



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

February 3, 2009

The Honorable Joan Carter Conway, Chairperson
Members of the Senate Education, Health, and Environmental Affairs Committee
Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21403

Re: Letter of Concern, Senate Bill 4: Environment - Permitting Process - Environmental Justice Review

Dear Senator Conway and Committee Members:

SB 4: Environment - Permitting Process - Environmental Justice Review would require the Department of the Environment to define environmentally stressed communities, develop maps that identify environmentally stressed communities in the State, and require environmental justice reviews to be submitted by applicants of permits subject to “contested case” provisions. These are essentially all major permits and under current state law, a party may legally challenge a proposed permit in these areas. They are: air emissions, landfills, incinerators, water discharge, sewage sludge storage, facilities to transport, store, or dispose of hazardous waste or low level nuclear waste. The bill would also require the owner of a liquefied natural gas facility to conduct an environmental justice review and submit information to MDE about the impact of the proposed plan on the surrounding communities.

I would like to commend Senator Harrington for introducing this bill to address important issues related to planning, the permitting process, and environmental justice. Ensuring environmental justice regardless of race, national origin, age or income, to make sure that no segment of our population should bear disproportionately high and adverse effect of environmental pollution is critical. MDE is committed to promoting environmental justice.

This is a complex issue that the Environmental Justice Commission, Department staff and others have been working on for many years. While many gains have been made, we all share frustration that there has not been a clearer answer or mechanism to assure that these issues are addressed in the permitting process.



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The Department is committing to meet regularly with Senator Harrington and the Commission to develop a proposal, legislative or otherwise, by January of 2010 so that we can meaningfully move this issue forward once and for all. Issues related to the current proposal, though, including the fiscal impact and effects on the permitting process, are too complex to address within the next two months.

Thank you for your consideration of these issues as you review SB 4. Please contact me or Heather Barthel, Director of Legislation and Policy, at 410-260-6301 if you would like to discuss any of these issues further.

Sincerely,



Shari T. Wilson
Secretary

Cc: Scott Spencer, Chair, Commission on Environmental Justice and Sustainable Communities
Heather Barthel



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