



The Applicant's Guide to Environmental Justice and Permitting

What You Need to Know

This fact sheet is designed to provide guidance to applicants on incorporating environmental justice screening requirements pursuant to House Bill 1200, effective October 1, 2022.

What is Environmental Justice?

The concept behind the term environmental justice (EJ) is that regardless of race, color, national origin, or income, all Maryland residents and communities should have an equal opportunity to enjoy an enhanced quality of life. How to assess whether equal protection is being applied is the challenge.

Communities surrounded by a disproportionate number of polluting facilities puts residents at a higher risk for health problems from environmental exposures. It is important that residents who may be adversely affected by a proposed source be aware of the current environmental issues in their community in order to have meaningful involvement in the permitting process. Resources may be available from government and private entities to ensure that community health is not negatively impacted by a new source located in the community.

Extensive research has documented that health disparities exist between demographic groups in the United States, such as differences in mortality and morbidity associated with factors that include race/ethnicity, income, and educational attainment. House Bill 1200 adds to MDE's work incorporating diversity, equity and inclusion into our mission to help overburdened and underserved communities with environmental issues.

What is House Bill 1200 and what does it require?

Effective October 1, 2022, House Bill 1200 requires a person applying for a permit from the Department under §1-601 of the Environment Article of the Annotated Code of Maryland or any permit requiring public notice and participation to include in the application an EJ Score for the census tract where the applicant is seeking the permit; requiring the Department, on receiving a certain permit application to review the EJ Score; and requiring notices to include information related to EJ Scores and generally relating to environmental permits and environmental justice screenings.

What is a "Maryland EJ Tool"?

The term "Maryland EJ Tool" means a publicly available state mapping tool that allows users to: (1) explore layers of environmental justice concern; (2) determine an overall EJ score for census tracts in the state; and (3) view additional context layers relevant to an area.



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What is an "EJ Score"?

The term "EJ Score" means an overall evaluation of an area's environment and environmental justice indicators, as defined by MDE in regulation, including: (1) pollution burden exposure; (2) pollution burden environmental effects; (3) sensitive populations; and (4) socioeconomic factors.

The Maryland EJ Screening Tool uses three demographic indicators – minority population above 50%, poverty rate above 25% and percent of the population having limited English proficiency above 15% - to calculate a score that can be used as an indicator of susceptibility to environmental exposure. It is that score, linked to the census tract where the project is to be located, that needs to be reported to MDE as part of your permit application.

What does the application require?

The link for the Maryland EJ Tool is located on the Department's website, www.mde.maryland.gov, under Quick Links as EJ Screening Tool. At the top right, please click the first button for the MDE Screening Report. Input the address of the proposed installation in the address bar. Click on the Report button. Once the report has been generated select the print icon.

The applicant needs to include the MDE Screening Report with the EJ Score from the Maryland EJ Tool as part of the permit application upon submission. An application will not be considered complete without the report.

The applicant is encouraged to provide the Department with a discussion about the environmental exposures in the community. This will provide pertinent information about how the applicant should proceed with engaging with the community. Residents of a community with a high indicator score and a high degree of environmental exposure should be afforded broader opportunities to participate in the permit process and understand the impacts a project seeking permit approval may have on them.

Questions

For air quality permits, please call 410-537-3230.

For water permits, please call 410-537-4145.

For land permits pertaining to Solid Waste, please call 410-537-3098.

For land permits pertaining to Oil Control, please call 410-537-3483.

For land permits pertaining to Animal Feeding Operations, please call 410-537-4423.

For land permits pertaining to Biosolids, please call 410-537-3403.