This Maryland Department of the Environment (MDE) Permitting Authority bill is a small, but significant, step forward in addressing environmental racism and injustice in Maryland. The bill would require MDE to screen certain pollution permit proposals for environmental justice considerations. These considerations factor in sociodemographic information, and other data to demonstrate whether the pollution proposed will take place in the State’s most underserved and overburdened communities, where sensitive populations are already exposed to disproportionately high levels of pollution, including the health harms and other negative consequences associated with that pollution. The MDE Permitting Authority Bill enables MDE to utilize its screening and evaluation to inform certain permitting decisions, including whether it will deny or impose conditions on a proposed permit in a community with a high ‘EJ Score.’

The Need:
For generations, Maryland has made decisions about locating harmful, unhealthy, and potentially dangerous projects in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Communities covered under this bill are disproportionately poor, of color, speak little to no English, and suffer the health consequences of disproportionate pollution exposure:

- Low-wealth communities of color in Maryland are more likely to live near facilities that release toxic chemicals.
- Low-wealth Black Marylanders are 100 times more likely to face increased cancer and air toxics risks than Black Marylanders with income levels in the top quarter of the state.
- Leaking underground storage tanks in Maryland tend to be located in Black and Brown census tracts, with more low-income residents, and more residents without high school education.

The MDE Permitting Authority bill would:
1. Require MDE to conduct an environmental justice evaluation for covered pollution permits in covered communities:
   - **Covered communities** include any community with an EJ Score above 75. If a census tract scores this high, it means the census tract is in the top quarter of the state for four key indicators including pollution burden exposure, pollution burden environmental effects, sensitive population, and sociodemographic data. Communities scoring in this range face the greatest health and wealth disparities, compared to the rest of the state.
   - **Covered pollution permits** include new and/or renewal individual permits for the six categories of permits (below) whenever a facility proposes to pollute above an established pollution threshold:
     I. **New or renewal water discharge permits** for industrial facilities and other entities, like sand and gravel operations, power plants, wastewater treatment plants, trash incinerators, petroleum refinery manufacturing plants, ports or terminals, coal mines, coal ash facilities, regasification LNG facilities, kerosene or diesel refineries, large agricultural operations, or future ethanol plants, among others.
     II. **New water discharge permits** for construction activities (disturbing 5 acres or more), such as a waste manufacturing plant, shopping mall, or large residential development.
     III. **New or renewal permits to own, operate, establish, or maintain**:
       A. **Controlled hazardous substance facilities**, like chemical treatment or above-ground storage tanks, and medical waste incinerators, used to treat, store, or dispose of hazardous waste, OR
       B. **Low-level nuclear waste facilities** contaminated with radioactive materials or radioactive exposure at minimum thresholds.
IV. **New or altered/modified permits to construct or install solid waste facilities**, including (1) various types of landfill systems, (2) incinerators for public use, OR (3) facilities that store sewage sludge and/or compost waste.

V. **New or altered/modified air pollution permits to construct industrial facilities**, like a cement processing and manufacturing plant, OR **replacements, upgrades, or modifications to those industrial facilities**, like the proposed installation of a “trommel” at a sheetrock manufacturing plant.

VI. **New or renewal potable reuse permits** for **drinking water treatment facilities** proposing to use reclaimed water as a source for drinking water.

2. Enable MDE the authority to:
   - **DENY** any **NEW or ALTERED** covered permits in covered communities where there would be an increase in pollution.
   - **IMPOSE CONDITIONS** “to address environmental justice concerns” in response to (A) **NEW or ALTERED** permits in covered communities, or (B) **RENEWAL PERMIT** for existing facilities under covered permits in covered communities where there would be no increase in pollution.

3. 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.

**Quick Facts:**
- Black communities in Maryland suffer the health consequences of disproportionate pollution exposure and burdens:
  - Black Marylanders are more likely to die from heart disease, cancer, and stroke, and are 1.1 times more likely to suffer from asthma, and 2.3 times more likely to die from asthma.
  - Low-wealth Black communities in Maryland **face greater cancer risks and exposure** to air toxics, primarily due to highway pollution and other mobile sources of air pollution.

- In 2023, under similar criteria to the MDE Permitting Authority Bill, MDE estimated **130 permits** (new AND renewal) **would be covered annually**, requiring an additional screening by MDE.

- Communities in the top quarter of the state for pollution burden/exposure, sensitive populations, and sociodemographic information, are located near some of the state's biggest polluters:
  - Hawkins Point Hazardous Waste Landfill (Baltimore City, EJ Score = 100)
  - Wheelabrator Trash Incinerator (Baltimore City, EJ Score = 89.41)
  - W.R. Grace & Co. - Davison Chemical Petrochemical Plant (Curtis Bay, EJ Score = 100)
  - GenON Coal Ash Plant (Brandywine, EJ Score = 91.73)
  - Chalk Point Power Plant (Aquilasco, EJ Score = 84.48)
  - Evonik Corporation Chemical Manufacturing Plant (Havre De Grace, EJ Score = 83.05)
  - Yara Baltimore Liquid Fertilizer Terminal (Baltimore City, EJ Score = 100)

- If passed, the 2024 MDE Permitting Bill would 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.” It would also align with Governor Moore’s more recent commitment to **leave no one behind**.