

HOUSE BILL 24

M3
HB 840/23 – ENT & ECM

(PRE-FILED)

4lr0810
CF SB 96

By: ~~Delegate Boyce~~ Delegates Boyce, Addison, Allen, Foley, Healey, Lehman, J. Long, Love, and Stein

Requested: October 3, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 ~~Environment – Impact of Environmental Permits and State Agency Actions~~
3 Department of the Environment – Environmental Justice Evaluation of
4 Environmental Permit Applications

5 FOR the purpose of requiring the Department of the Environment to ~~conduct a certain~~
6 ~~evaluation regarding the impact of issuing an approval for certain environmental~~
7 ~~permits; requiring the Department to provide opportunities for certain~~
8 ~~communication with certain residents in a certain manner; requiring the~~
9 ~~Department to deposit certain money in certain funds under certain circumstances;~~
10 ~~altering certain reporting requirements for certain State agencies; and generally~~
11 ~~relating to the impact of actions on climate and environmental justice and equity~~
12 perform a certain environmental justice evaluation of certain environmental permit
13 applications under certain circumstances; authorizing the Department to take
14 certain actions on certain environmental permit applications based on certain
15 findings to address environmental justice concerns; requiring the Department to
16 maintain a publicly accessible website, part of a website, or application that
17 identifies pending permit applications in a certain manner; authorizing the
18 Department to charge a certain fee to cover certain costs; requiring the Department
19 to consult with certain stakeholders regarding certain environmental justice
20 evaluations of certain permit applications and to make certain considerations for
21 improving public outreach and notice regarding certain permit determinations; and
22 generally relating to environmental justice and environmental permits.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Environment
 3 ~~Section 1–601(a), 1–701(a)(1), (5), (7), and (8), 1–702(b), 2–107(a), and 7–218~~
 4 ~~Section 1–601(a), 1–601.1, and 1–701(a)(1) and (5)~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2013 Replacement Volume and 2023 Supplement)~~

7 ~~BY repealing and reenacting, with amendments,~~
 8 ~~Article – Environment~~
 9 ~~Section 1–702(a), 2–107(b), 2–1305, and 7–219~~
 10 ~~Annotated Code of Maryland~~
 11 ~~(2013 Replacement Volume and 2023 Supplement)~~

12 BY adding to
 13 Article – Environment
 14 Section 1–7A–01 through 1–7A–05 to be under the new subtitle “Subtitle 7A. ~~Impact~~
 15 ~~of Environmental Permits on Climate and Environmental Equity~~
 16 Environmental Justice Evaluation of Environmental Permit Applications”
 17 Annotated Code of Maryland
 18 (2013 Replacement Volume and 2023 Supplement)

19 ~~BY repealing and reenacting, without amendments,~~
 20 ~~Article – Environment~~
 21 ~~Section 9–320(a)~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(2014 Replacement Volume and 2023 Supplement)~~

24 ~~BY repealing and reenacting, with amendments,~~
 25 ~~Article – Environment~~
 26 ~~Section 9–320(b)~~
 27 ~~Annotated Code of Maryland~~
 28 ~~(2014 Replacement Volume and 2023 Supplement)~~

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

31 **Article – Environment**

32 1–601.

33 (a) Permits issued by the Department under the following sections shall be issued
 34 in accordance with this subtitle:

35 (1) Air quality control permits to construct subject to § 2–404 of this article;

36 (2) Permits to install, materially alter, or materially extend landfill
 37 systems, incinerators for public use, or rubble landfills subject to § 9–209 of this article;

1 (3) Permits to discharge pollutants to waters of the State issued pursuant
2 to § 9–323 of this article;

3 (4) Permits to install, materially alter, or materially extend a structure
4 used for storage or distribution of any type of sewage sludge issued, renewed, or amended
5 pursuant to § 9–234.1 or § 9–238 of this article;

6 (5) Permits to own, operate, establish, or maintain a controlled hazardous
7 substance facility issued pursuant to § 7–232 of this article;

8 (6) Permits to own, operate, or maintain a hazardous material facility
9 issued pursuant to § 7–103 of this article;

10 (7) Permits to own, operate, establish, or maintain a low-level nuclear
11 waste facility issued pursuant to § 7–233 of this article; and

12 (8) Potable reuse permits issued in accordance with § 9–303.2 of this
13 article.

14 1–601.1.

15 (a) A person applying for a permit listed under § 1–601(a) of this subtitle shall
16 include in the permit application the EJ Score from the Maryland EJ tool for the census
17 tract where the applicant is seeking a permit, unless the permit requires the applicant to
18 use a tool developed by the U.S. Environmental Protection Agency.

19 (b) On receiving an application for a permit listed under § 1–601(a) of this
20 subtitle, the Department shall, in accordance with regulations adopted under this section,
21 review the EJ Score for the census tract where the applicant is seeking a permit using the
22 Maryland EJ tool to verify the applicant’s information.

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

24 1–701.

25 (a) (1) In this section the following words have the meanings indicated.

26 (5) “Environmental justice” means equal protection from environmental
27 and public health hazards for all people regardless of race, income, culture, and social
28 status.

29 ~~(7) “Overburdened community” means any census tract for which three or~~
30 ~~more of the following environmental health indicators are above the 75th percentile~~
31 ~~statewide.~~

32 ~~(i) Particulate matter (PM) 2.5;~~

HOUSE BILL 24

- 1 (ii) ~~Ozone;~~
- 2 (iii) ~~National Air Toxics Assessment (NATA) diesel PM;~~
- 3 (iv) ~~NATA cancer risk;~~
- 4 (v) ~~NATA respiratory hazard index;~~
- 5 (vi) ~~Traffic proximity;~~
- 6 (vii) ~~Lead paint indicator;~~
- 7 (viii) ~~National Priorities List Superfund site proximity;~~
- 8 (ix) ~~Risk Management Plan facility proximity;~~
- 9 (x) ~~Hazardous waste proximity;~~
- 10 (xi) ~~Wastewater discharge indicator;~~
- 11 (xii) ~~Proximity to a Concentrated Animal Feeding Operation (CAFO);~~
- 12 (xiii) ~~Percent of the population lacking broadband coverage;~~
- 13 (xiv) ~~Asthma emergency room discharges;~~
- 14 (xv) ~~Myocardial infarction discharges;~~
- 15 (xvi) ~~Low birth weight infants;~~
- 16 (xvii) ~~Proximity to emitting power plants;~~
- 17 (xviii) ~~Proximity to a Toxic Release Inventory (TRI) facility;~~
- 18 (xix) ~~Proximity to a brownfields site;~~
- 19 (xx) ~~Proximity to mining operations; and~~
- 20 (xxi) ~~Proximity to a hazardous waste landfill.~~

21 (8) ~~“Underserved community” means any census tract in which, according~~
 22 ~~to the most recent U.S. Census Bureau Survey;~~

- 23 (i) ~~At least 25% of the residents qualify as low income;~~
- 24 (ii) ~~At least 50% of the residents identify as nonwhite; or~~

1 (iii) ~~At least 15% of the residents have limited English proficiency.~~

2 ~~1-702.~~

3 (a) ~~On or before December 31, [2023] 2024, the Department, in consultation with~~
4 ~~the Commission on Environmental Justice and Sustainable Communities, shall:~~

5 (1) ~~Subject to subsection (b) of this section, adopt a methodology for~~
6 ~~identifying communities disproportionately affected by climate impacts;~~

7 (2) ~~Develop specific strategies to address geographical impact concerns,~~
8 ~~reduce emissions of greenhouse gases and co-pollutants, and build climate equity and~~
9 ~~resilience within communities disproportionately affected by climate impacts;~~

10 (3) ~~Set appropriate goals for the percentage of State funding for greenhouse~~
11 ~~gas emission reduction measures that should be used for the benefit of disproportionately~~
12 ~~affected communities; and~~

13 (4) ~~Report to the Maryland Commission on Climate Change and, in~~
14 ~~accordance with § 2-1257 of the State Government Article, the General Assembly on the~~
15 ~~policies and programs developed under this subsection.~~

16 (b) ~~In evaluating methodologies under subsection (a)(1) of this section, the~~
17 ~~Department shall, at a minimum, include:~~

18 (1) ~~Underserved communities;~~

19 (2) ~~Overburdened communities; and~~

20 (3) ~~Areas that are vulnerable to climate impacts, such as flooding, storm~~
21 ~~surges, and urban heat island effects, due to low levels of tree coverage, high levels of~~
22 ~~impervious surfaces, or other factors.~~

23 ~~SUBTITLE 7A. IMPACT OF ENVIRONMENTAL PERMITS ON CLIMATE AND~~
24 ~~ENVIRONMENTAL EQUITY ENVIRONMENTAL JUSTICE EVALUATION OF~~
25 ~~ENVIRONMENTAL PERMIT APPLICATIONS.~~

26 ~~1-7A-01.~~

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "APPLICANT" MEANS A PERSON APPLYING FOR A PERMIT LISTED
30 UNDER § 1-601(A) OF THIS TITLE.

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

3 ~~(C)~~ (D) “ENVIRONMENTAL JUSTICE” HAS THE MEANING STATED IN §
 4 1-701 OF THIS TITLE.

5 ~~(D)~~ ~~“OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701~~
 6 ~~OF THIS TITLE.~~

7 (E) (1) “PERMIT” MEANS A PERMIT LISTED UNDER § 1-601(A) OF THIS
 8 TITLE.

9 (2) “PERMIT” DOES NOT INCLUDE:

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

12 (II) A GENERAL DISCHARGE PERMIT TO CONSTRUCT AN
 13 ELECTRICITY SUBSTATION.

14 ~~(F)~~ ~~“UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF~~
 15 ~~THIS TITLE.~~

16 1-7A-02.

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

20 ~~(A)~~ ~~(1)~~ (B) IF, AFTER REVIEWING AN EJ SCORE IN ACCORDANCE WITH
 21 § 1-601.1(B) OF THIS TITLE, THE DEPARTMENT DETERMINES THAT ~~ISSUING AN~~
 22 ~~APPROVAL FOR A NEW PERMIT MAY IMPACT AN UNDERSERVED COMMUNITY OR AN~~
 23 ~~OVERBURDENED COMMUNITY, THE DEPARTMENT SHALL CONDUCT A CLIMATE AND~~
 24 ~~ENVIRONMENTAL EQUITY EVALUATION OF THE PERMIT~~ THE EJ SCORE IS ABOVE
 25 THE 75TH PERCENTILE STATEWIDE, THE DEPARTMENT SHALL PERFORM AN
 26 ADDITIONAL ENVIRONMENTAL JUSTICE EVALUATION OF THE PERMIT APPLICATION.

27 ~~(2)~~ ~~THE CLIMATE AND ENVIRONMENTAL EQUITY EVALUATION~~
 28 ~~REQUIRED UNDER THIS SECTION SHALL INCLUDE AN ANALYSIS OF:~~

29 ~~(1)~~ ~~EXISTING ENVIRONMENTAL AND CLIMATE DATA~~
 30 ~~REGARDING THE AFFECTED COMMUNITY, INCLUDING MONITORING, MODELING, OR~~
 31 ~~ANY OTHER DATA DEEMED APPROPRIATE;~~

1 ~~(H) THE APPLICANT FACILITY'S COMPLIANCE RECORD; AND~~

2 ~~(H) POTENTIAL METHODS TO MINIMIZE OR MITIGATE~~
3 ~~POTENTIAL ADVERSE EFFECTS IN THE AFFECTED COMMUNITY.~~

4 ~~(B) IN ADDITION TO THE EVALUATION REQUIRED UNDER SUBSECTION (A)~~
5 ~~OF THIS SECTION, THE DEPARTMENT, IN COORDINATION WITH THE MARYLAND~~
6 ~~DEPARTMENT OF HEALTH, MAY CONDUCT A HEALTH IMPACT ASSESSMENT OF THE~~
7 ~~PERMIT.~~

8 ~~(C) (1) IN CONDUCTING A CLIMATE AND EQUITY EVALUATION OR A~~
9 ~~HEALTH IMPACT ASSESSMENT IN ACCORDANCE WITH THIS SECTION, THE~~
10 ~~DEPARTMENT MAY CONSIDER CUMULATIVE IMPACTS, AS DEFINED IN THE U.S.~~
11 ~~ENVIRONMENTAL PROTECTION AGENCY'S REPORT ON CUMULATIVE IMPACTS~~
12 ~~RESEARCH: RECOMMENDATIONS FOR EPA'S OFFICE OF RESEARCH AND~~
13 ~~DEVELOPMENT.~~

14 ~~(2) THE DEPARTMENT SHALL COMPLETE A CLIMATE AND EQUITY~~
15 ~~EVALUATION AND, IF APPLICABLE, A HEALTH IMPACT ASSESSMENT WITHIN 60 DAYS~~
16 ~~AFTER MAKING A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION THAT~~
17 ~~ISSUING AN APPROVAL FOR A NEW PERMIT MAY IMPACT AN UNDERSERVED~~
18 ~~COMMUNITY OR AN OVERBURDENED COMMUNITY.~~

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

23 (1) FOR A PERMIT FOR A NEW POLLUTION SOURCE OR A PERMIT THAT
24 ALLOWS FOR AN INCREASE IN POLLUTION FROM AN EXISTING POLLUTION SOURCE,
25 DENY THE PERMIT OR IMPOSE CONDITIONS IN THE PERMIT TO ADDRESS
26 ENVIRONMENTAL JUSTICE CONCERNS; AND

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

31 1-7A-03.

32 ~~(A) THE DEPARTMENT SHALL REGULARLY PROVIDE OPPORTUNITIES FOR~~
33 ~~RESIDENTS OF THE STATE TO OPT IN TO TEXT, PHONE, E-MAIL, OR REGULAR MAIL~~
34 ~~NOTIFICATIONS REGARDING ANY FACILITY WITH A PENDING OR FINAL PERMIT~~
35 ~~APPROVAL IN OR ADJACENT TO THE RESIDENT'S CENSUS TRACT MAINTAIN A~~

1 PUBLICLY ACCESSIBLE WEBSITE, PART OF A WEBSITE, OR APPLICATION THAT
2 IDENTIFIES PENDING PERMIT APPLICATIONS WITH SPECIFIC CENSUS TRACTS.

3 (B) (1) IF AN APPLICANT IS APPLYING FOR MORE THAN ONE PERMIT FOR
4 THE SAME FACILITY, THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS
5 UNDER § 1-7A-02 OF THIS SUBTITLE ONLY ONCE UNLESS THE DEPARTMENT
6 DETERMINES THAT MORE THAN ONE EVALUATION IS NECESSARY ~~DUE TO THE~~
7 ~~COMPLEXITY OF THE APPLICATIONS.~~

8 (2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED
9 TO LIMIT THE AUTHORITY OF THE DEPARTMENT TO HOLD OR REQUIRE ADDITIONAL
10 PUBLIC HEARINGS FOR A PERMIT.

11 ~~(C) THE DEPARTMENT MAY DENY OR ALTER A DECISION OR AMEND THE~~
12 ~~CONDITIONS UNDER A PENDING PERMIT BASED ON THE DEPARTMENT'S FINDINGS~~
13 ~~UNDER THIS SUBTITLE.~~

14 1-7A-04.

15 ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IN ADDITION TO ANY~~
16 ~~OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE DEPARTMENT MAY CHARGE~~
17 ~~A REASONABLE FEE TO COVER THE DEPARTMENT'S COSTS ASSOCIATED WITH THE~~
18 ~~IMPLEMENTATION OF THIS SUBTITLE, INCLUDING COSTS TO PROVIDE TECHNICAL~~
19 ~~ASSISTANCE TO PERMIT APPLICANTS AND RESIDENTS OF RELEVANT CENSUS~~
20 ~~TRACTS AS NEEDED TO COMPLY WITH THIS SUBTITLE.~~

21 ~~(B) THE DEPARTMENT SHALL DEPOSIT ANY MONEY FROM FEES THAT~~
22 ~~REMAINS AFTER COVERING COSTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS~~
23 ~~SECTION INTO:~~

24 (1) ~~THE MARYLAND CLEAN WATER FUND;~~

25 (2) ~~THE MARYLAND CLEAN AIR FUND; OR~~

26 (3) ~~THE STATE HAZARDOUS SUBSTANCE CONTROL FUND~~ IN
27 ADDITION TO ANY OTHER FEE AUTHORIZED BY LAW OR REGULATION, THE
28 DEPARTMENT MAY CHARGE A REASONABLE FEE TO COVER THE DEPARTMENT'S
29 COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SUBTITLE, INCLUDING
30 THE COSTS TO THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE TO PERMIT
31 APPLICANTS AND RESIDENTS OF RELEVANT CENSUS TRACTS AS NEEDED TO COMPLY
32 WITH THIS SUBTITLE.

33 1-7A-05.

1 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
2 SUBTITLE.

3 ~~§ 107.~~

4 (a) ~~There is a Maryland Clean Air Fund.~~

5 (b) ~~(1) Except as provided in § 2-1002(g) of this title, all application fees,~~
6 ~~permit fees, renewal fees, and funds collected by the Department under this title, Title 6,~~
7 ~~Subtitle 4 of this article, or received from the Maryland Strategic Energy Investment Fund~~
8 ~~under § 9-20B-05(g)(3)(iii) of the State Government Article, including any civil or~~
9 ~~administrative penalty or any fine imposed by a court under these provisions, shall be paid~~
10 ~~into the Maryland Clean Air Fund.~~

11 ~~(2) THE MARYLAND CLEAN AIR FUND MAY RECEIVE MONEY IN~~
12 ~~ACCORDANCE WITH § 1-7A-04(B) OF THIS ARTICLE.~~

13 ~~§ 1305.~~

14 (a) ~~(1) Each State agency shall review its planning, regulatory, and fiscal~~
15 ~~programs to identify and recommend actions to more fully integrate the consideration of~~
16 ~~Maryland's greenhouse gas reduction goal and the impacts of climate change.~~

17 ~~(2) The review shall include the consideration of:~~

18 ~~(i) Sea level rise;~~

19 ~~(ii) Storm surges and flooding;~~

20 ~~(iii) Increased precipitation and temperature; [and]~~

21 ~~(iv) Extreme weather events; AND~~

22 ~~(v) WHETHER AGENCY DECISIONS CONTRIBUTE TO LOCAL~~
23 ~~DETERIORATION OF PUBLIC HEALTH OR INCREASES IN POLLUTION ASSOCIATED~~
24 ~~WITH HEALTH AND ENVIRONMENTAL BURDENS FOR UNDERSERVED AND~~
25 ~~OVERBURDENED COMMUNITIES.~~

26 (b) ~~Each State agency shall identify and recommend specific policy, planning,~~
27 ~~regulatory, and fiscal changes to existing programs that do not currently support the State's~~
28 ~~greenhouse gas reduction efforts or address climate change.~~

29 (c) ~~(1) [The] ON OR BEFORE DECEMBER 1 EACH YEAR, THE~~ following State
30 ~~agencies shall report [annually] on the status of programs that support the State's~~
31 ~~greenhouse gas reduction efforts or address climate change TO THE GENERAL~~

1 ~~ASSEMBLY, in accordance with § 2-1257 of the State Government Article, AND to the~~
 2 ~~Commission and the Governor:~~

- 3 (i) ~~The Department;~~
 4 (ii) ~~The Department of Agriculture;~~
 5 (iii) ~~The Department of General Services;~~
 6 (iv) ~~The Department of Housing and Community Development;~~
 7 (v) ~~The Department of Natural Resources;~~
 8 (vi) ~~The Department of Planning;~~
 9 (vii) ~~The Department of Transportation;~~
 10 (viii) ~~The Maryland Energy Administration;~~
 11 (ix) ~~The Maryland Insurance Administration;~~
 12 (x) ~~The Public Service Commission; and~~
 13 (xi) ~~The University of Maryland Center for Environmental Science.~~

14 (2) ~~The report required [in] UNDER paragraph (1) of this subsection shall~~
 15 ~~include THE FOLLOWING INFORMATION RELATING TO THE WORK OF EACH STATE~~
 16 ~~AGENCY FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD:~~

- 17 (i) ~~Program descriptions and objectives;~~
 18 (ii) ~~Implementation milestones, whether or not they have been met;~~
 19 (iii) ~~Enhancement opportunities;~~
 20 (iv) ~~Funding;~~
 21 (v) ~~Challenges;~~
 22 (vi) ~~Estimated greenhouse gas emissions reductions, by program, for~~
 23 ~~the prior calendar year; [and]~~
 24 (vii) ~~AGENCY CONTRIBUTIONS OR IMPEDIMENTS TO~~
 25 ~~ENVIRONMENTAL JUSTICE; AND~~
 26 (VIII) ~~Any other information that the agency considers relevant.~~

1 ~~(3) EACH STATE AGENCY SHALL MAKE THE REPORT REQUIRED~~
2 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION PUBLICLY AVAILABLE ON ITS~~
3 ~~WEBSITE.~~

4 ~~(d) Each State agency, when conducting long term planning, developing policy,~~
5 ~~and drafting regulations, shall take into consideration:~~

6 ~~(1) The likely climate impact of the agency's decisions relative to~~
7 ~~Maryland's greenhouse gas emissions reduction goals; and~~

8 ~~(2) The likely impact of the agency's decisions on disproportionately~~
9 ~~affected communities identified according to the methodology adopted by the Department~~
10 ~~under § 1-702 of this article.~~

11 ~~7-218.~~

12 ~~There is a State Hazardous Substance Control Fund.~~

13 ~~7-219.~~

14 ~~(A) All application and permit fees, renewal fees, transporting vehicle certification~~
15 ~~fees, and all other funds collected by the Department under this subtitle, including any civil~~
16 ~~or administrative penalty or any fine imposed by a court under the provisions of this~~
17 ~~subtitle, shall be paid into the State Hazardous Substance Control Fund.~~

18 ~~(B) THE STATE HAZARDOUS SUBSTANCE CONTROL FUND MAY RECEIVE~~
19 ~~MONEY IN ACCORDANCE WITH § 1-7A-04(B) OF THIS ARTICLE.~~

20 ~~9-320.~~

21 ~~(a) There is a Maryland Clean Water Fund.~~

22 ~~(b) (1) The following payments shall be made into the Maryland Clean Water~~
23 ~~Fund:~~

24 ~~[(1)] (I) All application fees, permit fees, renewal fees, and funds~~
25 ~~collected by the Department under this subtitle, including any civil or administrative~~
26 ~~penalty or any fine imposed by a court under the provisions of this subtitle;~~

27 ~~[(2)] (II) Any civil penalty or any fine imposed by a court under the~~
28 ~~provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use;~~

29 ~~[(3)] (III) Any civil or administrative penalty or any fine imposed by a court~~
30 ~~under the provisions of Title 4, Subtitle 1 of this article;~~

~~[(4)] (IV) Any fees or funds that the Department collects under Subtitle 2, Part III of this title and §§ 9-269 and 9-270 of this title and any civil or administrative penalty or fine imposed by a court under the provisions of Subtitle 2 of this title; and~~

~~[(5)] (V) Any fees or funds that the Department collects under Subtitle 24 of this title and any civil or administrative penalty or fine imposed by a court under the provisions of Subtitle 24 of this title.~~

~~(2) THE MARYLAND CLEAN WATER FUND MAY RECEIVE MONEY IN ACCORDANCE WITH § 1-7A-04(B) OF THIS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(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

(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.

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

5 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.