

1–101.

(a) In this article the following words have the meanings indicated.

(b) “Contested case hearing” means an adjudicatory hearing in accordance with the contested case procedures of Subtitle 2 of the Maryland Administrative Procedure Act.

(c) “County” means a county of this State and, unless expressly provided otherwise, Baltimore City.

(d) “Department” means the Department of the Environment.

(e) **“EJ SCORE” MEANS AN OVERALL EVALUATION OF AN AREA’S ENVIRONMENT AND EXISTING ENVIRONMENTAL JUSTICE INDICATORS, AS DEFINED BY THE DEPARTMENT IN REGULATION, INCLUDING:**

- (1) **POLLUTION BURDEN EXPOSURE;**
- (2) **POLLUTION BURDEN ENVIRONMENTAL EFFECTS;**
- (3) **SENSITIVE POPULATIONS; AND**
- (4) **SOCIOECONOMIC FACTORS.**

(F) **“ENVIRONMENTAL JUSTICE” ~~MEANS EQUAL PROTECTION FROM ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL PEOPLE REGARDLESS OF RACE, INCOME, CULTURE, AND SOCIAL STATUS~~ HAS THE MEANING STATED IN § 1-701 OF THIS TITLE.**

[(e)] (G) “Health officer” means the Baltimore City Commissioner of Health or the health officer of a county.

[(f)] (H) “Includes” or “including” means includes or including by way of illustration and not by way of limitation.

[(g)] (I) “Informational meeting” means a meeting, open to the public, at which the applicant or the Department presents information concerning a permit application. An informational meeting is not a contested case hearing nor an agency hearing under § 10-202(d) of the State Government Article.

(J) **“~~MARYLAND EJScreen~~ MARYLAND EJ TOOL” MEANS A PUBLICLY AVAILABLE STATE MAPPING TOOL THAT ALLOWS USERS TO:**

- (1) **EXPLORE LAYERS OF ENVIRONMENTAL JUSTICE CONCERN;**
- (2) **DETERMINE ~~THE~~ AN OVERALL EJ SCORE FOR CENSUS TRACTS IN THE STATE; AND**
- (3) **VIEW ADDITIONAL CONTEXT LAYERS RELEVANT TO AN AREA.**

[(h)] (K) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

[(i)] (L) “Physician” means an individual who is authorized under the Maryland Medical Practice Act to practice medicine in this State.

[(j)] (M) “Public hearing” means a meeting, open to the public, at which the Department receives oral and written comments concerning a tentative determination. A public hearing is not a contested case hearing nor an agency hearing under § 10–202(d) of the State Government Article.

[(k)] (N) “Secretary” means the Secretary of the Environment.

[(l)] (O) “State” means:

- (1) A state, possession, or territory of the United States;
- (2) The District of Columbia; or
- (3) The Commonwealth of Puerto Rico.

[(m)] (P) “Substantively” means in a manner substantially affecting the rights, duties, or obligations of a member of the public.

~~1-205.~~ 1-601.1.

(A) A PERSON APPLYING FOR A PERMIT UNDER THIS ARTICLE LISTED UNDER § 1-601(A) OF THIS SUBTITLE SHALL INCLUDE IN THE PERMIT APPLICATION THE EJ SCORE FROM THE MARYLAND ~~EJ SCREEN MAPPING~~ EJ TOOL FOR THE ADDRESS CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT, UNLESS THE PERMIT REQUIRES THE APPLICANT TO USE A TOOL DEVELOPED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

(B) ~~(1)~~ ON RECEIVING AN APPLICATION FOR A PERMIT APPLICATION UNDER THIS ARTICLE LISTED UNDER § 1-601(A) OF THIS SUBTITLE, THE DEPARTMENT SHALL, IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SECTION, CONDUCT AN ANALYSIS OF THE ADDRESS REVIEW THE EJ SCORE FOR THE CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT USING THE MARYLAND ~~EJ SCREEN MAPPING~~ EJ TOOL TO VERIFY THE APPLICANT’S INFORMATION.

~~(2) THE DEPARTMENT SHALL CONDUCT THE ANALYSIS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE DECIDING WHETHER TO ISSUE A PERMIT UNDER THIS ARTICLE.~~

(C) ~~ON OR BEFORE OCTOBER 1, 2023, THE~~ THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

1-602.

(a) Wherever this subtitle requires the Department to publish notice:

(1) Notice shall be published at least once a week for 2 consecutive weeks in a daily or weekly newspaper of general circulation in the geographical area in which the proposed facility is located;

(2) **THE NOTICE SHALL INCLUDE:**

(I) THE EJ SCORE FOR THE ADDRESS CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT, PROVIDED BY THE APPLICANT UNDER ~~§ 1-205 OF THIS TITLE~~ § 1-601.1 OF THIS SUBTITLE; AND

(II) THE ADDRESS OF THE DEPARTMENT WEBSITE FOR ACCESSING ~~EJ SCREEN ANALYSES PREPARED UNDER § 1-205 OF THIS TITLE~~; THE EJ SCORE REVIEW CONDUCTED UNDER § 1-601.1 OF THIS SUBTITLE; AND

(III) A DESCRIPTION OF THE ENVIRONMENTAL JUSTICE INDICATORS CONTRIBUTING TO THE EJ SCORE OF THE CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT;

(3) The Department may require notice of an informational meeting or a public hearing by mail to each person requesting the meeting or hearing or to their authorized representatives;

[(3)] (4) The Department may provide additional notice by requiring the notice to be posted at the proposed facility or at public facilities in the geographical area of the proposed facility; and

[(4)] (5) The applicant shall bear all costs incurred by the Department in providing notice.

(b) (1) In addition to the requirements set forth in subsection (a) of this section and notwithstanding any other requirements in this article, wherever this subtitle requires the Department to publish notice of an application for a permit, the Department shall:

(i) Electronically post the notice of an application for a permit on the Department's Web site; and

(ii) Provide a method for interested persons to electronically request any additional notices related to an application for a permit.

(2) The notice required under paragraph (1) of this subsection shall include:

- (i) The name and address of the applicant;
- (ii) A description of the location and the nature of the activity for which the permit has been sought;
- (iii) A reference to the applicable statutes or regulations governing the application process;
- (iv) The time and place of any scheduled informational meeting or public hearing, or a description of where this information can be found;
- (v) A description of where further information about the permit application can be found; [and]

(vi) **1. ~~THE EJ SCORE FOR THE ADDRESS~~ CENSUS TRACT WHERE THE APPLICANT IS SEEKING A PERMIT, PROVIDED BY THE APPLICANT UNDER ~~§ 1-205 OF THIS TITLE~~ § 1-601.1 OF THIS SUBTITLE; AND**

2. ~~THE EJS SCREEN ANALYSIS PREPARED BY THE DEPARTMENT UNDER ~~§ 1-205 OF THIS TITLE~~~~ EJ SCORE REVIEW CONDUCTED UNDER § 1-601.1 OF THIS SUBTITLE; AND

(VII) Any other information that the Department determines is necessary.

(c) The Department may require the applicant to publish and send the notices required in subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.