



Public Participation: A Guide for Applicants Seeking Environmental Permits

This document is designed to enhance transparency and understanding for all stakeholders for pending environmental permits for industrial facilities located in the State of Maryland. The purpose is to offer the public and applicants a framework and set expectations regarding the public engagement process associated with Maryland Department of the Environment (MDE) permitting review.

Active participation in the permitting process enables all stakeholders, including neighboring communities most directly impacted by pollution, to have their concerns heard and considered.¹

While endeavoring to meet the applicant's needs, the State of Maryland also seeks to mitigate the impacts of pollution. This document provides guidance to help applicants navigate public hearings, informational meetings and outreach in their site development process.

Three administrations within the department are responsible for administering permits: the Air and Radiation Administration, Water and Science Administration, and Land Management Administration.^{2,3,4} Public participation is central to our strategy.

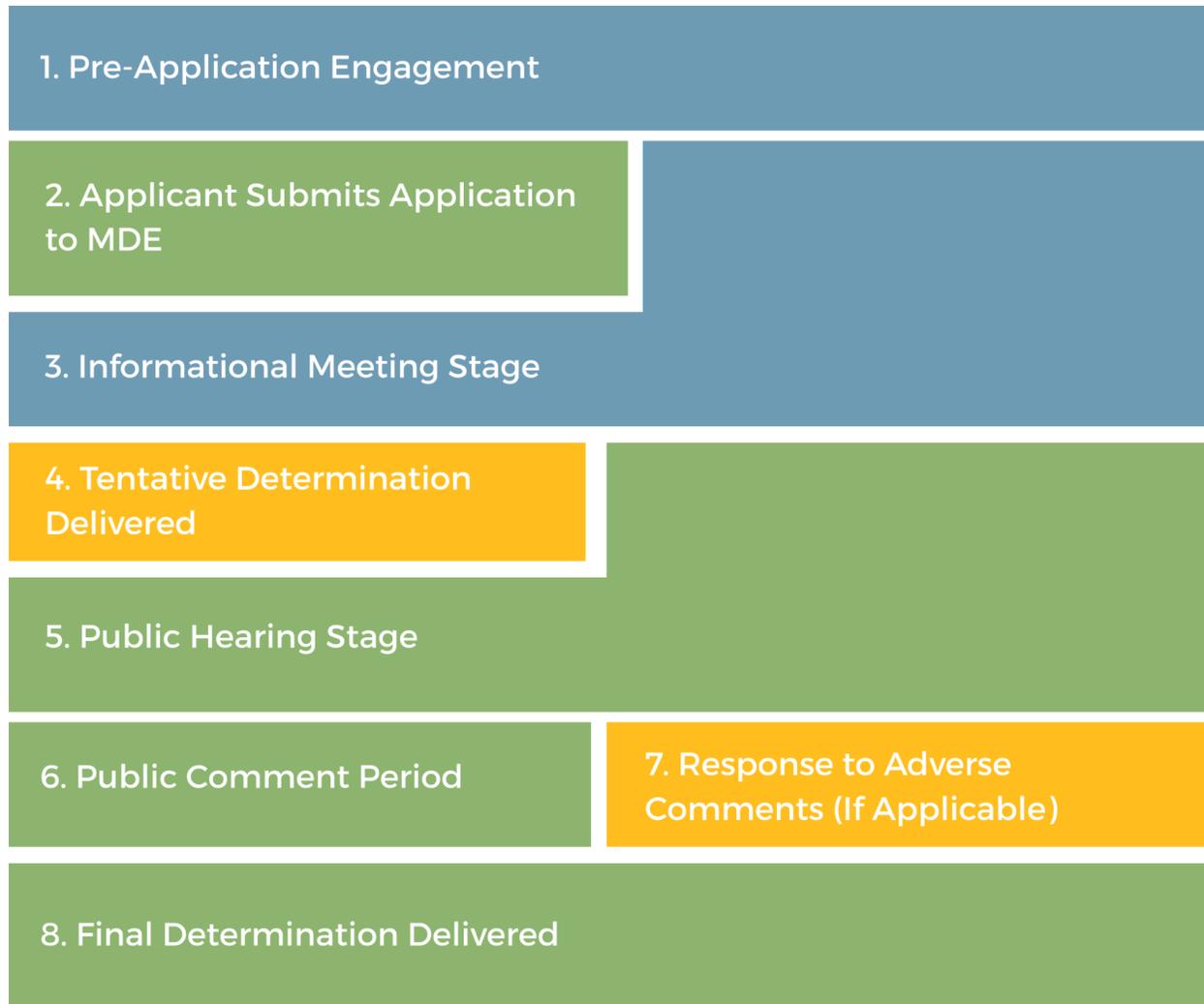
The graphic below outlines the public participation process for all relevant permits. It covers key stages of engagement, from initial application submission to final permit decision, highlighting opportunities for public comment, hearings, and other avenues for stakeholder involvement.

¹ Md. Code Ann., Envir. § 1-701

² Md. Code Ann., Envir. § 2-404

³ Md. Code Ann., Envir. § 9-323

⁴ Md. Code Ann., Envir. § 7-207



- **Blue:** Opportunities for Applicants to present the project and modifications to the Public
- **Green:** Opportunities for the Public to comment on the proposed activity to the Applicant and MDE
- **Yellow:** Opportunities for MDE to present the project and modifications to the public

I. Introduction: Environmental Justice and Relevant Legal Standards in Maryland

Environmental justice in Maryland has evolved from a grassroots movement into a binding principle of state law. What began decades ago as community advocacy for clean air, safe water, and fair treatment has grown into formal policies that put engagement at the center of environmental decision-making. Today, state law requires agencies to consider how pollution and climate impacts affect overburdened and

underserved communities—and to ensure that every resident, regardless of zip code, shares in the benefits of clean land, water and air.

Environmental Justice Legislative History

<p>2001 Executive Order</p>	<p>Signed on March 9, 2001, this order created the Maryland Commission on Environmental Justice and Sustainable Communities. The commission advises the Governor, General Assembly and state agencies on how to address environmental justice concerns.</p>
<p>2003 Codification of the 2001 Executive Order</p> <p>Md. Code Ann., Envir. § 1-701</p>	<p>The Maryland General Assembly made the Commission part of state law.</p>
<p>2022 Climate Solutions Now Act</p> <p>Md. Code Ann., Envir. § 1-701</p>	<p>This law defines which communities face higher pollution burdens and ensures they receive focused support through climate programs and funding.</p>
<p>House Bill 1200 of 2022</p> <p>Md. Code Ann., Envir. § 1-601.1</p>	<p>This law requires applicants to include in an application for certain permits, an Environmental Justice score from the Maryland Environmental Justice tool in certain. The department of the Environment must review and confirm the data.</p>

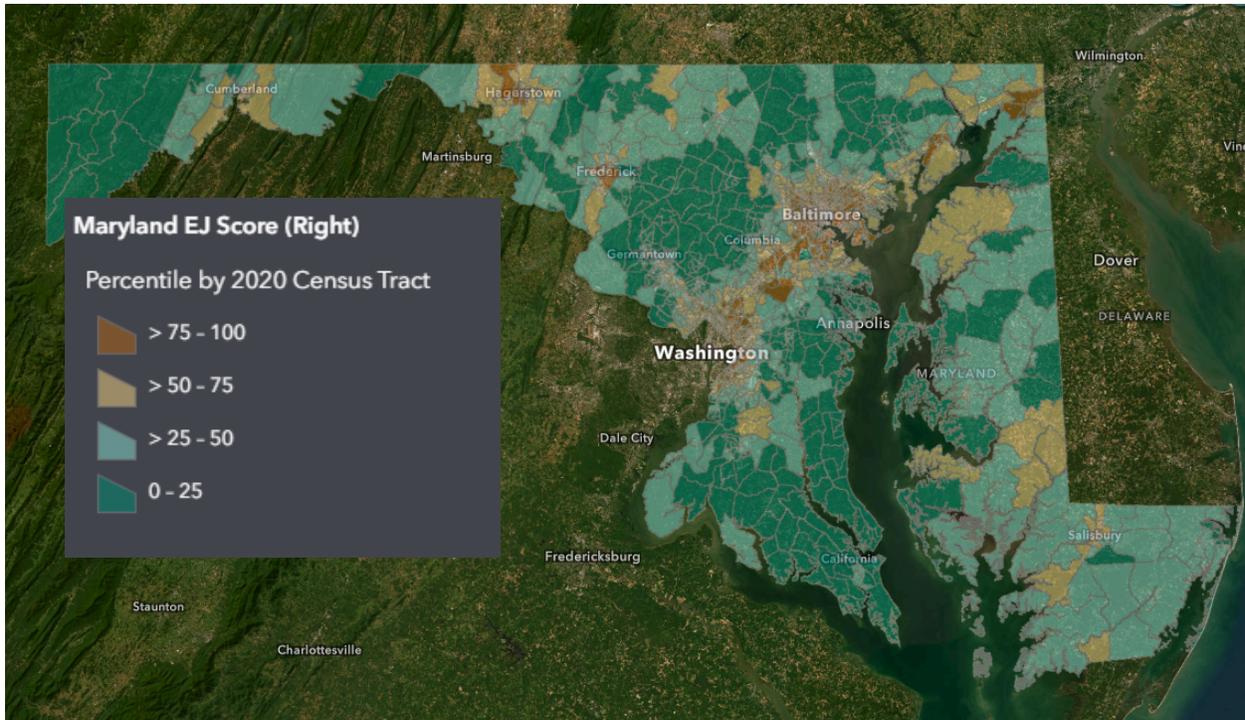
Environmental justice is defined under Maryland state law as "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status."⁵

II. Pre-Application Engagement and Community Outreach

This section provides a framework for engaging with communities. Applicants are strongly encouraged to engage with neighboring communities regardless of location, demographic or socioeconomic status.

⁵ §1-701(a)(5). Article - Environment

State law mandates the use of the tool for certain permit applications. However, we strongly encourage all permit applicants to explore and utilize MDEnviroScreen as a vital resource for all activities. It provides an overall environmental justice “score,” along with detailed percentile rankings for specific environmental and social indicators. By reviewing this data, applicants can better understand local conditions and community vulnerabilities related to their proposed projects. Census tracts with at least five indicators ranked in the 75th percentile or higher are identified as “Communities with environmental justice concerns.”



“EJ Score” means an overall evaluation of an area’s environment and environmental justice indicators, as defined by MDE in regulation, and aggregates data in the following sub-indices: (1) pollution burden exposure; (2) pollution burden environmental effects; and (3) sensitive populations, including socioeconomic factors.

For projects in areas with environmental justice concerns, applicants should conduct community outreach before the public review process begins, demonstrate that communication has occurred, and allow 60 days for community response. After 60 days, the department may proceed with the public review process.

If interested parties or communities decline to meet, the applicant should:

- Document the attempts.
- Seek to understand their reasons.

- Explore alternative engagement strategies in collaboration with the community and the department.

Public Review Requirements and Notice

Public notice is required throughout different stages of the permitting process. The notice should be clear, concise, and accurate so that members of the public understand the proposed project and any potential pollution concerns.

Pursuant to Maryland Code, Environment §1-602(b)(1), the department shall:

- Post electronically, via the website.
- Provide a method for people to electronically request additional information.
- Publish notice in a newspaper of general circulation (at least once a week for two consecutive weeks).

Required contents of the notice include:

- Name and address of the applicant.
- A description of the location and the nature of the activity.
- Reference to applicable statutes and regulations.
- Time and place of scheduled meetings (or a detailed description of where this information can be located).
- A description of where additional permit application information is available.
- The environmental justice score for the census tract.
- A description of the environmental justice indicators contributing to the score.
- Any additional information that the department deems necessary.

The department may mandate additional information be published via public notice or require notice by mail to those requesting a meeting or hearing.

Recommendations for Applicant Outreach and Involvement

One of the most important components of outreach is ensuring all groups that may be potentially affected are identified. Outside of public notice, applicants should inform residents living near the proposed permitted activities. Consideration should be given to all age groups, faith and culturally based institutions, and outreach should reflect the makeup of the community.

Applicants should review demographic data to assess the need for outreach to non-English speaking communities. It is recommended that applicants conduct outreach in the five most common non-English languages in Maryland: Spanish, French, Chinese, Korean, and Amharic.

Pursuant to Md. Code, Environment §1-602(b)(2), notice allows stakeholders to prepare, attend, and contribute meaningfully to discussions, leading to more informed decision-making. Proper notice ensures that stakeholders, including the public, and other interested parties, are aware of when and where discussions will take place.

NOTICE CHECKLIST

Name and address of the applicant
A description of the location and the nature of the permitted activity
Reference to applicable statutes and regulations of application
Time and place of scheduled meetings (i.e. informational meetings or public hearings) or detailed description of where this information can be located)
A description of where additional permit application information is located
The environmental justice score for the census tract for the location where the applicant is seeking the permit for
The environmental justice score review conducted under §1-601.1
A description of the environmental justice indicators contributing to the environmental justice score where the applicant is seeking the permit
Additional information the department deems necessary

If additional notice is appropriate, the department may:

- mandate any additional information that is deemed necessary to be published.
- require notice of an informational meeting or public hearing by mail to each person requesting the meeting or hearing to their authorized representatives.
- provide additional notice by requiring the notice to be posted at the proposed facility or in public facilities near the proposed facility
- require additional notice for general permits
- require additional registrations

Though it can be difficult to connect with each member of the community on an individual level, there are numerous ways for the applicant to communicate with the community. Working directly alongside community organizations can be helpful in spreading the word. MDE suggests reaching out to any of the following in order to help connect with the community and local decision-makers:

Youth and Community Centers	Public Libraries
Public Schools	Advocacy Organizations
Senior Centers	Local Charities
Faith-Based Organizations	Recreation Centers
Local elected officials	

The informational meeting stage is statutorily required if it is requested by the public following the 10 business days of public notice of the permit application. If not requested by the public, an informational meeting is not required; MDE still strongly encourages meeting with the public before submitting an application and through the permit process. It is a mechanism to establish open channels of communication with the community.

Informational meetings are an opportunity for the public and the applicant to engage in a dialogue in an informal context and should not be confused with more formal public hearings.

Methods	Potential Outcomes
Newspaper	Placing notices and information in newspapers of general circulation is another way to reach the general public.
Email	Sending out emails to local residents is another mechanism which allows the department to provide the full information about projects, applications, community events, etc.
Social Media	Social media is an increasingly popular mechanism for outreach. This also provides the opportunity to reach younger crowds, and ensure there is proper communication with younger age groups in the community.

Door Knocking	Going door to door or tabling outside of community centers also creates valuable facetime and the opportunity for members of the community to connect with the applicant.
Text Messages	Mass texts can ensure that there is some notice provided to the public and community, and also provides notice for individuals to begin research or conversations about the projects and proposals.

III. Informational Meeting Stage

Informational meetings are an opportunity for the public and the applicant to engage in a dialogue in an informal context. Applicants can educate the public and receive feedback on the proposed project, and the public can voice questions and concerns directly.

Public review requirements

Once the application has been received, the department requires a number of actions on the part of the applicant before proceeding with the public notice component:

1. Demonstrate that the proposal has been approved by local jurisdiction for all zoning and land-use requirements, or
2. Demonstrate that the proposal meets all applicable zoning and land-use requirements, and
3. Share data from the department's MDEnviroScreen tool.

The department either provides the public notice or mandates the applicant to provide it. Applicants are required to publish notice of the permit application. If no public meeting is requested, the department shall proceed with the review of the permit application.

Tentative Determination and Hearing Requests

Following the application review, the department shall publish notice of a tentative determination.

The department will allow 30 calendar days for public comment before issuance of the final determination. If there is a request for a public hearing made within 20 days of the notice of tentative determination, the department will proceed with notice for the public

hearing. The hearing may only be canceled if all persons who made timely written requests withdraw those requests.

The department may require the applicant or a representative of the applicant to attend a meeting, and failure to attend may delay the permit review process.

IV. Public Hearing and Tentative Determination

After the informational meeting (if held) and the technical review, the department prepares the tentative determination, which will include a proposal to either issue, modify, or deny the permit.

The public has the opportunity to request a public hearing. If a hearing is requested, or if the department decides to require one, the department will schedule the hearing to formally receive comments. The Agency may request a public hearing to identify concerns, unintended consequences, or overlooked factors that may need to be addressed.

A public hearing is a presentation of the tentative determination by the department, whereas an informational meeting is a chance for the applicant to present the proposed activity. The department is required to respond to all comments received, either written or oral, once the public hearing and public comment period is completed.



PUBLIC HEARING



Public hearing logistics

The department must give notice of the public hearing in a newspaper of general circulation at least 10 days before the date of the hearing. The applicant must bear the costs associated with public hearings.

Conduct and Comment Period: The department determines the conduct of the public hearing, including the order of the presentation and the time limits for questions and testimony. All testimony and comments are recorded. The public comment period will remain open for 30 days following the first publication date of the notice or 5 days after the hearing, whichever is later. The department may extend this time period, though it is not statutorily required.

Location and Time: The hearing location should be at a location in the political subdivision and in close proximity to the location where the permit site is located. If the applicant is not able to find a suitable venue, they may seek approval for an alternate location from the department. Venues like schools, libraries, and community centers are common locations. The hearing should be conducted on a weekday and begin no earlier than 6 pm.

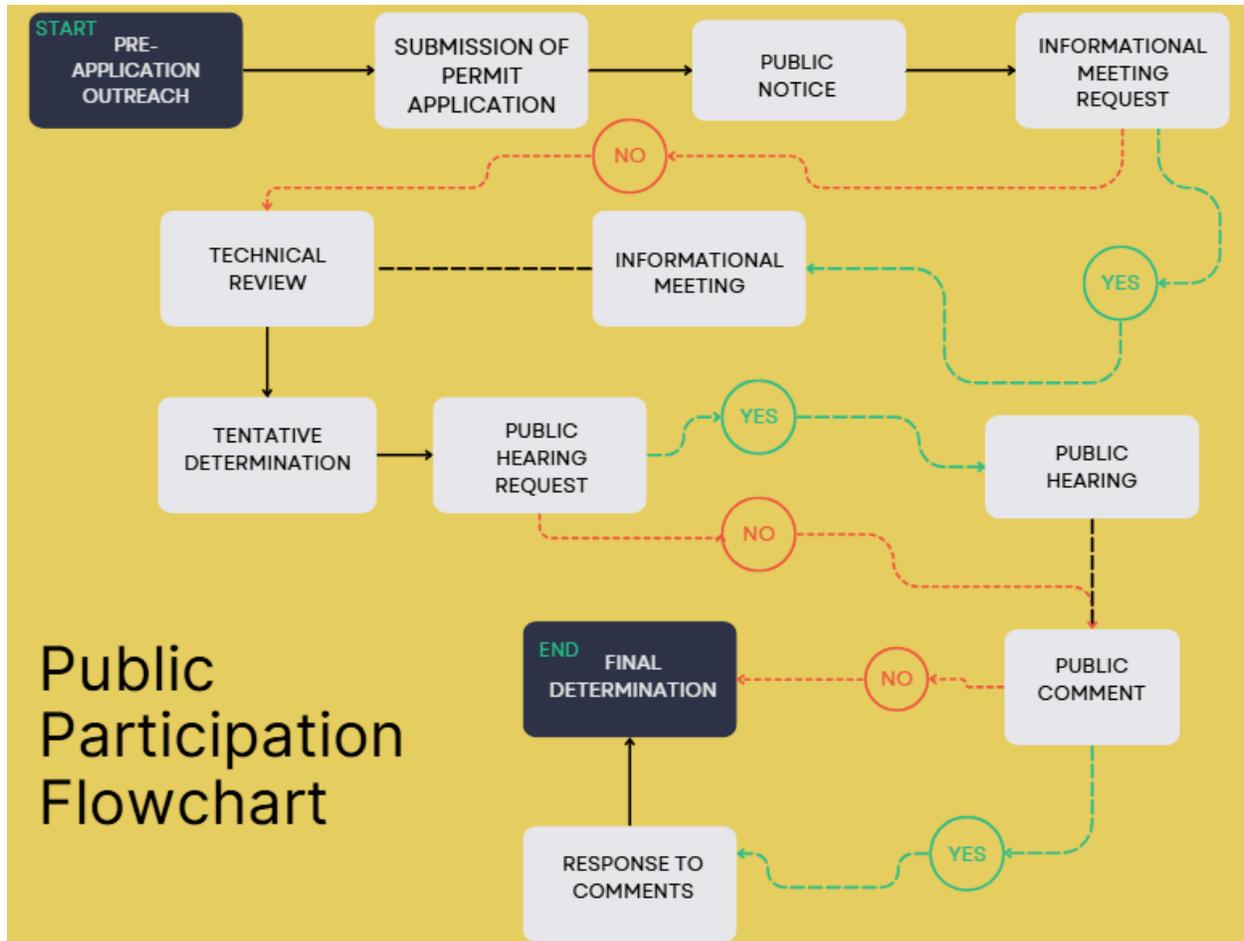
Hybrid Accessibility and Recording: Inclusion of a virtual component where those who are unable to attend in person can still participate is highly recommended. Public hearings must be recorded and transcribed; the department recommends utilizing a licensed stenographer.

Language Access: The applicant should ensure that all flyers, infographics, and other printed materials are provided in both English and non-English options. Simultaneous interpretation is recommended in communities where more than one language is used. If an interpreter is present, the department recommends that the applicant notify the public that an interpreter is present and which specific languages will be provided. The department also recommends using the closed caption function provided by many online meeting platforms.

Public Hearing Materials and Comment: Presentation materials should use plain language, conveyed clearly and concisely without technical jargon. It should be clear how commenters will be invited to speak (e.g., time limits). Members of the public should be given at least two minutes to speak. The department recommends using a visible timer.

Conclusion and Response to Comments: The hearing may end once every member of the public who requested to speak has had the opportunity or the venue time has elapsed. The department will respond to adverse comments received, which may be generalized based on themes rather than responding to individual questions.

The graphic below serves as a visual summary of the public participation process. It outlines the various stages, key activities, and decision points involved in community engagement and public participation. It also clarifies how and when stakeholders can provide input, promoting transparency and accessibility throughout the process.



V. Appendices

Appendix A: Sample Email to Community Group (Pre-Application)

Subject: Invitation for Community Discussion on Permit Application

Dear [Community Group Name],

We hope this email finds you well. My name is [Your Name], and I represent [Company Name], a [brief description of your company, e.g., local manufacturing facility] located in [Neighborhood]. We are writing to inform you of our intent to submit a permit application for a [Type of permit] to the Maryland department of the Environment. As part of this

process, we are eager to foster an open and collaborative discussion about our proposed operations with your organization and the community at large.

At [Company], we are deeply committed to transparency and environmental responsibility. Our permit application is designed to ensure compliance with all applicable environmental quality standards while also contributing to the economic and community development of [Community]. We understand the importance of maintaining a clean and healthy environment and we are dedicated to addressing any questions or concerns you may have about our operations and their potential impact.

To facilitate this important discussion, we would like to invite you to a community meeting on:

Date: [Date]

Time: [Time]

Location: [Location or Virtual Meeting Link]

During the meeting, we will provide food and refreshments and present an overview of our permit application, outline the steps we are taking to minimize emissions, and listen to any feedback from community members. Your input is invaluable in helping us operate responsibly and address any concerns proactively.

If you are unable to attend, but would like more information, we would be happy to share additional details or arrange a separate discussion at your convenience. Please feel free to reply to this email or call us at [Phone Number].

We appreciate your time and engagement on this matter and look forward to an open and constructive conversation.

Best regards,
[Your Name]
[Your Position]
[Company Name]

Appendix C: Sample Community Meeting Flyer



PUBLIC MEETING

General Discharge Permit For Concentrated Animal Feeding Operations

<https://tinyurl.com/MDCafo>

10/15 - Thurmont
10/21 - Princess Anne
10/29 - Easton
10/30 - Virtual

Meeting Accessibility: This meeting location is accessible to individuals with disabilities as defined under the Americans with Disabilities Act (ADA). Individuals who require reasonable accommodation or a language interpreter to participate in the meeting should contact the meeting organizer at [Email Address] or call [Phone Number] (MD Relay TTY: 1-800-735-2258 or 7-1-1) at least 72 hours in advance of the meeting.



Maryland
Department of
the Environment



PUBLIC MEETING

**General Discharge Permit For
Concentrated Animal Feeding
Operations**



15 October



6 - 8 P.M.



Thurmont Regional Library,
Community Room
76 E. Moser Rd.
Thurmont, MD 21788



<https://tinyurl.com/MDCafo>