

SENATE BILL 1086

M3

4lr3258

By: **Senator M. Washington**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Environmental Justice Districts – Designation and**
3 **Requirements**

4 FOR the purpose of authorizing a resident of a local jurisdiction or an overburdened and
5 underserved community in the State to submit an application to the Department of
6 the Environment to request the designation of a certain area as an environmental
7 justice district in a certain manner; requiring the Department to publish a certain
8 application process and criteria used for the evaluation of an application on or before
9 a certain date; requiring the Department to hold, in a certain manner, an in-person
10 hearing on a certain permit application that may result in or increase pollution in
11 an environmental justice district; prohibiting the Department from approving a
12 permit application that will result in certain pollution in an environmental justice
13 district; requiring the Department to prioritize certain inspection and enforcement
14 under certain circumstances; requiring a State agency to give priority to
15 environmental justice districts when distributing certain funding for certain
16 purposes; and generally relating to environmental justice districts.

17 BY repealing and reenacting, without amendments,
18 Article – Environment
19 Section 1–601(a) and 1–701(a)(1)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Environment
24 Section 1–701(a)(5)
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2023 Supplement)

27 BY adding to
28 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–703
2 Annotated Code of Maryland
3 (2013 Replacement Volume and 2023 Supplement)

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

6 **Article – Environment**

7 1–601.

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

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

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

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

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

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

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

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

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

26 1–701.

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

28 (5) “Environmental justice” means [equal]:

29 (I) **EQUAL** protection from environmental and public health
30 hazards for all people regardless of race, income, culture, and social status; **OR**

1 **(II) SUBSTANTIAL PARTICIPATION IN THE DEVELOPMENT,**
2 **ENFORCEMENT, IMPLEMENTATION, AND PERMITTING OF ALL STATE AND FEDERAL**
3 **ENVIRONMENTAL LAWS AND REGULATIONS.**

4 **1-703.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) “ENVIRONMENTAL JUSTICE DISTRICT” MEANS A DISTRICT**
8 **DESIGNATED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.**

9 **(3) “PERMIT” MEANS A PERMIT LISTED UNDER § 1-601(A) OF THIS**
10 **TITLE.**

11 **(B) A RESIDENT OF A LOCAL JURISDICTION OR AN OVERBURDENED AND**
12 **UNDERSERVED COMMUNITY IN THE STATE MAY SUBMIT AN APPLICATION TO THE**
13 **DEPARTMENT TO REQUEST THE DESIGNATION OF AN AREA AS AN ENVIRONMENTAL**
14 **JUSTICE DISTRICT IN ACCORDANCE WITH THIS SECTION.**

15 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
16 **AN ENVIRONMENTAL JUSTICE DISTRICT DESIGNATED BY THE DEPARTMENT UNDER**
17 **THIS SECTION SHALL BE A CONTIGUOUS GEOGRAPHIC AREA COMPRISING ONE OR**
18 **MORE CENSUS TRACTS:**

19 **(I) THAT IS AN OVERBURDENED COMMUNITY AND AN**
20 **UNDERSERVED COMMUNITY;**

21 **(II) THAT HAS A HISTORY OF ENVIRONMENTAL DEGRADATION;**

22 **(III) IN WHICH THE RESIDENTS HAVE AN AVERAGE LIFE**
23 **EXPECTANCY AT OR BELOW THE AGE OF 64 YEARS;**

24 **(IV) IN WHICH THE RESIDENTS SUFFER FROM HIGH RATES OF**
25 **ASTHMA OR HEART DISEASE; OR**

26 **(V) IN CLOSE PROXIMITY TO TRAFFIC.**

27 **(2) (I) 1. IN ACCORDANCE WITH REGULATIONS ADOPTED BY**
28 **THE DEPARTMENT, IF AN AREA DOES NOT MEET THE CRITERIA ESTABLISHED**
29 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY EVALUATE**
30 **THE AREA TO DETERMINE WHETHER THE AREA MAY BE DESIGNATED AS AN**
31 **ENVIRONMENTAL JUSTICE DISTRICT.**

1 **2. IN CONDUCTING AN EVALUATION UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL EVALUATE:**

3 **A. THE AREA'S EXPOSURE TO AIR, LAND, AND WATER**
4 **POLLUTION IN THE AGGREGATE, INCLUDING POLLUTION THAT HAS ACCUMULATED**
5 **OVER TIME; AND**

6 **B. WHETHER THE AREA BEARS A DISPROPORTIONATE**
7 **SHARE OF NEGATIVE ENVIRONMENTAL CONSEQUENCES RESULTING FROM**
8 **INDUSTRIAL, COMMERCIAL, OR GOVERNMENTAL ACTIONS.**

9 **(II) THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE EACH**
10 **EVALUATION CONDUCTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

11 **(D) ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL PUBLISH**
12 **ON ITS WEBSITE:**

13 **(1) THE PROCESS FOR APPLYING FOR AN ENVIRONMENTAL JUSTICE**
14 **DESIGNATION UNDER THIS SECTION; AND**

15 **(2) THE CRITERIA USED FOR THE EVALUATION OF AN APPLICATION**
16 **FOR AN ENVIRONMENTAL JUSTICE DISTRICT DESIGNATION.**

17 **(E) (1) WITHIN 60 DAYS AFTER RECEIVING AN APPLICATION FOR A**
18 **PERMIT THAT MAY RESULT IN OR INCREASE POLLUTION IN AN ENVIRONMENTAL**
19 **JUSTICE DISTRICT, THE DEPARTMENT SHALL HOLD, AT A LOCATION IN THE**
20 **AFFECTED CENSUS TRACT, AN IN-PERSON PUBLIC HEARING ON THE APPLICATION.**

21 **(2) BEFORE HOLDING A PUBLIC HEARING UNDER PARAGRAPH (1) OF**
22 **THIS SUBSECTION, THE DEPARTMENT SHALL PUBLISH NOTICE IN ACCORDANCE**
23 **WITH § 1-602 OF THIS TITLE.**

24 **(3) THE DEPARTMENT SHALL ALLOW ANY INTERESTED PERSON TO**
25 **SUBMIT INFORMATION OR VIEWS, ORALLY OR IN WRITING, AT THE PUBLIC HEARING.**

26 **(4) SUBJECT TO SUBSECTION (F) OF THIS SECTION AND IN ADDITION**
27 **TO ANY OTHER APPLICABLE REQUIREMENT, THE DEPARTMENT SHALL CONSIDER**
28 **THE RESULTS OF THE PUBLIC HEARING BEFORE MAKING A DECISION ON A PERMIT**
29 **APPLICATION.**

1 **(F) (1) THE DEPARTMENT MAY NOT APPROVE A PERMIT APPLICATION IF**
2 **IT DIRECTLY OR INDIRECTLY INCREASES POLLUTION IN THE ENVIRONMENTAL**
3 **JUSTICE DISTRICT.**

4 **(2) AFTER ISSUING A PERMIT APPROVAL FOR A PROJECT IN AN**
5 **ENVIRONMENTAL JUSTICE DISTRICT, THE DEPARTMENT SHALL, TO ENSURE**
6 **PERMIT AND REGULATORY COMPLIANCE, PRIORITIZE:**

7 **(I) CONDUCTING INSPECTIONS OF THE FACILITIES SUBJECT**
8 **TO THE PERMIT; AND**

9 **(II) TAKING ENFORCEMENT ACTION, IF APPLICABLE.**

10 **(G) (1) ON OR BEFORE APRIL 1, 2025, THE DEPARTMENT SHALL PUBLISH**
11 **ON ITS WEBSITE A LIST OF DESIGNATED ENVIRONMENTAL JUSTICE DISTRICTS.**

12 **(2) THE DEPARTMENT SHALL UPDATE THE LIST EVERY 2 YEARS**
13 **BASED ON ANY RELEVANT DATA.**

14 **(H) A STATE AGENCY SHALL GIVE PRIORITY TO ENVIRONMENTAL JUSTICE**
15 **DISTRICTS WHEN DISTRIBUTING FUNDING TO MITIGATE POLLUTION AND OTHER**
16 **ENVIRONMENTAL HAZARDS, INCLUDING FUNDING FOR:**

17 **(1) MITIGATING THE HARM CAUSED BY POLLUTION AND**
18 **ENVIRONMENTAL DEGRADATION;**

19 **(2) IMPROVING ENVIRONMENTAL CONDITIONS;**

20 **(3) MITIGATING AIR POLLUTION;**

21 **(4) CONDUCTING STUDIES; AND**

22 **(5) COMMISSIONING VEHICLES FOR MONITORING EMISSIONS AND**
23 **POLLUTION.**

24 **(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
25 **SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2024.