

HB0024/293828/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 24
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Boyce**” and substitute “**Delegates Boyce, Addison, Allen, Foley, Healey, Lehman, J. Long, Love, and Stein**”; strike line 2 in its entirety and substitute “**Department of the Environment – Environmental Justice Evaluation of Environmental Permit Applications**”; strike beginning with “conduct” in line 3 down through “equity” in line 9 and substitute “perform a certain environmental justice evaluation of certain environmental permit applications under certain circumstances; authorizing the Department to take certain actions on certain environmental permit applications based on certain findings to address environmental justice concerns; requiring the Department to maintain a publicly accessible website, part of a website, or application that identifies pending permit applications in a certain manner; authorizing the Department to charge a certain fee to cover certain costs; requiring the Department to consult with certain stakeholders regarding certain environmental justice evaluations of certain permit applications and to make certain considerations for improving public outreach and notice regarding certain permit determinations; and generally relating to environmental justice and environmental permits”; strike line 12 in its entirety and substitute “Section 1–601(a), 1–601.1, and 1–701(a)(1) and (5)”; strike in their entirety lines 15 through 19, inclusive; and strike beginning with “Impact” in line 22 down through “Equity” in line 23 and substitute “Environmental Justice Evaluation of Environmental Permit Applications”.

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 9 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, after line 31, insert:

**HB0024/293828/01 Environment and Transportation Committee
Amendments to HB 24
Page 2 of 6**

“1-601.1.

(a) A person applying for a permit listed under § 1-601(a) of this subtitle shall include in the permit application the EJ Score from the Maryland EJ tool for the 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) On receiving an application for a permit listed under § 1-601(a) of this subtitle, the Department shall, in accordance with regulations adopted under this section, review the EJ Score for the census tract where the applicant is seeking a permit using the Maryland EJ tool to verify the applicant’s information.

(c) The Department shall adopt regulations to implement this section.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 28 on page 4, inclusive.

On page 4, strike beginning with “**IMPACT**” in line 29 down through “**EQUITY**” in line 30 and substitute “**ENVIRONMENTAL JUSTICE EVALUATION OF ENVIRONMENTAL PERMIT APPLICATIONS**”.

On page 5, after line 5, insert:

“(C) “DISCHARGE PERMIT” HAS THE MEANING STATED IN § 9-301 OF THIS ARTICLE.”;

in line 6, strike “(C)” and substitute “(D)”; strike in their entirety lines 8 and 9; in line 10, after “(E)” insert “(1)”; after line 10, insert:

“(2) “PERMIT” DOES NOT INCLUDE:

(I) A GENERAL DISCHARGE PERMIT FOR RESIDENTIAL OR COMMERCIAL CONSTRUCTION; OR

(II) A GENERAL DISCHARGE PERMIT TO CONSTRUCT AN ELECTRICITY SUBSTATION.”;

strike in their entirety lines 11 and 12; after line 13, insert:

“(A) THIS SECTION APPLIES TO A PERMIT APPLICATION, OTHER THAN A GENERAL PERMIT APPLICATION, RECEIVED BY THE DEPARTMENT ON OR AFTER OCTOBER 1, 2024.”;

in line 14, strike “(A) (1)” and substitute “(B)”; and strike beginning with “ISSUING” in line 15 down through “PERMIT” in line 18 and substitute “THE EJ SCORE IS ABOVE THE 75TH PERCENTILE STATEWIDE, THE DEPARTMENT SHALL PERFORM AN ADDITIONAL ENVIRONMENTAL JUSTICE EVALUATION OF THE PERMIT APPLICATION”.

On pages 5 and 6, strike in their entirety the lines beginning with line 19 on page 5 through line 11 on page 6, inclusive.

On page 6, after line 11, insert:

“(C) IF, BASED ON THE FINDINGS OF AN EVALUATION PERFORMED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT A PERMIT WOULD HAVE A SUBSTANTIAL IMPACT ON THE HEALTH OF THE SURROUNDING COMMUNITY, THE DEPARTMENT MAY:

(1) FOR A PERMIT FOR A NEW POLLUTION SOURCE OR A PERMIT THAT ALLOWS FOR AN INCREASE IN POLLUTION FROM AN EXISTING POLLUTION

(Over)

SOURCE, DENY THE PERMIT OR IMPOSE CONDITIONS IN THE PERMIT TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS; AND

(2) FOR THE RENEWAL OF AN EXISTING PERMIT THAT WOULD NOT RESULT IN AN INCREASE IN POLLUTION FROM AN EXISTING POLLUTION SOURCE, IMPOSE CONDITIONS IN THE RENEWAL PERMIT TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS.”;

strike beginning with “REGULARLY” in line 13 down through “TRACT” in line 16 and substitute “MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE, PART OF A WEBSITE, OR APPLICATION THAT IDENTIFIES PENDING PERMIT APPLICATIONS WITH SPECIFIC CENSUS TRACTS”; strike beginning with “DUE” in line 20 down through “APPLICATIONS” in line 21; and strike in their entirety lines 25 through 27, inclusive.

On pages 6 and 7, strike beginning with “(A)” in line 29 on page 6 down through “FUND” in line 6 on page 7 and substitute:

“IN ADDITION TO ANY OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE DEPARTMENT MAY CHARGE A REASONABLE FEE TO COVER THE DEPARTMENT’S COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SUBTITLE, INCLUDING THE COSTS TO THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE TO PERMIT APPLICANTS AND RESIDENTS OF RELEVANT CENSUS TRACTS AS NEEDED TO COMPLY WITH THIS SUBTITLE”.

On pages 7 through 10, strike in their entirety the lines beginning with line 10 on page 7 through line 17 on page 10, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

HB0024/293828/01 Environment and Transportation Committee
Amendments to HB 24
Page 5 of 6

(a) In accordance with subsection (b) of this section, in initially developing regulations under § 1-7A-05 of the Environment Article, as enacted by Section 1 of this Act, the Department of the Environment shall consult with stakeholders from the regulated community, local governments, underserved and overburdened communities, public health experts, and environmental justice advocacy groups.

(b) The Department shall consult with the stakeholders on the following issues:

(1) the scope and parameters of the environmental justice evaluation required under § 1-7A-02 of the Environment Article, as enacted by Section 1 of this Act;

(2) the applicability of any fee established under § 1-7A-04 of the Environment Article, as enacted by Section 1 of this Act, including any limits on the types of technical assistance subject to the fee and any potential maximum cap on the fee;

(3) the potential types of conditions that could be placed on permits subject to the provisions of this Act;

(4) mitigating and aggravating factors that could assist in determining when the Department may place a condition on a permit, or deny a permit under the provisions of this Act, including:

(i) whether the facility is considered vital public infrastructure;

(ii) the past history of violations of a permitted facility and the willingness of the permit holder to address those violations; and

(Over)

HB0024/293828/01 Environment and Transportation Committee
Amendments to HB 24
Page 6 of 6

(iii) the financial impact on the permitted facility and the economic opportunity the permitted facility would provide to the affected neighborhood; and

(5) how the Department can integrate environmental justice considerations into general permits included under the definition of “permit” under § 1–7A–01 of the Environment Article, as enacted by Section 1 of this Act, during their next permit renewal period.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment shall consider methods to improve outreach and notice effectiveness to underserved and overburdened communities regarding informational meetings and public hearings and comment for tentative determinations for permits.”.

On page 10, in line 18, strike “2.” and substitute “4.”.