

Issues Addressed	SB 4 (2009)	Original SB 706 (2014)	Amended SB 706 (2014)
Method of Assessment	Environmental Justice Review	Cumulative Impact Assessment	Cumulative Impact Assessment
Assessment Details	<p>A written report done by the permit applicant which includes:</p> <ul style="list-style-type: none"> • Description of the proposed action • Description of the historic use of the site/facility where the proposed action is proposed to occur • Demographic profile of the people impacted (working, using, or living on or within a 2 mile radius of the site where the proposed action will occur) • Description of potential adverse environmental effects to land, air, and water resources within a 2 mile radius of the site where the proposed action will occur. • Description of potential adverse human health impacts to those people living, using, or working on or within a 2 mile radius of the site where the proposed action will occur. • Description of potential economic impacts to those people living, using, or working on or within a 2 mile radius of the site where the proposed action will occur. • Description of any potential adverse impacts to environmentally stressed 	<p>The Cumulative Impact Assessment is required to be conducted by the Department of the Environment before application for a permit.</p> <p>The assessment “shall address the likely impact on the environment and on human populations that will result from the incremental impact of the activity authorized under the permit when added to the impact of other past, present, and reasonably foreseeable future sources of pollution.”</p> <p>Bill is not explicit on what the assessment shall include.</p>	<p>The Cumulative Impact Assessment is required to be conducted and submitted by the applicant to the Department of the Environment before the Department prepares a tentative determination on a certain permit application. The applicant shall submit the assessment to the Department within a certain timeframe determined by the Department, and the Department shall review the assessment.</p> <p>The assessment “shall address the likely impact on the environment and on human populations that will result from the incremental impact of the proposed facility or activity authorized under the permit when added to the impact of other past and present sources of pollution.”</p> <p>Bill is not explicit on what the assessment shall include.</p>

	<p>communities caused by the proposed action.</p> <ul style="list-style-type: none"> Any public education or community outreach efforts the applicant intends to make before, during, or on completion of the proposed action. 		
<p>Applicable Permits</p>	<ul style="list-style-type: none"> An air quality control permit to construct issues under § 2-404 A permit to install, materially alter, or materially extend landfill systems, incinerators for public use, or rubble landfills issues under § 9-209 A permit to discharge pollutants to waters of the state under § 9-323 A permit to install, materially alter, or materially extend a structure used for storage or distribution of any type of sewage sludge issued, renewed, or amended under § 9-234.1 or § 9-238 A permit to own, operate, establish, or maintain a controlled hazardous substance facility issues under § 7-232 A permit to own, operate, or maintain a hazardous material facility issued under § 7-103 A permit to own, operate, establish or maintain a low-level nuclear waste facility issues under § 7-233 <p>This bill applies to new liquefied natural gas facilities or the expansion of an existing</p>	<ul style="list-style-type: none"> Air quality control permits to construct subject to § 2-404 Permits to install, materially alter, or materially extend landfill systems, incinerators for public use, or rubble landfills subject to § 9-209 Permits to discharge pollutants to waters of the state issued in accordance with § 9-323 Permits to install, materially alter, or materially extend a structure uses for storage or distribution of any type of sewage sludge issued, renewed, or amended in accordance with § 9-238 Permits to own, establish, operate, or maintain a controlled hazardous substance facility issued in accordance with § 7-232 Permits to own, establish, operate, or maintain a hazardous material facility issued in accordance with § 7-103 Permits to own, establish, operate, or maintain a low-level nuclear waste facility issued in accordance with § 7-233 	<ul style="list-style-type: none"> Air quality control permits to construct subject to § 2-404 of this article for a new course or a major modification to an existing source that is subject to 40 C.F.R. § 52.21 or COMAR 26.11.17 Air quality permits to construct subject to minor new source review Permits to install, materially alter, or materially extend landfill systems, incinerators for public use, rubble landfills, solid waste transfer stations, or solid waste processing facilities subject to § 9-204 Permit to discharge pollutants to waters of the state issues for new industrial facilities in accordance with § 9-323(A) Permits to install, materially alter, or materially extend a structure used for storage or distribution of any type of sewage sludge issued in accordance with § 9-231 Permits to own, establish, operate, or maintain a new controlled hazardous substance facility issues in accordance with § 7-232

	<p>liquefied natural gas facility. The facility owner is required to conduct an environmental justice review.</p>		<ul style="list-style-type: none"> • Permits to own, establish, operate, or maintain a new hazardous material facility issues in accordance with § 7-103 of this article • Permits to own, establish, or maintain a new low-level nuclear waste facility § 7-232
<p>Determinations</p>	<p>The Department of the Environment will determine, based on the Environmental Justice Review, if the proposed action will negatively affect environmentally stressed communities.</p> <p>If they determine that the proposed action will negatively affect environmentally stressed communities:</p> <ul style="list-style-type: none"> • Applicant must submit a list of multiple alternative locations where the proposed action could occur • Applicant must submit a list of mitigating actions that applicant could take to offset the proposed impacts • Applicant must submit a list of strategies and/or actions the applicant will conduct to educate and inform members of the environmentally stressed community of the proposed action. 	<p>Based on the cumulative impact assessment, the Department can decide to:</p> <ul style="list-style-type: none"> • issue or not issue a permit • propose permit limitations or conditions deemed necessary to lessen negative impacts on the environment and on the human population <p>The Department will include a summary of the assessment results in any tentative or final determination.</p>	<p>Based on the cumulative impact assessment, the Department can decide to:</p> <ul style="list-style-type: none"> • require additional assessment as considered necessary • issue or not issue a permit • propose permit limitations or conditions deemed necessary to lessen negative impacts on the environment and on the human population <p>The Department will provide a summary of the assessment results:</p> <ul style="list-style-type: none"> • when issuing a tentative determination • for a permit issued under subsection (A)(1)(II), by posting the results of the assessment on the department website for at least two weeks before issuing the permit <p>The Department will provide a summary of the assessment results to the local government planning and zoning authority</p>

			in the jurisdiction where the proposed activity or facility authorized under the permit will be located, for review and consideration in any future land use decisions.
Public Interaction	Public education and community outreach efforts are to be conducted by the permit applicant.	<p>The public process laid out by this bill follows current law:</p> <ul style="list-style-type: none"> • Draft permits will be available to the public • A notice of the tentative determination will be published by the Department and will be open for public comment for 30 days before a final determination is issued • A public hearing will be scheduled upon receiving a written request for one • The hearing can be canceled if the persons who submitted written requests withdraw them prior to the meeting • Notice of a final determination will be published if the Department is required to prepare one 	Identical to Original SB 706
Identifying Environmentally Stressed Communities	<ul style="list-style-type: none"> • “Environmentally stressed communities” are defined as “minority or low-income communities that bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, or local programs and 	No Identification of Environmentally Stressed Communities	<p>The amended version of the bill only applies when the proposed facility or activity authorized under the permit would be located in an unincorporated community in Prince George’s County that:</p> <ul style="list-style-type: none"> • Is bordered to the north by a US highway and to the south by a state highway • Is within 2 miles of a parkway maintained by the National Park Service

	<p>policies. “</p> <ul style="list-style-type: none"> Called for the Commission on Environmental Justice and Sustainable Communities (CEJSC) and Maryland Department of Planning (MDP) to develop maps identifying environmentally stressed communities on or before October 1, 2010. 		<ul style="list-style-type: none"> Is within 1 mile of a Metro station Is within 1.5 miles of the District of Columbia Has experienced air quality alert days of dangerous air quality for sensitive populations <p>Is located near several heavily trafficked state and county roads that carry both truck and automobile traffic</p>
Consequences for Failure to Comply	<p>“Those who fail to comply with subsections A and C of Section 1-703 will be guilty of a misdemeanor, and upon conviction, will be subject to a fine not exceeding \$50,000 for each violation or imprisonment not exceeding 2 years, or both.”</p>	<p>None</p>	<p>None</p>
Regulations	<p>May adopt regulations necessary to implement the subtitle.</p>	<p>Required to adopt regulations necessary to implement the subtitle.</p>	<p>May adopt regulations necessary to implement the subtitle.</p>