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March 5, 2024

Favorable with Amendment: SB96 - Environment - Impact of Environmental Permits and State Agency Actions

Mr. Chair and Members of the Committee:

Maryland LCV is submitting this testimony to strongly support SB96 - Environment - Impact of Environmental Permits and State Agency Actions with an amendment pertaining to the definition of covered permits in the bill. We thank Senator Jackson for introducing this bill and for his leadership on this issue.

With the sponsor amendments being introduced today, SB96 gives the Maryland Department of the Environment (MDE) the authority to use the results of an environmental justice evaluation it conducts for certain permits that are being considered in census tracts with an Environmental Justice (EJ) score above 75 (75th percentile compared to the rest of the state). EJ scores are calculated via MDE's [EJ Screening Tool](#). Having an EJ score above 75 means that census tract is among the top 25% of most polluted and most underserved census tracts in the state. It follows, then, that permits being considered in these communities absolutely should be a top priority for the state to consider additional screening, to protect the health and wellbeing of residents and to fulfill its commitment to environmental justice. Maryland law defines environmental justice as "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status."

SB96 is enabling legislation and gives MDE the authority to place conditions on, or deny a new permit or a major modification to an existing permit based on the results of the EJ analysis, and the authority to place conditions for a permit renewal of an existing permit based on the results of the EJ analysis. The EJ analysis **shall** be conducted, and then MDE **may** use the results in its permitting decision. The bill does not define the details of what will be included in the EJ analysis; it is our understanding this will be determined through regulation (subject to further public participation from all stakeholders).

The category of permits covered in the bill is limited to §1-601(a) permits, which are permits that are subject to enhanced public participation. Permits included in §1-601(a) include surface water discharges; air quality control permits to construct; permits to own, operate, establish or maintain a low-level nuclear waste facility; permits to own, operate, establish or maintain a hazardous material facility, and several other types of environmental permits. It is an expansive list of permits, but does not cover permits that regulate the ongoing operations for any existing sources of air pollution

Air pollution is a frequent concern among community members living in highly impacted areas. We have included several testimonials, below, from Promotoras of Environmental Justice who work with Maryland LCV's Chispa Maryland program to advocate for clean air in their communities. Air pollution is addressed in a very limited way in the list of §1-601(a) permits covered in SB96, and as written, SB96 would not include an EJ analysis for any of the existing major air pollution sources in the state.

§1-601(a) permits to construct would include an emissions rate for the facility under construction, but the permits to construct do not renew. Therefore, the only way to address the ongoing emissions from a facility and to align the bill with community concerns is to include permits that regulate the ongoing operations of air pollution sources. This could be done by including Title V, or Section 70, permits to operate in the scope of this bill. Title V permits are issued to facilities including energy and waste infrastructure, including landfills, incinerators, generators, and manufacturers. Providing MDE with the authority to consider an EJ analysis when issuing these permits would mean including key infrastructure whose operations have adversely affected human and environmental health for the most marginalized Marylanders.

HB24/SB96 – As Written

§1-601(a) permits include an expansive list of permits covered in the state. One of the reasons §1-601(a) permits are included in this bill pertaining to an EJ analysis is that a bill passed in 2022 (HB 1200) requires permit applicants to include an EJ score in §1-601(a), applications so MDE will already have that information when they receive the application. [MDE's public database for §1-601 permits](#) indicates that there were 54 permits with "Deadlines for Requesting Information" listed just for 2023, all of which included an EJ score in the application. Only 3 (5.6%) have an EJ score above 75 and would thus be subject to the review under HB 24. These 3 facilities are located in Cecil, Charles, and Prince George's counties.

HB24/SB96 – With Amendments to Include Title V Permits

In contrast to §1-601 permits, there are only 109 Title V permits total (regardless of year) in the state. 39 of these (35.8%) permits are in communities with EJ scores above 75.

The MDE EJ Screen is operational and the EJ scores for every census tract in Maryland are readily accessible. Therefore, access to this screening tool and the communities' scores are not a limitation for MDE when addressing permits.

In its commitment to leave no one behind, the Moore/Miller administration identified the disproportionate impact of poor air quality experienced by people of color, low-income and urban residents as a priority. The heart of SB 96, giving MDE the authority to include an EJ analysis in its permitting decisions, is a key step to embedding equity in MDE's decision making. Factoring in EJ analysis for Title V permits will help to address those living in overburdened communities with the daily adverse impacts of air pollution.

Maryland LCV strongly urges a favorable report on this important bill with an amendment to include air pollution permits to operate in the scope of this legislation that would include an EJ analysis for census tracts with a high EJ score. Thank you for your consideration.

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Lucia Islas

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Lucia Islas, and I am honored to submit this testimony in support with amendment of bill HB0024. Having lived in Baltimore's zip code 21205 for the past five years, I have come to call Baltimore home. During this time, I have witnessed firsthand the critical importance of Environmental Justice in our community. As a proud Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am deeply committed to advocating for policies that safeguard our environment and protect the health and well-being of our residents, particularly our children.

While I am fortunate that neither of my two teenagers suffer from respiratory illnesses, I witness the daily struggles faced by members of my community who contend with respiratory issues. The air we breathe directly impacts our health and quality of life. Every individual, regardless of their background or zip code, deserves access to clean air and a safe environment in which to thrive.

HB0024 represents a crucial step toward addressing environmental inequities in Maryland. However, I implore the committee to consider a vital amendment, the inclusion of Title 5 air permits to operate. By omitting these air permits from the scope of this bill, we risk perpetuating disparities in environmental protection and health outcomes, and would not address existing sources of air pollution. Every child in Baltimore, regardless of their race or socioeconomic status, deserves the opportunity to grow and develop in an environment free from harmful pollutants.

As a Promotora of Environmental Justice, I am steadfast in my support for measures that prioritize clean air and environmental equity. I urge you to stand with me today in advocating for the inclusion of permits for the operation of existing major air pollution sources, commonly known as "Title 5" or "Part 70" permits, in HB0024. Together, let us ensure that every resident of Maryland, especially our children, can breathe clean air and enjoy a brighter, healthier future.

Thank you for your attention to this critical issue, and I urge you to support HB0024 with the amendment.

Sincerely,

Lucia Islas

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Veronica Gasca

Position: Favorable with Amendments

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Veronica Gasca, and for the past 19 years, I have been a resident of Baltimore City, zip code 21224. It is my privilege to offer this testimony in enthusiastic support of bill HB0024 with an amendment. As a Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am deeply committed to advocating for policies that uphold our environment and prioritize the well-being of our communities, and our families.

With two daughters aged 11 and 13, I count myself fortunate that they enjoy good health without suffering from respiratory illnesses. However, the significance of clean air in our lives extends beyond personal experiences; it is a fundamental element in our collective fight to prevent future generations of children, especially those from marginalized communities, from enduring the burden of respiratory diseases.

This bill holds immense importance for my family and me. Witnessing the struggles of my 7-year-old nephew battling asthma, along with the pain endured by my sister, his mother, during his asthma attacks, reinforces my resolve to advocate for improved air quality. I am actively engaged in activities that contribute to this cause because I firmly believe that every individual deserves access to clean air, regardless of their background or zip code.

Overburdened and underserved communities have long been neglected, and it is time for change. Including Title 5 provisions in this bill is imperative to ensure equitable protection for all Marylanders. As a mother and an environmental Promotora, I wholeheartedly support our communities in demanding equitable treatment. Clean air is not a privilege; it is a basic human right that every individual deserves.

I ask you, esteemed Committee members, to stand alongside me and support the inclusion of Title 5 provisions in HB0024. Let us seize this opportunity to enact policies that prioritize the health and well-being of all Marylanders. Particularly those in historically marginalized communities who have been overlooked for far too long.

Thank you for your attention to this crucial matter. I urge you to take decisive action in support of HB0024 with the necessary amendment to ensure a healthier, more equitable future for all.

Sincerely,

Veronica Gasca

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Marta Orellana

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

I extend my gratitude for the opportunity to present testimony today in support of HB0024 with amendment. My name is Marta Orellana, and I have been a resident of Baltimore City, in zip code 21205 for the past 16 years. As a mother of two children, one of whom battles asthma and autism, I am deeply invested in advocating for Environmental Justice. I proudly serve as a Promotora of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters. Our community engagement focuses on Environmental Justice and Climate Solutions, recognizing the profound impact they have on our health and the well-being of our children.

The significance of clean air cannot be overstated, particularly for families like mine grappling with health challenges. Living in an area burdened with polluted air poses constant threats to our respiratory health. In my role as a Promotora of Environmental Justice, I fervently support measures to improve air quality, including legislative actions that prioritize the well-being of communities, especially vulnerable populations like children, by ensuring access to clean air and fostering environments conducive to healthier futures.

In endorsing the essence of this bill, which empowers the Maryland Department of the Environment (MDE) to consider Environmental Justice (EJ) scores and evaluations in permitting decisions for census tracts with high EJ scores, I urge for a critical amendment regarding the scope of permits covered. Air pollution stands as a foremost concern for communities living near industrial facilities, consistently contributing to health disparities. Regrettably, the current bill overlooks permits that regulate the ongoing air pollution from major sources, despite air pollution being a primary factor in defining an "overburdened" community in Maryland. To genuinely confront the pollution from facilities that exacerbate health disparities in overburdened communities, it is imperative to incorporate controls for air permits to operate, specifically Title 5 permits in the scope of the bill. By including these permits in this legislation, we can more effectively address the root causes of environmental injustices and safeguard the health and well-being of all Marylanders.

In conclusion, while I lend my support to the overall intent of this bill, I underscore the critical need for this amendment to broaden its coverage to include air permits. By doing so, we honor our commitment to environmental justice and pave the way for a healthier, more equitable future for all.

Thank you for your attention and consideration.

Sincerely,
Marta Orellana

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Facundo Mendez Juarez

Position: Favorable with Amendment

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Facundo Mendez Juarez, and I am grateful for the opportunity to submit this testimony in strong support of bill HB0024 with amendment. Over the past nineteenth years, I have lived in Baltimore's zip code 21224. I have personally experienced the profound significance of environmental justice in our community. As a dedicated Promotor of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am unwavering in my commitment to advocating for policies that safeguard our environment and prioritize the health and well-being of our families, particularly our children.

The importance of this bill cannot be overstated, as I have witnessed firsthand the detrimental effects of air pollution on myself and my community. I am compelled to request additional protections against air pollution, for new sources and for the existing sources in our communities.

As a father, the issue of clean air holds an important personal significance to me. Witnessing the pain and discomfort experienced by my 13-year-old niece during her asthma attacks and hospitalizations is heartbreaking. I refuse to accept a reality where any child, including my daughters, must endure such suffering due to preventable medical conditions. Clean air is not just a matter of convenience; it is a fundamental necessity for ensuring our children can lead full and healthy lives, both physically and academically.

As both a father and an environmental Promotor, I wholeheartedly support amending this legislation and including permits for the operation of existing major air pollution sources, commonly referred to as "Title 5" or "Part 70" permits. I implore you to consider the health of our communities and to prioritize policies that ensure access to clean air and a decent quality of life for all residents, regardless of socioeconomic status.

I urge you to support HB0024 with amendment and to take decisive action to protect the health and well-being of our communities. Thank you for your attention to this crucial matter.

Sincerely,

Facundo Mendez Juarez

Committee: Environment and Transportation

Testimony on: HB0024 - Environment - Impact of Environmental Permits and State Agency Actions

Submitting: Clara Gonzalez

Position: Favorable with Amendments

Hearing Date: February 21, 2024

Dear Chair and Committee Members,

My name is Clara Gonzalez, and I am deeply grateful for the opportunity to present this testimony in full support of bill HB0024 with amendments. Over the past eight years, residing in Baltimore's zip code 21205, I have personally experienced the profound significance of environmental justice within our community. As a dedicated Promotor of Environmental Justice with CHISPA Maryland, a program of the Maryland League of Conservation Voters, I am steadfast in my commitment to advocating for policies that safeguard our environment and prioritize the health and well-being of our residents, particularly our children. As a mother of a child with asthma, the quality of the air we breathe holds significant importance to me and my family.

In our neighborhood, every child knows the sound of a cough that lingers, refusing to dissipate. Integrating equity into the Maryland Department of the Environment (MDE) permitting process represents a crucial step towards alleviating the burden of pollution that plagues us daily. It is imperative that we enact legislation that protects our most vulnerable communities and safeguards the air we breathe each day.

As both a Promotora of environmental justice and a mother of a child with asthma, I stand unequivocally in support of bill HB0024. I urge you to recognize the urgency of this issue and to prioritize the inclusion of permits for the operation of existing major air pollution sources, commonly known as "Title 5" or "Part70" permits. By doing so, we affirm our commitment to protecting the health and well-being of all Maryland residents, regardless of their circumstances.

Thank you for your attention to this critical matter. I implore you to support HB0024 with the amendment to address ongoing emissions through Title V permits, and to take decisive action to ensure a healthier, cleaner future for our communities.

Sincerely,

Clara Gonzalez