

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

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TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Michael A. Jackson

FROM: Andrew G. Vetter
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: March 5, 2024

RE: **OPPOSE** – Senate Bill 96 – *Environment – Impact of Environmental Permits and State Agency Actions*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 96.

MDSWA appreciates the intent of this bill to promote environmental justice (EJ) and ensure that already overburdened communities do not suffer additional harm. MDSWA members already comply with the State's existing EJ requirements and support the important policy objectives of such laws and regulations. However, this legislation seeks to expand the authority of the Maryland Department of the Environment (MDE) to delay, deny, or alter permits in an overbroad manner. Some of our specific concerns are as follows:

1. It appears that the bill is intended to apply to "new" permits only. This language should be clarified to ensure that the requirements do not also apply to modifications and renewals of permits. Further, adding that the new requirements are limited to entirely new facilities should also be considered.
2. The bill authorizes MDE to conduct a Climate and Environmental Equity Evaluation of new permits. Although the bill lists what factors the evaluation may include, it does not include any guidance or criteria by which MDE can delay, deny, or alter a permit based on the results of the evaluation. This implies that MDE has broad, and perhaps subjective, authority to delay or deny permits. Specific criteria should be included in the bill to more clearly delineate MDE's authority.

3. Beyond MDE's review, the bill also authorizes the Department of Health to conduct a health impact assessment. There is a similar lack of criteria to guide when a permit may be delayed or denied based on the health impact assessment. Criteria should be added here as well.
4. The bill requires the Climate and Equity Evaluation and, if applicable, the Health Impact Assessment, to be completed within 60 days after making a determination that issuing an approval for a new permit may impact an underserved community or an overburdened community. 60 days is a lengthy period of time for an applicant to have uncertainty about whether their permit will be further delayed, denied, or altered. Additionally, there is no timeline for making the initial determination that a permit may impact an underserved community or an overburdened community. A timeline for this determination should be included in the bill.

In summary, MDSWA believes there are a number of areas where this bill could be strengthened to bring more clarity to the process and to create more specific criteria upon which decisions will be made. We understand that the bill sponsor and MDE are continuing to work on this legislative proposal. MDSWA is prepared to participate in these discussions to help craft a final product that is more practical for our industry. As currently drafted, however, MDSWA requests an **unfavorable** report.

For more information call:

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