

Testimony for SB0973
Support for Environmental Permits — Requirements for Public
Participation and Impact and Burden Analyses (Cumulative Harms to
Environmental Restoration for Improving Shared Health — CHERISH Our
Communities Act)

Bill Senate Sponsor: Senator Lam
Committees: Education, Energy, and the Environment; House
Organization Submitting: Nature Forward
Person Submitting: Angie McCarthy, Maryland Conservation Advocate
Position: Favorable



I am submitting testimony on behalf of Nature Forward in strong support of Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health — CHERISH Our Communities Act).

Nature Forward (formerly Audubon Naturalist Society) is the oldest independent environmental organization protecting nature in the DC metro region, including Maryland's near counties of Montgomery and Prince Georges. Our mission is to inspire residents of Maryland and the Washington, DC, region to appreciate, understand, and protect their natural environment through outdoor experiences, education, and advocacy. We thank the Maryland legislators for the opportunity to provide testimony on the CHERISH Our Communities Act, SB0973.

Breathing clean air and drinking clean water should be a given for all people in Maryland, but it is well understood that some Maryland communities are exposed to a much heavier pollution burden than others, generally in minority and/or under resourced communities. One example of this heavy burden is found in South Baltimore where working-class communities are exposed to pollution from the BRESCO Trash Incinerator, CSX open air Coal Terminal (coal dust), Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other polluting facilities located in close proximity to each other.¹

The main purposes of the CHERISH Our Communities Act are to add requirements in the Maryland Department of Environment (MDE) permitting system to better protect communities that already have heavy pollution burdens and to provide public communications about polluting facilities so that the community can voice concerns.

The Maryland Department of Environment (MDE) calculates Environmental Justice Scores, or EJ scores, based on the average of four factors — pollution burden exposure, pollution burden environmental effects, sensitive populations and socioeconomic/ demographic indicators — converted to a percentile. The higher the score, the greater the considered environmental

¹ https://mde.maryland.gov/programs/permits/AirManagementPermits/Documents/FINAL_Full_CB%20Collab_%20Report.pdf



injustice burden. For previous permitting requirements, the scores have not been applied in practice. Under the CHERISH Our Communities Act, the EJ score will be used to identify the 25% most polluted communities in the state.

For specific polluting facilities applying for permits near or in those 25% most polluted communities, the Act will additionally require the following:

- The permit applicant will include an Environmental Impact Statement and Existing Burden Report with their application.
- MDE will conduct a public notice and review process for these permits.
- MDE will prepare a final Existing Burden Report based on public comment and input from stakeholders including the Maryland Department of Health and local elected officials.
- MDE will determine whether issuing a permit would cause an increased potential for adverse impacts on the community. If it will:
 - For new or expanded permits: MDE will deny the permit application unless it meets an essential need for the impacted community for which there is no alternative.
 - For renewal permits: if it issues the permit, MDE will require additional public conditions to protect public health, and the applicant will enter into a Cumulative Impacts Mitigation Fund Agreement with the impacted community.
- MDE will make information about enforcement actions against permitted facilities in covered areas easily available online, and direct 25% of penalties from enforcement actions to the impacted communities.

Given the above requirements that a polluting facility is no longer evaluated as a sole entity but in context with other polluting projects for estimating total pollution exposure in the community, transparency to the public of the permitting action and enforcement actions, and funds designated to the community for mitigation and other needs, Nature Forward recognizes the CHERISH Our Communities Act as a significant improvement over the current permitting process for highly pollution burdened populations and strongly urges your support for this bill. Thank you for your consideration of our views and our respectful request for a favorable report on this bill.

Angie McCarthy

Maryland Conservation Advocate
Nature Forward