

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.



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

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

Article – Environment

1–601.

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

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

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

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

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

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

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

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

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

1–701.

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

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

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

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

1-703.

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

(2) "ENVIRONMENTAL JUSTICE DISTRICT" MEANS A DISTRICT DESIGNATED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.

(3) "PERMIT" MEANS A PERMIT LISTED UNDER § 1-601(A) OF THIS TITLE.

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

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

(I) THAT IS AN OVERBURDENED COMMUNITY AND AN UNDERSERVED COMMUNITY;

(II) THAT HAS A HISTORY OF ENVIRONMENTAL DEGRADATION;

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

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

(V) IN CLOSE PROXIMITY TO TRAFFIC.

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

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

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

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

(II) TAKING ENFORCEMENT ACTION, IF APPLICABLE.

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

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

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

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

(2) IMPROVING ENVIRONMENTAL CONDITIONS;

(3) MITIGATING AIR POLLUTION;

(4) CONDUCTING STUDIES; AND

(5) COMMISSIONING VEHICLES FOR MONITORING EMISSIONS AND POLLUTION.

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

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