



POTOMAC
RIVERKEEPER®
NETWORK

3070 M Street, NW
Washington, DC 20007
202.888.2037 (main)
www.prknetwork.org

HOUSE - ENVIRONMENT AND TRANSPORTATION COMMITTEE

Senate Bill 96

Maryland Department of the Environment (MDE) Permitting Authority Bill

March 5, 2024

Dear Chair Feldman, Vice Chair Kagain, and members of the Energy, Education Environment Committee,

Maryland, like other states around the country, has an environmental racism problem. Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state doesn't consider how industry impacts a community's health or our climate when permits are issued. Local communities are often not consulted about where these projects get sited, and in many cases, have been intentionally left out of this process, all in the name of stimulating economic growth and jobs, but at what cost?

More than 19 states have environmental justice statutes and regulations that allow pollution permits to be conditioned or denied based on the adverse environmental justice impacts in the community. More than half of these states' legislation is more comprehensive than the bill we are trying to pass today. Maryland is very far behind on environmental justice and it is time that we do something about that.

The Maryland Department of the Environment (MDE) Permitting Authority Bill is a small, but foundational, step in addressing environmental racism and injustice in Maryland. Under previous legislation, MDE is already providing public notice of the environmental justice score of a community where a party is seeking a new or renewed pollution permit. However, MDE is unable to do anything beyond simply show that a new pollution load may add to an already unacceptable level of pollution burden in a community. This bill will allow MDE to take action and require appropriate permit conditions or even deny a permit where there are no appropriate conditions to prevent the new or renewed permit from increasing the harm to the community that is already suffering a burden greater than 75% of others in the state.



Potomac Riverkeeper Network is the trade name of Potomac Riverkeeper, Inc.
a 501(c)3 tax-exempt nonprofit organization #54-1982624 EarthShare # 87828 * CFC # 87828
Recognized as "one of the best small nonprofits" by the Catalogue for Philanthropy



This legislation will:

- Require MDE to conduct an environmental justice evaluation for covered permits in “covered communities,” meaning any census tract with an ‘EJ Score’ above 75, placing the community in the top quarter of the state for disparate pollution burdens, toxic exposures, and other social and health vulnerabilities. These permits include a subset of new and/or renewal pollution permits for some of Maryland’s biggest industrial polluters that pollute above an established threshold.
- Authorize MDE to respond to its environmental justice evaluation by denying, OR imposing conditions on new or renewal permits that would otherwise be increasing pollution loading in communities already overburdened with pollution.
- Authorize MDE to impose conditions on renewal permits even when they would not increase pollution to proactively address environmental justice concerns and prevent further harm.
- Require MDE to create a webpage of covered pending permits in covered communities and allows MDE to increase permit fees to cover the costs of implementation.

We need this legislation in Maryland. However, it is our belief that this legislation should go further. All significant environmental pollution permitting programs should be covered, and allow MDE to apply reasonable conditions or even deny a permit in a location where there is simply no way to keep from further harm to the community through permit conditions.

Passing this legislation would help to align with the state’s aggressive climate action and environmental justice plans, as well as Governor Moore’s campaign commitment to prioritize “environmental justice for the low-income communities and communities of color facing the worst effects of climate change by taking action to address extreme heat, improve access to cleaner public transit, increase tree canopy cover to reduce pollution and cool the climate, and ensure equitable access to electric vehicles and charging infrastructure.” Further, it is essential that we take this first step, of many steps needed, if we are ever to truly have an equitable and just Maryland now and for our future.

We ask for a favorable vote. Thank you for this opportunity.

Betsy Nicholas
Vice President of Programs
Potomac Riverkeeper Network
Betsy@prknetwork.org
202-423-0504