

**Maryland State
Commission on Environmental Justice
and Sustainable Communities**

Annual Report
2009-2010

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Background

CEJSC Background

The Commission on Environmental Justice and Sustainable Communities (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003. The Commission is a fifteen-member body that includes the following representatives: two State legislators, three cabinet secretaries, and ten Governor appointees representing six interests groups— environmental advocacy, public health, local government, regulated business, impacted community, and the general public with expertise and/or interest in environmental Justice.

The CEJSC is tasked with examining environmental justice and sustainable community's issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Maryland's approach to Environmental Justice (EJ) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines EJ as,

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

Commissioners Serving 2009 to 2010

Mr. Scot Spencer, Commission Chair, Annie E. Casey Foundation (*Public Interest)

Senator Michael Lenett, State Senate (*State Legislature)

Delegate Elizabeth Bobo, House of Delegates (*State Legislature)

Secretary Shari Wilson, Maryland Department of the Environment (*State Agency)

Secretary John Colmers, Department of Health and Mental Hygiene (*State Agency)

Secretary Richard Hall, Maryland Department of Planning (*State Agency)

Ms. Rosa Hart Burenstine, Baltimore Community for Environmental Justice, Inc.
(*Impacted Community)

Kelly Pfeifer, Community Law Center (*Public Interest)

Mr. Richard Fairbanks (*Impacted Community)

Mr. Andrew Fellows, Commission Vice Chair, Clean Water Action/Council Member,
City of College Park (*Environmental Advocacy)

Ms. Vernice Miller-Travis, Commission Vice Chair, Groundwork USA (*Environmental
Advocacy)

Mr. John Quinn, Constellation energy (*Regulated Business)

Dr. Betty Dabney, University of Maryland School of Public Health (*Public Health)

Mr. Joshua Feldmark, Howard County Office of Environmental Sustainability (*Local
Government)

One Vacancy

*Representative Stakeholder Group

Commission Activities October 1, 2009- September 30, 2010

“Environment, Justice, and Health in the Planning Process: Strategies for Maryland” – October 2009 Symposium

On October 3, 2009 the Maryland Commission on Environmental Justice and Sustainable Communities sponsored a symposium entitled, “Environment, Justice, and Health in the Planning Process: Strategies for Maryland.” The main goal of the symposium, which was held at Morgan State University, was to bring together diverse constituencies to discuss the linkages between zoning, land use, public health, and environmental justice (EJ). This symposium served as the first phase of a comprehensive state effort to improve the coordination of planning, development, public health impact assessment, EJ, and sustainability. State agencies, local officials, and community leaders worked together to identify the information needs, tools, and legal/regulatory changes that will help to incorporate these considerations into the planning and facility permitting process.

A full summary of the day’s outcomes can be found in Appendix E of this report.

Legislation

SB 60

At the suggestion of the Commission, MDE introduced departmental legislation, SB 60 – Commission on Environmental Justice and Sustainable Communities – Membership, to expand the membership of the Commission from 15 members to 20 members. Additional members would include representatives from the Departments of Housing, Transportation, and Business and Economic Development, as well as two additional citizen members.

In practice, the Departments of Housing and Community Development, Transportation, and Budget and Management play a significant role in the environmental issues affecting communities. By participating in the Commission, the agencies can provide better outcomes on these issues. Often communities come to the Commission to share concerns that overlap agency jurisdiction. With additional agency representation on the Commission, the State could provide improved customer service. Increasing the number of citizen members will allow for greater diversity among Commissioners, especially in the way of geographic diversity. To date, the Commission has largely been Baltimore based, though there are thought to be significant EJ issues in other areas of the state.

SB 60 was passed by the Maryland General Assembly and signed into law by Governor O’Malley on May 4, 2010. The bill takes effect October 1, 2010. The Commission and the Department are consulting with the Governor’s Appointment Office regarding the new appointments.

Annual Meeting with CEHPAC

In May the CEJSC held an annual joint meeting with the Children Environmental Health Protection Advisory Council. A lively discussion on the work of the respective committees was held with an emphasis on the legislative outcomes of the 2010 session. The Commissioners and Council members discussed and agreed to work together more closely next year to coordinate positions when needed and share any testimony that is submitted.

A guest speaker from the Maryland Association of Environmental and Outdoor Education (MAEOE) spoke about the organization and led a discussion of how EJ might be incorporated into the work of MAEOE. An electronic presentation from the Maryland Association of Science Teachers (MAST) was shared as well. It was mentioned that the two organizations have some mutual concerns and goals so they may want to consult with one another.

The full meeting minutes and a copy of the MAST presentation are included in the Appendices of this report.

EBD review and Sheriff Road Pilot Project

EBD Review

The EBD Program was developed to foster sound environmental practices, healthy and safe communities, and proactive economic development in designated communities. The identified sectors in which MDE could provide resources were: policy development, financial, technical, regulatory and administrative. The program was to be implemented administratively and no budget was allotted specifically for this purpose. In 2003, MDE named EBDs in East Baltimore and portions of Prince George's County. In 2005 the Department developed and sought applications for other areas to be named EBDs and subsequently chose Easton's Fourth Election Ward and Southwest Baltimore as additional EBDs in early 2006.

The program has had varying degrees of success. Some communities report that there is value in being designated as an EBD and that they have benefited by using the designation when applying for grants and other funding. Other communities find being designated as an EBD has not been as useful as they had hoped. To address those concerns, the Department has begun to review the program to decide how it may be improved. During this process, in consultation with the CEJSC, the Department has met with stakeholders to learn more about the community perspective on the program, how the program has been successful, and what sort of assistance would be useful. Unfortunately MDE, like many state and federal agencies, was affected by the economic downturn that started in 2008. The EBD review process was negatively affected by staff reductions and a general lack of resources.

The Department is pursuing a pilot program that would convene a “local advisory group” in an environmental justice area. The CEJSC has advised and commented on the pilot as it has been developed. With the assistance of the Commission, MDE has identified the Sheriff Road area of Prince George’s County for the pilot program. The local advisory group pilot project for the Sheriff Road community will give MDE the opportunity to connect with community leaders and assist in identifying solutions to the dust issues. CEJSC Commissioners have been updated on the progress monthly and will ultimately help the Department to decide if local advisory groups are a meaningful and useful tool to use to assist with the Environmental Benefit District program.

Sheriff Road Pilot Project

During the 2009 legislative session, the Commission supported SB 4/HB 1054: Environment - Permitting Process - Environmental Justice Review, which would have required MDE to define environmentally stressed communities, develop maps that identify environmentally stressed communities in the State, and required major permit applications to include environmental justice reviews. The Bill received unfavorable reports by both the House and Senate committees, in part, due to the fiscal impact. MDE committed to work over the interim with the Sponsor and the Commission on Environmental Justice and Sustainable Communities on these issues.

As a result, one method of effectively addressing these issues is through increased public participation surrounding the permit process. The Department is pursuing a pilot program that would convene a “Local Advisory Group” in an Environmental Justice area. The Local Advisory Group would be a small, action oriented group that would include decision makers and community members who would proactively address community concerns about environmental permits.

The Commission has advised and commented on the pilot as it has been developed. With the assistance of the Commission, the Department has identified the Sheriff Road area of Prince George’s County for the pilot program. The Sheriff Road community is a historically African American neighborhood located near three concrete manufacturing facilities, LaFarge North America, Aggregate and Dirt Solutions (“ADS”), and Brandywine Enterprises. Over the past several years, members from the surrounding community have filed complaints with MDE about dust spreading into their neighborhoods. The Local Advisory Group Pilot Project for the Sheriff Road Community will give MDE the opportunity to connect with community leaders and assist in identifying solutions to the dust issues. Commissioners have been updated on the progress monthly and will ultimately help the Department to decide if Local Advisory Groups are a meaningful and useful tool to use to assist with the Environmental Benefit District program.

The pilot program called for a series of facilitated meetings that would voluntarily bring representatives of industry, local citizens and governments together to discuss ways to enact mutually acceptable short- and long-term solutions that enhance the

environmental conditions of the Sheriff Road community. To date the group has held two meetings. During the first meeting the topics for consideration were prioritized. The priorities agreed upon were: truck route, traffic, and hours; dust and debris from trucks; industrial hours of operation; sources of air pollution; entrance onto Sheriff Road through Clay Brick Road; noise pollution; and inadequate buffers. As a result of the meetings two participants (Thurman Jones and Brent Dilts) had discussions regarding truck route traffic during the early morning 3-7 a.m. and Mr. Dilts agreed to request a change in the route of the early morning truckers that go to his facility.

Participation in these meetings was strictly voluntary for all the parties¹. It became clear to the facilitator that additional industrial representatives would be necessary to balance the proceedings and achieve the goals set forth in these meetings (there are approximately 6 companies located in the industrial park). Representatives from two companies attended the first meeting, and just one representative attended the second meeting. To date, additional industrial participants have been challenging to bring into the process. This is believed, in-part to be due to the significantly different corporate and/or governmental policies, rules, regulations, and standards for which each industry abides by. The group agreed not to meet again unless at least three business representatives would be present, and as a result, no further meetings have been held. The Department is currently in talks with the facilitator about what to do to move the process forward. Under the contract with the facilitator, at least one additional meeting must be held, and a Final Report that includes consensus-based recommendations to enhance the community will be prepared. The project is expected to be completed in 2011. Feedback from the Commission will continue to be solicited.

New CEJSC Constituent Request Intake Process

In the work of the CEJSC, Commissioners and MDE's Environmental Justice Coordinator receive many potential environmental justice inquiries from constituents. The goal of the CEJSC Inquiry Intake Process is to refer these constituents to the appropriate resources. If the issue is determined by the Commission to be an environmental justice issue, they will address it and follow up with the constituent.

The CEJSC Inquiry Intake Process Form facilitates the procedures for responding to constituent complaints regarding environmental justice issues. This creates a uniform response mechanism and documented history.

The following procedures were developed for the inquiry intake process:

- A constituent lodges a complaint with a Commissioner or MDE's EJ Coordinator.

¹ The participation of industrial partners in this process would remain strictly voluntary, as well as any agreed upon actions instituted, unless compelling reasons are made to incorporate actions into current or future permits.

- The issue is presented to the Committee by e-mail or at a monthly meeting.
- After the Commissioners have heard the problem, it will be determined if the issue is within the purview of the Commission.
- If the issue is within the Commission's purview, the Commission will decide whether or not it will take on the issue. In order to do so, one Commissioner must agree to take the lead on the issue by working directly with the affected parties.
- The Commission will discuss and record what actions that Commissioner will be responsible for.
- The assigned Commissioner will report on progress every month until the issue is fully resolved.
- If it is decided that the issue is not within the purview of the Commission the Commission will discuss who may be helpful to the affected parties and make a referral to that agency or organization.

Complaints about a proposed fly ash landfill in Baltimore near the Curtis Bay Community will serve as the first issue to be considered using the new process. Procedures are subject to change based on Commissioners' experiences.

Environmental Justice Website Improvements

One of the main tasks for the Environmental Justice intern this year was to reorganize the Environmental Justice section of the MDE website. Her goals were to make the site more navigable and more current, as many of the links had expired. She kept much of the same information, but changed the formatting. Rather than specific dates for things like environmental justice grants, the website now has links to more general information. She included a section for the CEJSC and uploaded the backlog of meeting minutes. She coordinated with members of the CEJSC and with the IT and Communications departments in an effort to make the site more efficient and visually appealing. The website is still a work in progress, but the information is accurate and is presented more clearly than before. The website can be accessed by going to www.mde.state.md.us and clicking on "Enviro Justice" under the "Cross Media" category on the bottom of the page. The direct link is http://www.mde.state.md.us/Programs/MultimediaPrograms/Environmental_Justice/index.asp

Planned Commission Objectives for 2010-2011

There are a number of activities that the commission would like to pursue, which are provided below.

In 2010-2011, the Commission will, in addition to the objectives noted below, seek to strengthen our role and relationship with the U.S. Environmental Protection Agency and its favorably aggressive position toward the reduction of disparities as well as increased access to opportunities to disadvantaged people and distressed communities.

1. Increase awareness and improve communications on environmental justice and sustainable community issues in state and local decision-making.

- a. Engage and brief the House and Senate Committees, the Legislative Black Caucus, MACO and MML on the work of CEJSC;
- b. Continue to provide analysis and commentary on select state legislation during the 2011 session;
- c. Hold and host meetings with up to four (4) locally elected officials and select appointees to provide background on commission, its purpose and;
- d. Work with MDE on the development and dissemination of EJ policy guidance for local government agencies on incorporating EJ in building demolition with a vision toward expanded use of deconstruction practices;
- e. Assume an active role to advance the Environmental Public Health Training to myriad groups;
- f. Continue to work with MDE on updates and revisions to the CEJSC information on the MDE website;
- g. Increase our collective efforts to strike language that, through deliberate or accidental actions, create an environment which excludes populations and communities from fair and equal access to benefits, provisions, policy advancement, economic opportunity and environmental quality;
- h. Leverage the participation from the first symposium for new volunteers and establish next level action steps from the symposium.

2. Increase participation by and collaboration with diverse stakeholders in matters pertaining to environmental justice and sustainable communities.

- a. Work to increase the numbers of environmental justice and minority groups attending the Maryland Environmental Summit;
- b. Host at least two listening sessions, in places recommended by commissioners or requested by constituents, on matters pertaining to EJ and SC;
- c. Increase connections to emerging and untapped constituent groups including local offices of sustainability and youth;
- d. Increase connections and opportunities for communities to seek resources to improve their communities through relationships with the partners state agencies;
- e. Actively enhance our relationship with other state agencies and the Chesapeake Bay Trust.

3. Further infuse the Environmental Justice and Sustainable Communities work into the state's environmental agenda.

- a. Engage environmental organizations in the activities of the EJ commission— its purpose and work;
- b. Examine and propose inclusion of EJ&SC principles into existing State efforts including BayStat, Smart Sites and BRAC;
- c. Work toward the development of a formal process to evaluate, monitor and seek resolution to Environmental Justice and Sustainable Communities issues;
- d. Work with MDE to expand the breadth and depth of interdepartmental liaisons on Environmental Justice and Sustainable Communities matters;
- e. Work with the Administration, State Agencies, members of the Legislature and local advocacy groups to advance select legislation which promotes Environmental Justice and Sustainable Communities.

Some measures of success in meeting the stated objectives may include:

- a. The number of EJ issues received, referred, investigated and acted upon;
- b. The increased diversity of groups and communities working toward more inclusive practices;
- c. The number of volunteers working with the Commission to advance its work;
- d. The influence of the Commission's comments or relationships in advancing Environmental Justice and Sustainable communities that is incorporated into legislative or regulatory language.

Recommendations to State and Local Government

Recommendations to the Governor/General Assembly (See Appendix B for actual testimony)

Scot Spencer, CEJSC Chair, provided testimony on **HB 1155** (Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects) and the CEJSC offered three friendly amendments to the bill. Scot Spencer also provided testimony on behalf of the CEJSC for **HB 912** (Public Safety – Regulation of Demolition – Demolition Contractors); **HB 1153/SB 504** (Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing); **HB 814** (Public Schools – New Construction or Renovation – Children’s Environmental Health); and **HB 475** (Smart, Green and Growing – The Sustainable Communities Act of 2010).

Vernice Miller-Travis, Vice-Chair of the CEJSC, provided testimony on behalf of the CEJSC on **SB 544** (Public Safety – Regulation of Demolition – Demolition Contractors (crossfile of HB 912)); and **HB 1503** (Children’s Environmental Health Protection Act). Betty Dabney provided testimony on **SB 60** (Commission on Environmental Justice and Sustainable Communities – Membership).

Recommendations to State Agencies and Local Government

EBDs- There is a need to define what the benefit is and how the program can be strengthened. EBDs is a designation that can be used when applying for funds through other entities, also possibly compare this to the Smart Sites Program. Also consider reviewing the EBD information on the MDE website to be sure it is accurate for the current situation. The Commission would like to be part of the Smart Growth site selection discussions.

Commissioner Dick Fairbanks worked on an Eastern Shore rezoning issue that would allow landfills in a largely rural area.

Appendix A: July Retreat Summary

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
Annual Retreat
Thursday, July 22, 2010
College Park, MD**

**Dean's Conference Room in the University of Maryland School of Public Health
(SPH 2242)**

AGENDA

9:00 am	Light Breakfast
9:20 am	Greetings & Introduction
9:30 am	Lt. Governor's Remarks
10:00 am	Advocates' Roundtable
11:30 am	Lunch
12:30 pm	Discussion of UMD's sustainability practices Visit the green roof on UMD's dining hall
1:15 pm	Annual Report Review
1:45 pm	Website Update
2:05 pm	MDE pilot project update
2:25 pm	Discussion on Commission Objectives and Responsibilities
3:30 pm	Wrap Up
3:45 pm	Adjourn

Appendix B: Legislative Testimony

Comments offered by Scot T. Spencer, Chair Maryland Commission on Environmental Justice and Sustainable Communities

On HB 1155 – Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects Tuesday, March 2, 2010 Ways & Means Committee

Madame Chair and members of the committee, I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable communities' issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am writing today.

Maryland's approach to Environmental Justice (EJ) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines EJ as,

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is in this context that we find that HB 1155 can satisfy the state's definition of Environmental Justice. We find that increasing the transparency of public processes and meaningful opportunity for public engagement can create better shared outcomes and

reduce negative publicity, costly process delays and potential litigation on redevelopment efforts.

The Commission would like to propose 3 friendly amendments that we believe lead to better process management, increase attention to environmental health and community impacts and reduce disparate impacts by including them in the evaluation process; these amendments are attached for your reference and convenience.

As a point of context, we consider it a measure of success that the T4Maryland coalition has been proactive in seeking inclusion from a diverse array of constituents; it is the perspective of the Commission that the amendments which we are offering in support of HB 1155 will ensure that the State, in its transportation evaluation plans, is similarly proactive.

**Comments offered by Scot T. Spencer, Chair
Maryland Commission on Environmental Justice and Sustainable
Communities
On HB 912 – Public Safety – Regulation of Demolition – Demolition
Contractors
Wednesday, March 3, 2010
Economic Matters Committee**

Good afternoon Mister Chairman and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is within the context of these approaches that the Commission finds that House Bill 912 is consistent with both EPA's and the State's stated definitions of environmental justice.

The Commission has been examining the issue of safe demolition for several years. Our attention to this came with the advent of the East Baltimore Redevelopment Project in late 2004. The residents of the Middle East Baltimore community were rightfully concerned about the 577 housing units that were slated for demolition as part of the revitalization of the community. The buildings, constructed in the latter part of the 19th century, were laden with lead, mold and potentially other hazardous substances. This is a community that, despite a 94% reduction in childhood lead poisoning, still has the highest rate of children testing for lead poisoning in the City.

It was clear that with their concerns that a different, improved and community responsive solution to demolition.

A new protocol for demolition was developed. It was used with a 100% minority contractor participation in the demolition process. The results from testing – both pre- and post-demolition showed a process that informed the community, limited casual entry to a demolition site and in which active preventative practices were employed worked and in the end lowered the level of lead to the point that it is undetectable by USEPA standards.

Safe demolition works. When compared with the \$732,000 cost of treatment for a lead poisoned person, the business model underscored in HB 912 is modest. Children deserve a fair opportunity to be spared from hazardous lead dust. Communities deserve the opportunity to be spared from particulate matter being emitted in their neighborhood.

HB 912 will ensure that every person in the State of Maryland should have the same level of protection from unsafe demolition practices. This bill does meet every standard of environmental justice and it is something that the Commission fully embraces.

**Comments offered by Vernice Miller-Travis, Vice-Chair
Maryland Commission on Environmental Justice and Sustainable
Communities
On SB 544 – Public Safety – Regulation of Demolition – Demolition
Contractors
Thursday, March 4, 2010**

Education, Health and Environmental Affairs Committee

Good afternoon Madame Chair and members of the committee. I am writing you as Vice-Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is within the context of these approaches that the Commission finds that Senate Bill 544 is consistent with both EPA's and the State's stated definitions of environmental justice.

The Commission has been examining the issue of safe demolition for several years. Our attention to this came with the advent of the East Baltimore Redevelopment Project in late 2004. The residents of the Middle East Baltimore community were rightfully concerned about the 577 housing units that were slated for demolition as part of the revitalization of the community. The buildings, constructed in the latter part of the 19th century, were laden with lead, mold and potentially other hazardous substances. This is a community that, despite a 94% reduction in childhood lead poisoning, still has the highest rate of children testing for lead poisoning in the City.

It was clear that with their concerns that a different, improved and community responsive solution to demolition.

A new protocol for demolition was developed. It was used with a 100% minority contractor participation in the demolition process. The results from testing – both pre- and post-demolition showed a process that informed the community, limited casual entry to a demolition site and in which active preventative practices were employed worked and in the end lowered the level of lead to the point that it is undetectable by USEPA standards.

Safe demolition works. When compared with the \$732,000 cost of treatment for a lead poisoned person, the business model underscored in SB 544 is modest. Children deserve a fair opportunity to be spared from hazardous lead dust. Communities deserve the opportunity to be spared from particulate matter being emitted in their neighborhood.

SB 544 will ensure that every person in the State of Maryland should have the same level of protection from unsafe demolition practices. This bill does meet every standard of environmental justice and it is something that the Commission fully embraces.

**Comments offered by Scot T. Spencer, Chair
Maryland Commission on Environmental Justice and Sustainable
Communities**

**On HB 1153/SB 504 – Environment – Reducing Lead Risk in Housing – Lead
Paint Dust Testing**

Thursday, March 4, 2010

Environmental Matters/Judicial Proceedings Committees

We are sorry that we could not join you in person to provide our review of this important legislation. I am Scot Spencer writing as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable communities' issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am writing today.

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Additionally, Maryland’s definition, which builds on EPA’s definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is in this context that we find that HB 1153/ SB 504 satisfies the state’s definition of Environmental Justice. We all know of the devastating and long-term effects of lead poisoning on all people, but it is most pronounced in the most vulnerable of our citizens – children aged zero to six and seniors. The disproportionate burden of lead poisoning occurs in low income communities. The treatment for reducing the toxicity of lead paint is painful to the individual, costly to society – in terms of long lasting effects on people and cost of treatment - and limited in its true effectiveness.

The details in this legislation seek to level the field of safety in housing to prevent unnecessary exposure to lead paint. Given the number of historic structures that are being returned to productive use, the good work that has gone to reduce the risks of being in leaded housing could be compromised without a standard of testing and treatment.

Any older structure – whether it is a row house in East or West Baltimore or an historic house in Cumberland or Salisbury – would be covered under the provisions of this act. The Commission finds that this is a fair and equitable approach to a serious environmental health threat.

**Comments offered by Scot T. Spencer, Chair
Maryland Commission on Environmental Justice and Sustainable
Communities
On HB 814 – Public Schools – New Construction or Renovation – Children’s
Environmental Health
Before the House Budget and Taxation Committee**

Tuesday, March 9, 2010

Good afternoon Mister Chairman and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable

Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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"The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is within the context of these approaches that the Commission finds that Senate Bill 814 is consistent with both EPA's and the State's stated definitions of environmental justice.

With a charge to work with the Children's Environmental Health Advisory Committee, we have been in discussion with their leadership on measures to improve the health and safety of Maryland's school environments. The Commission, in general, stands in favor of processes which provide increased transparency by people who care for or are impacted by environmental decision-making. In this, we find that the provisions called for in SB 814 promote better communication practices and help to ensure increased access to environmental health awareness.

As Maryland continues to provide national leadership in growth and development practices and reinvestment in existing communities, existing school facilities are likely to undergo expansion, renovation and retrofit to create the best learning environment for the next generation of student leaders, it is our perspective that SB 814 can serve as a

guidance tool for the development of best practices to ensure that the learning environment is nurturing and healthy.

**Comments offered by Scot T. Spencer, Chair
Maryland Commission on Environmental Justice and Sustainable
Communities**

**On HB 475 – Smart, Green and Growing – The Sustainable Communities Act of
2010**

Tuesday, March 9, 2010

Ways and Means & Environmental Matters Committees

Good afternoon chairs and members of the committees. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

Maryland's approach to Environmental Justice (EJ) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines EJ as,

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is within the context of these approaches that the Commission finds that House Bill 475 is consistent with both EPA's and the State's stated definitions of environmental justice.

We would like to offer a slightly different perspective on the benefits of the bill to people in communities. Yes, there are those who will take advantage of the tax credit and repair

a property to bring it up to a better standard in a neighborhood; these are the people who will have the most immediate benefit from the tax credit with additional resources and a nice place to live or work.

There are also people in communities who live next door or down the street from formerly vacant or underperforming properties who, as individuals and as part of a neighborhood stand to benefit from a structure that is brought back to productive – and property tax paying use. Neighborhoods with fewer vacancies are greater contributors to the overall tax base.

Finally, we want to be sure to acknowledge that many vacant and underperforming properties are in communities which are often anchored by owners who “did the right thing” in believing in the power of homeownership; that it helps build, retain and pass your accumulated wealth to the next generation. In some communities, their underlying faith in this proposition has been undermined by disinvestment – some of which was structural in nature. Provisions on of the Sustainable Communities Act help correct that structural deficiency by reinforcing the incentive of investing in our existing places – communities of historic and emotional significance.

The Commission on Environmental Justice and Sustainable Communities believes in the power of place and the promise of HB475.

**Letter offered by Vernice Miller-Travis, Vice-Chair
Maryland Commission on Environmental Justice and Sustainable
Communities
On HB 1503 – Children’s Environmental Health Protection Act
Monday, March 22, 2010
Ways and Means Committee**

March 22, 2010

The Honorable Sheila E. Hixson
Chair, Ways and Means Committee
House Office Building, Room 131
Annapolis, MD 21401-1912

Dear Delegate Hixson:

The Commission on Environmental Justice and Sustainable Communities (CEJSC) respectfully submits this letter on House Bill 1503, *Children’s Environmental Health Protection Act*. The proposed legislation would require county school boards to adopt health and safety plans that include a number of protections for children including hazardous substance removal, fire and life safety code repair plans, and plans regarding

moisture intrusion management, cleaning products, construction and renovation. The Act would require these plans be submitted to the Department of Health and Mental Hygiene for approval; DHMH is also responsible for training and the development of model plans.

CEJSC recognizes that there are cases in which children's health can be adversely affected by environmental hazards in schools. CEJSC also notes that programs such as the U.S. Environmental Protection Agency's *Tools for Schools* have been successfully used to create within schools an awareness of potential hazards, and supports policies that promote this awareness. CEJSC further recognizes that schools have a number of fiscal and educational challenges, and need to develop cost-effective means of protecting children from potential environmental hazards while promoting education and health. The use of preventive inspections and walk-through evaluations as called for in the proposed legislation, combined with a commitment to preventive maintenance and timely repair of problems, can reduce the need for expensive corrective actions, as well as potentially harmful exposures, in many cases.

Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003. The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature.

We believe that HB 1503 can and will make Maryland's school buildings safer and healthier, and be more protective of our states most vulnerable residents – our children.

Respectfully,

Vernice Miller-Travis

Vernice Miller-Travis
Vice Chair
Maryland Commission on Environmental Justice and Sustainable
Communities

cc: Delegate Hubbard,
Scot Spencer
Andy Fellows
Cliff Mitchell, MD
Veronika Carella
Pamela Wallentiny

**Comments offered by Betty J Dabney, PhD, Academic Representative
Maryland Commission on Environmental Justice and Sustainable Communities
On SB 60 -Commission on Environmental Justice and Sustainable
Communities - Membership
Wednesday, March 31, 2010
House Committee on Environmental Matters**

Good afternoon Madame Chair and members of the committee. I am here today speaking in my capacity as the academic representative on the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC). Our Commission was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, and environmentally sound communities for all Marylanders in a manner that allows for democratic process and community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here before you today.

Maryland's approach to Environmental Justice (EJ) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines EJ as

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

It is within the context of these approaches that the Commission finds that **SENATE BILL 60 is CONSISTENT** with both EPA's and the State's stated definitions of environmental justice.

Our environment in its broadest sense is not just the air we breathe, the water we drink, the food we eat, and how our waste is disposed. Our environment is also the homes and

neighborhoods we live in, the transportation we use, our jobs, and the sustainability of human activity in our state and on our planet. In its broadest sense, our environment is the totality of everything we interact with in the course of living our lives.

Environmental justice reaches across jurisdictions and across agencies. Fair and equal treatment applies not only to the promulgation, implementation and enforcement of laws and regulations, but also to access to safe and affordable housing and transportation and meaningful jobs with livable wages. Indeed, *these socioeconomic factors are the most important determinants of health.*

Hence it is important for effective implementation of environmental justice, as called for in our Governor's Executive Order, for different state and local agencies to work together on these cross-cutting issues and programs. Representatives from the Departments of Housing and Community Development and Transportation have informally participated in the Commission's meetings for some time, and have made important contributions to the Commission's work.

There is a need to formalize their participation in the Commission, and also to include the voice of Business and Economic Development, the latter to address issues of development and sustainability as they impact minority and disadvantaged populations. We also need to expand our base of citizen involvement, which is so vital for the Commission's work to be meaningful for impacted communities as well as for policy makers.

The CEJSC serves as a model of how different agencies can and should work together for the betterment of all Marylanders. We are grateful for your support of this legislation, and for your continued support of the Commission and its work.

Appendix C- 2009-2010 Meeting Agendas/Minutes

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
Thursday, October 22, 2009**

**Montgomery Park, Terra Conference Room
Baltimore, MD**

AGENDA

- 9:30 am Introductions
- 9:40 am Symposium Review
- 10:00 am EBD Presentation
- 10:20 am EBD Review with East Baltimore & South Baltimore EBD
- 11:20 am Other Business
Approval of September CEJSC Meeting Minutes (If quorum)
- 11:30 am Adjourn

In Attendance

- CEJSC Members:
Scot Spencer, Betty Dabney, Arabia Davis, Dick Fairbanks, Vernice Miller-Travis, Rosa Hart-Burenstine, Lisa Nissley
- Participants:
Glenn Robinson, Lou Takacs, Karen Forbes, Shannon Heafey, Molla Sorros, Bill Paul, Rebecca Rehr, Jeff Fretwell

Introductions

The meeting began with introductions by all individuals present.

Symposium Review

Vernice began the conversation describing the event as one of the best she had attended in her career. There were a lot of new faces and the crowd was diverse. She was most pleased with the state secretaries' panel and thought they really took responsibility for problems of the past while setting a great tone for the future. Vernice also expressed gratitude to Karen Forbes who originally developed the concept for the symposium.

Betty followed up that she totally agreed. She believes it is important for us to follow up and hold the Departments accountable for what they said.

Dick agreed that the event was outstanding and said he thought we might have wanted more time, perhaps two days, to adequately cover topics of discussion.

Lou agreed that it was a good event and suggested that in the future we might consider having an event like this at Montgomery Park. He also thinks it is critical to have more time.

Karen shared that she thinks the most important thing is following up on the suggestions and the relationship building.

Rebecca thought the most powerful part of the day happened in the community breakout session when a man spoke and said that future plans are good, but that his community is hurting now and he wants an acknowledgement from the government that they played a role in that.

Dick also identified with that comment and added that Linda Towe was also a great speaker in the morning session.

Rosa thought there was very high energy at the event.

Betty and Lou spoke to the fact that life expectancy rates in different parts of the state are dramatically different. In some areas there is as much as a 30-year difference. In some places in Maryland, the age expectancy is the same as in a third world country. Betty further explained that there is a real need to tackle Environmental Justice issues in a holistic matter to include crime and domestic violence for example.

Vernice spoke to the need for acknowledgement of the government's responsibility. Even though the Secretaries that spoke were not in power when many poor choices were made, she felt that they took responsibility for poor choices made in their fields. She gave an example of this happening when she worked in New York. Vernice felt that in that case, the government took responsibility and it really allowed the citizen's groups to move forward working together with new attitudes.

Arabia shared that at the end of the conference, Deputy Secretary Matt Power was very thankful to be part of the day and asked her to relay that he is ready and willing to work with the Commission to move these issues forward.

Lou thought that having Charles Lee, Director of Environmental Justice for EPA elevated the event and sent a powerful message. He also spoke of places for improvement in the future. Lou suggested we be more careful in choosing and training our moderators to be sure that they are expansive and receptive to a diverse group and give everyone a chance to be heard. Dick and Karen noted the pressure that was on the facilitators to manage a

rather vocal group of fifty people in a short period of time, but Lou's concern was well taken by the group.

For next steps, moderators and participants from the community and policy groups need to get notes to Lisa (Betty completed notes for the third session – data and information collection). Scot would like to harness the energy of the working groups and grow our base. Everyone agrees time is of the essence and that we want to actively get the new people involved.

Dick pointed out that in the future we should look for a venue that has recycling. Lou mentioned that we might have included more city government people. The point was made that there was outreach. Karen also added that we can grow and diversify the event next time and emphasized this is a statewide issue and our audience should reflect that.

Betty suggested that we give serious thought to making this an annual event.

Lou asked why we did not have the event at Montgomery Park. Lisa explained that it was not the will of the planning committee to cast this as a MDE event. Lou suggested we consider it in the future. Vernice replied that we should consider having the event outside of Baltimore next time to emphasize that it is a statewide event.

Scot agreed, but added that we should not have the event again simply for the sake of having it. He suggests that we really examine our goals and review outcomes before we make that suggestion. Arabia agreed that our goals should guide what other events we organize.

EBD Presentation

Lisa gave a presentation on the origin of the Environmental Benefits District (see below for details) as a refresher before the Commission considers suggestions for the program.

Betty asked where this program lives. Lisa explained that it is her responsibility within the Office of Environmental Justice.

Scot explained that he has had conversations with Secretary Wilson discussing the program. There is a need to define what the benefit is and how the program can be strengthened. He further clarified that the first set of EBDs was named without an application process. Then an application was created for round two when Easton and South Baltimore were chosen. There has never been a definition of success and one is needed.

Lisa asked for clarification on the initial development and Scot explained that Andrew Sawyers had the original idea and the Commission was supportive. Later, MDE ran with the idea after Andrew had moved onto another position. Everything happened very quickly.

Vernice asked if these zones overlap with Enterprise Zones. Scot said yes.

Scot understood that the point was to boil down problems and concentrate resources. He thought that there would be some money attached originally, but ultimately not. This is a designation that can be used when applying for funds through other entities.

Angelo added that one point was that the program would go beyond MDE and incorporate other agencies that played a role in these issues.

Karen and Arabia suggested we compare this to Smart Sites, a new program that sounds similar. Karen also suggested considering how this designation can be used to attract money for the communities.

Angelo also pointed out that the original idea went beyond straight dollars and was more about directing resources. This might mean directing projects that are already being done to an EBD rather than another community, for example if you are doing diesel retrofits with dollars we already have, start in the EBD communities rather than other places.

Vernice acknowledged that she liked the intent of the EBD program, but now need to concentrate on how to make it a reality. It seems it does not have the salience we thought it would.

Betty believes this should be incorporated into our next steps for symposium follow up because there is an overlap.

Glenn asked if these areas are despaired by funding. Scot answered that it was more about the impact of environmental outcomes.

Vernice described places where statistics on wealth may be misleading because you have some larger or newer expensive homes bringing up the average income, but in reality there are old, impacted communities next door.

EBD Review with East Baltimore & South Baltimore EBD

Lou began by describing the process that South Baltimore went through to be named an EBD. He read through the application (see attached) and explained his organization applied in August 2005 at the urging of Parks and People. In January 2006, the community was named an EBD.

Originally there was funding for listening sessions, but that never came to be. Of the list of accomplishments listed on the flyer about the EBD, some came before the EBD was named and others seem either to have wrong amounts or did not occur.

Lou shared a list that Dorothy had once given him regarding available programs that may help EBDs. Only eleven of the programs offer funding and only three of the programs apply to issues within South Baltimore's EBD.

He sees being named as an EBD as just a designation and wants to know what will happen to help the communities.

The issue of Smart Sites and the overlap between the two programs came up again in the discussion. It was requested that we have a presentation on Smart Sites. Lisa will set that up.

Betty said that it seems to her the program fell through the cracks a bit, but that it is important that MDE has acknowledged that and it seems Lisa is trying to pick up the pieces. She feels that we need to share this with Secretary Wilson and share our ideas for improving the program. Lisa said that Secretary Wilson is aware and Lisa will continue to share their ideas with her as they develop.

Vernice shared that she had many conversations with Dorothy Morrison about this program and how it would play out, especially when no budget was involved. Dorothy seemed to think that local government was a key player as well.

Scot pointed out that is our goal to make recommendations to MDE about how to proceed. There are many option including yes, we should do this with revisions, no, this program is no longer needed, or maybe. We don't want expectations if there is nothing there, however, we like having a community driven process.

Lou pointed out that Montgomery Park is in an EBD. He hopes that we would work in this community to create an example of what can be done with the program and really clarify its benefits.

Rosa shared her thoughts regarding East Baltimore and the EBD program. She said that it took her sometime to gather anything because the EBD was just named (no application process) and as far as she knows there has not been a lot of follow up.

Vernice told the group that she though this program should be lifting up communities with more investments, more infrastructures, and more enforcement. Scot clarified that there was never any legislation for this program and no specific funding was promised. His concern is there is no measure for success. Scot also mentioned the idea that this was to have been a partnership.

Vernice concurred that we really need to determine the value added by this program and then decide how that value can be quantified. Scot agreed and said that we need to be at a point of moving things forward now.

Other Business

There was not a quorum of Commissioners so minutes will be held to next month.

Vernice mentioned that she was at an EPA event where a person from Federalsburg shared her concerns about a development that may have been built on a wetland. She would like to discuss this with Lisa. Lisa agreed and they will speak next week.

Scot let everyone know that he will not be here for the November meeting, but he is trying to be available by phone.

Adjourn

The next EJ Commission meeting is scheduled for Thursday, November 19, 2009, 9:30-11:30 a.m. at Montgomery Park in the Terra Conference Room.

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
Thursday, November 19, 2009**

**Montgomery Park, Terra Conference Room
Baltimore, MD**

AGENDA

- | | |
|----------|---|
| 9:30 am | Introductions |
| 9:40 am | Symposium Next Steps or Related Announcements |
| 9:50 am | EBD Presentation |
| 10:00 am | Smart Sites Presentation |
| 10:20 am | EBD Review with Easton & Prince George's County EBD |
| 11:20 am | Other Business
Approval of September and October CEJSC Meeting Minutes (If quorum) |
| 11:30 am | Adjourn |

ATTENDANCE

CEJSC Members:

Scot Spencer (via conference call), Dick Fairbanks, Andy Fellows, Vernice Miller-Travis, Betty Dabney, Sharmi Des, Arabia Davis, Lisa Nissley

Participants:

Senator Harrington, Stephanie Cobb Williams, Lou Takacs, LaAndra Jones, John Papagni, Andy House, Ryan Allnutt, Kathy Kinsey, Sean McGuire, Sherly Bedro, David Harrington, Karen Forest, Angelo Bianca

INTRODUCTIONS

The meeting was opened with introductions by all individuals present.

Vernice informed everyone that Andy Fellows has been elected as Mayor of College Park, Maryland. Congratulations went out to him.

Minutes for the September and October 2009 meetings were approved.

SYMPOSIUM NEXT STEPS OR RELATED ANNOUNCEMENTS

Lisa shared information from the Planning Committees recent conference call. In order to follow up on the October event, the Committee will be meeting to discuss issues that came out of the symposium on December 11, 2009 at MDE. This will be a working lunch focusing on the breakout sessions. The Committee will then report back to the Commission in January.

Cliff mentioned that the CESJC worked with MDE and DHMH to submit the application for the State Environmental Justice Cooperative Agreement Program grant in April 2009. Unfortunately, the application was not selected. Despite the grant not being awarded, the application process was very informative and many lessons were learned that will be instrumental in future grant endeavors. Cliff Mitchell will forward information about a Robert Wood Johnson grant that he thinks would relate to the work coming out of the symposium.

Betty Dabney shared information on a grant that was awarded to the University of Maryland, School of Public Health that she believes the Commission could assist and benefit. The grant is for HIV/Aids Prevention in PG County. Betty will set up a meeting with Commission members to discuss how to move forward with the School of Public Health. She will keep everyone posted on a meeting date.

Senator Harrington shared information on another grant that Kaiser Foundation Initiative has to reduce diabetes by creating walking areas, safer streets and building healthier communities.

Mr. Harrington will forward the contact information for the Kaiser Foundation to Lisa and Vernice.

Senator Harrington also would like to join the Commission and Betty on the other grants awarded in PG County.

ENVIRONMENTAL BENEFITS DISTRICT (EBD) PRESENTATION

Lisa presented the EBD Presentation first shared at the October meeting for those who could not attend that month. A lengthy and thorough discussion among CESJC members and participates on how the EBD Program will move forward. Everyone was asked to think of ways to improve and/or enhance the EBD Program. Scot suggested that we might consider reviewing information on the MDE website to be sure it is accurate for the current situation.

SMART SITES PRESENTATION

Mr. John Papagni and Ms. LaAndra Jones from MD Housing Department gave an overview of the Smart Sites Designation. The following sites were discussed:

- ✓ Cambridge – Maple Tree
- ✓ 3 school projects
- ✓ 1st Ribbon Cutting site in Cumberland
- ✓ LEED Certified bldg. in Western MD
- ✓ EBDI Smart Site
- ✓ Mt. Airy Site (2 fire damage buildings restored)
- ✓ Harford Ground, Edgewood Area – 288 Military Housing restored (BRAC)
- ✓ Six Transit Sites (Odenton, State Center Baltimore, Owing Mills, Savage, Wheaton, Montgomery)

Everyone discussed the Smart Site selection process and wanted to know who would be an apart of this process. It was decided that it would be very good to have the local Government part of the nomination process for the next round of Smart Site Selections. The Commissioners strongly encouraged the Smart Site representative to be environmentally conscience with the concerns and issues when selecting and implementing sites. They were very concerned that the environmental problems were not being addressed before and or during the smart site process. Scot would like the Commission to be part of the Smart Growth site selection discussions and Vernice stated a formal request to be part of the Smart Growth site selection in the beginning of the process as well as the DHMH. The Commissioner was very excited about the Smart Growth Sites and invite them to the join the Commission for further discussion.

Senator Harrington discussed re-introducing the Demolition Protocol legislation next year and narrowing it down to be more specific.

Action Item: Mr. Papagni will send Lisa the contact information on the person responsible for the Harford County demolition site. The Commission wants to ensure that some of the same issues that East Baltimore encountered as it relates to demolition were being addressed in Harford County.

EBD REVIEW WITH EASTON & PRINCE GEORGE'S COUNTY EBD

Lisa explained that Moonyene Jackson-Amis had hoped to be at the meeting to discuss the Easton EBD, but earlier in the week she called to say she was sick.

Senator Harrington talked about the Prince George's County EBD and reflected he had hoped naming these areas would give them resources and added protection against development. He discussed 2009 SB 4: Environment – Permits – Environmental Justice Reviews and how that would have gotten at the goal of considering EJ during the permitting process. He recognizes that it would not have stopped permits but thought it was a way to inject EJ into the process.

Lisa shared that Vernice and Andy would be joining MDE staff and Senator Harrington after the meeting to share data and other information that the MDE internal workgroup has discussed over the interim. That information will also be presented at the January meeting of the Commission.

Other Business

Dick also shared a publication on Gwynn Falls that is limited edition and being sold for \$20.

ADJOURN

**The next EJ Commission meeting is scheduled for Thursday, January 28, 2009,
8:30-10:30 a.m. in Annapolis at the Lowe Office Building, Room 218.**

Commission on Environmental Justice & Sustainable Communities (CEJSC) Thursday, January 28, 2010

**Low House Office Building, Room 218
Annapolis, MD**

AGENDA

8:30 am Introductions

8:40am Presentation on MDE Public Participation Pilot

9:00 am Bill Review

MDE'S Legislative Package
Lead Bills – Demolition & Dust Testing
MD Advocates' Transportation Oriented Development Bill
Historic Tax Credit Bill

- 10:00 am Symposium Next Steps Review
- 10:10am EJ on the MDE Website
- 10:20 am Other Business
 Approval of November CEJSC Meeting Minutes (If quorum)
 Symposium on Pesticides by CEHAC
 Quick Housekeeping Items for Commissioners
- 10:30 am Adjourn

In Attendance

- Commission Members:
 Scot Spencer, Dick Fairbanks, Arabia Davis (MDP Designee), Andrew Fellows,
 Delegate Elizabeth Bobo, John Quinn, Lisa Nissley (MDE Designee), Clifford
 Mitchell (DHMH Designee), Betty Dabney

- Participants:
 Sean McGuire (DNR), Jennifer Bevan-Dangel (1000 Friends), Roz Hamlett
 (MDP), Rebecca Rehr, Adam Ortiz (Lt Gov’s Office), Nina Smith (Gov), Kurt
 Sommer (DHCD)

Introductions

The meeting began with introductions from each person in attendance.

Scot shared that he was invited to a One Maryland planning session with DNR by Chairwoman McIntosh. He and Sean told the group about the One Maryland vision, which seeks new ways of thinking about the planning process in Maryland. Cliff asked whether public health representatives have been present at these meetings. Sean said there were people represented from all professions, and clarified that this is not a legislative issue; there is not a proposed bill. Rather, One Maryland seeks to incorporate new perspectives in the planning process, including people and agencies that are not traditionally involved.

MDE Public Participation Pilot

Lisa followed up her retreat presentation on the internal workgroup looking at cumulative impact and the public participation. The Department has decided to do a pilot program for a Local Advisory Group and is inclined to do the pilot in the Sheriff Road area. Lisa worked with Senator Harrington to develop a questionnaire she will administer over the phone. She will be calling local organizations in the Sheriff Road area to talk to them about what they see going on in their neighborhood. The Department has identified funding for the project through a grant as well.

Cliff recommended that there also be a health tracking profile for this area. Betty mentioned the prevention research center at the MD School of Public Health. This program is funded by the CDC and supports health studies in PG County. There is an upcoming stakeholder meeting. Betty will look into whether we can participate, as this would help MDE's effort in the Sherriff Road project. This meeting would include the health officer, Dr. Shell. Betty also stressed the importance of following up with the people Lisa initially calls, in order to maintain a good relationship and fulfill any promises made.

Bill Review

TOD Bill

Jennifer Bevan-Dangel from 1000 Friends of MD presented one of her priority bills, the Transportation Oriented Development Bill. This bill would establish criteria to frame transportation spending. Goals include connection community and protecting the environment. Right now, the bill is in draft form. The advocates want to include "environmentally stressed communities" in the bill, but are not sure of the best language to use. They also wanted to make sure they are thinking about EJ issues, and are looking for suggestions from the committee.

Betty mentioned an MPH student, Mack Frost, who is working for the federal Department of Transportation who is developing a handbook for environmental sustainability of highway projects. She offered to put him in touch with Jennifer and Matt Frost.

The goal is to put land use in the process. Andy suggested talking to Senator Harrington.

Scot proposed that rather than referring to "no adverse effects on environmentally stressed communities," the language in the bill read more about promoting best practices. The most money should go to those projects that advance the most environmental sustainable communities. The goal of the bill should be to help communities rather than simply not hurt them.

Cliff asked if there would be a project by project assessment, to which Jennifer responded yes. The assessment would be based on what characteristics are already stressing the community. Scot mentioned the EJ definition being unlawful and Cliff talked about prescriptive language. Cliff also discussed the language of the bill as potential EBD criteria. The Red Line compact could be an example.

Jennifer said she would keep the commission in the loop and let us know when hearings would be, etc.

Historic Tax Credit Bill - Sustainable Communities Act of 2010 SB 285

Kurt and Roz presented the bill and said they would send out more background information via e-mail. The bill is a product of the Smart Growth subcommittee and involves MDP, DHCD, DOT, DBED, DHMH, DLLR, and MES. The three components

of the bill are reauthorizing the tax credit, community legacy, and changes to the subcabinet. The bill includes plans for Main Street and Maple Street, which will support Main Street. Betty was very pleased to hear about all the interagency cooperation.

The bill will cost \$50 million over 3 years. In a study by the Abell Foundation, they found an 800% return on every dollar spent through this bill. It would create jobs and stimulate the economy. Even though there seems to be sound fiscal underpinning, there is still concern about the cost of the bill.

BRAC would direct \$15,000 to jobs and spur 50,000 new jobs. In terms of how growth is managed, keep BRAC standards in mind.

At this point, November minutes were accepted

Lisa provided information on MDE's legislative package.

SB 88 - Controlled Hazardous Substance Advisory Council – Convene at Discretion of Secretary

- Extends the length of the term from five to ten years
- Changes meeting requirement to at the request of the Secretary
- Estimated \$4,000 savings annually
- Bill hrg scheduled Jan 28 1:45 p.m.

HB 72 - Oil and Gas - Fees

- In response to Marcellus Shale
- Authorizes Department to collect fee for permit applications, permit renewals, and production fees
- Creates a special fund for the fees

SB 60 - CEJSC Membership

- Adds five members to the CEJSC for a total of twenty
- New members include representatives from the Departments of Business and Economic Development, Housing, and Transportation
- Bill hrg scheduled Jan 28 1:45 p.m.

HB 70 - BRF Expanded Use of Funds

- Allows BRF applicants to issue local bond debt for a longer term (e.g., up to 30 years)
- Enables additional revenue bonds to be issued
- These local bonds will provide additional funding capacity (approx. \$90 million)
- Help offset the ENR funding shortfall currently projected at \$659 million

HB 68 - 2010 Trust Fund – WMBE

- Sets MWBE requirements for the 2010 Trust Fund
- Applies to applications over \$500,000
- Provisions in line with other WMBE requirements

HB 73 - Water Quality Revolving Loan Fund – Use of Funds

- Expands use of the WQRLF to be anything required by the Federal law
- In response to Federal requirement that some funds be used for grants

SB 215 – US Green Building Council; Making the High Performance Buildings Act applicable to capital projects that are funded solely or partly by a grant of State aid to specified grantees.

Stormwater Regulations

Andy talked about the efforts by developers to reduce stormwater regulations and suggested the Commission follow these efforts.

Symposium Next Steps Review

Cliff owes a white paper based on discussions at the December meeting of the planning group.

EJ on the MDE Website

Rebecca is working on revisions, and asked for help from the commissioners to edit the book list, grants, and web tools sections.

Other Business

There is an EJ conference in DC March 17-19. Betty and some of her students are going. She encouraged others to register, because it is free and open to the public.

Rebecca will be attending a conference on green schools and will bring back any relevant information to the commission.

Adam Ortiz shared that Edmonston is building one of the greenest streets. They are creating jobs and hiring all local people for them, planting native trees, installing LED street lights, enhancing stormwater capture, and powering everything with wind. In June, there will be a mayor's tour.

There are two state highway funding bills the commission should watch.

Sean would like to present on DNR initiatives at the next meeting.

Adjourn

The next CEJSC meeting is scheduled for Thursday February 25, 2010 at the House Office Building, Room 218.

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
February 22, 2010**

**Lowe House Office Building, Room 218
Annapolis, MD**

AGENDA

8:30 am Introductions

- 8:40 am Review of 1/28 EJ Briefing to Legislature
- 9:00 am Presentation from DNR – Topics: MD Genuine Progress Indicator & the Green Economy Task Force
- 9:45 am 2010 Legislation Update and Discussion
SB 60 – CEJSC Membership
SB 544/HB 912 - Public Safety - Regulation of Demolition - Demolition Contractors
HB1155/SB760 – TOD
SB 285 - Smart, Green, and Growing - The Sustainable Communities Act of 2010
Stormwater Update
- 10:20 am Other Business
Approval of January CEJSC Meeting Minutes (If quorum)
MDE Website Follow Up
- 10:30 am Adjourn

In Attendance

- Commission Members: Vernice Miller-Travis, Andy Fellows, Cliff Mitchell (DHMH Designee), Lisa Nissley (MDE Designee)
- Participants: Rebecca Rehr, Sean McGuire (DNR)

Introductions

The meeting began with introductions from each person in attendance.

Review of 1/28 EJ Briefing to Legislature

Lisa described the joint briefing to ENV and EHE as having gone well. At the briefing, Lisa talked about EJ in general, providing a background, history, and the work of MDE while Scot talked about the Commission and about what it has been doing in Maryland for the past 10 years. Most of the questions were about EBDs and how to get one in their communities. Rebecca commented that there was at least one general question about what EJ is. Hearing a question like that indicated to her that the briefing was helpful for the legislators. Lisa suggested the Commission get in a habit of presenting to EHE and ENV every few years, as the make up of the committees changes and they should be appropriately informed on EJ issues.

Immediately following the joint briefing, EHE heard SB 60 on adding members to the CEJSC. Because they had just briefed the committee, there were not any questions about the bill itself. Lisa reminded everyone that SB 60 has since passed in the Senate and is in the House.

Lisa also discussed the other meetings she and Scot had on January 28. They met with Delegate Olszewski, who was very enthusiastic about getting green jobs in Baltimore County. His main focus is schools, because his background is in teaching. They also had an impromptu meeting with Senator Brian Frosh's aide, David Brewster, to inform him about the Commission's activities. Finally, they met with Senator Gladden who is well versed in EJ issues and is sponsoring SB 504 on lead paint dust testing.

Overall, the day was very productive.

Presentation from DNR – Topics: MD Genuine Progress Indicator & the Green Economy Task Force

Sean McGuire from DNR came to present to the Commission on the Maryland Genuine Progress Indicator and the Green Economy Task force. Unfortunately, there was not a great turnout, so Lisa asked him to come back next month to present. He wants to reach a wider audience because he believes there are some great opportunities for CEJSC to get involved with these initiatives.

There is no legislation about either of these items; they are Administrative efforts. The GPI project group is meeting every other week. Before the next meeting, he would like the Commissioners to visit the GPI website to learn more about these efforts. While he is not sure the exact role the CEJSC is to play, he thinks they could inform the discussions and add a new perspective. He wants to focus just as much on social justice as economic equity. The Green Economy Task Force is comprised of 25 members, 8 from agencies and the rest from NGOs and business interests. The first meeting is on March 18, which is before the next CEJSC meeting. Andy will try to attend the Task Force meeting.

2010 Legislation Update and Discussion

SB 60 – CEJSC Membership

Lisa repeated that SB 60 had passed the Senate and is now in the House.

HB 976 - Reduction of Lead Risk in Housing

This is an MDE bill; the hearing is on March 10 at 1. Commissioners are looking at their schedules to decide who can attend. Lisa will send a reminder about all of the dates discussed.

HB1155/SB760 – Transit Oriented Development

This is the advocates' bill the Commission heard about at the last meeting. Last time, 1000 Friends of MD came to ask about how to define Environmental Justice communities in the bill. The hope was to prevent impact to EJ communities. Ultimately, they ended

up holding on the language altogether. The advocates are hoping for future involvement from the Commission and would still like input.

SB 285/HB 475 - Smart, Green, and Growing - The Sustainable Communities Act of 2010

Andy, Scot, and Rebecca attended the hearing on February 17. Andy thought it went well and there was not much opposition. Rebecca mentioned the main points were on the additions to the historic tax credit and questions tended to be about how this bill would differ from the existing tax credit. Some of the senators did seem to be concerned with the fiscal impact. Rebecca was also impressed by the attendance of 5 Cabinet Secretaries in support of the Administration's bill. Vernice asked if Brownfields were not mentioned in this discussion. That would be an interesting question, to see if development on Brownfields would count as redevelopment or revitalization under the act and would then qualify for the developer for a tax credit. Rebecca said it seemed the conversation during the heard was referring to redevelopment of existing structures rather than existing land.

Stormwater Regulations Update

Lisa reported that since the last meeting, Chairman McIntosh has asked MDE to develop guidance for local governments that explains the regulations and particular points. MDE is in the process of doing this and will be meeting with stakeholders for discussion.

Other Business

Approval of January CEJSC Meeting Minutes

There was not a quorum

MDE Website Follow Up

Rebecca has been working on the website and is making some progress. Vernice said it would be nice to get the symposium white paper on the website, and Cliff said he would consolidate the notes he has compiled into a document. Vernice also volunteered to help out with the book list on the website.

Lisa talked about a mechanism to update the website regularly in order to upload the meeting minutes every month.

Green Career Panel

Lisa was invited to participate in a Green Career Panel at College Park as someone with a job in EJ. She cannot participate so asked if someone from the Commission would be willing to attend. She will follow up with Vernice and Scot to see if one of them is available.

Any other bills related to EJ or SC?

Sean talked about the Green Buildings bill. It is now mandatory for all fully funded state buildings to be LEED silver certified. There is a proposal to make all buildings that receive \$50,000 or more in state funding LEED silver certified. However, this would include low-income housing funded by DHCD. Their budget is so tight that they would not be able to afford the extra money to get the LEED certification, which would then mean they wouldn't qualify for any state funding. Sean finds this policy dilemma fascinating.

Federal Activity

Vernice would like some time next month to discuss what is going on with EJ on a federal level. She said the NEJAC meeting in January was the best she had ever been to in the 16 years that NEJAC has been meeting. There is so much support and more funding for states working on EJ issues than ever before. There is a back log of more than 600 complaints filed with the EPA under Title VI of the Civil Rights Act of 1964 that they are actually starting to review now. Vernice is one of the principal authors of the new publication, "Now is the Time," by the Lawyers' Committee on Civil Rights. She is going to distribute the publication in paper copy or via e-mail to members of the Commission.

Adjourn

The next CEJSC meeting is scheduled for Thursday March 25, 2010 at the House Office Building, Room 218.

Commission on Environmental Justice & Sustainable Communities (CEJSC) March 25, 2010

**Low House Office Building, Room 218
Annapolis, MD**

AGENDA

- | | |
|---------|---|
| 8:30 am | Introductions |
| 8:40 am | Presentation from DNR – Topics: MD Genuine Progress Indicator & the Green Economy Task Force |
| 9:20 am | Conference Update
Vernice: NEJAC & Other Federal News
Rebecca: MAEOE & Strengthening Environmental Justice Research and Decision Making Symposium |
| 9:45 am | 2010 Legislation Update and Discussion |

SB 60 – CEJSC Membership
SB 544/HB 912 - Public Safety - Regulation of Demolition - Demolition Contractors
HB 1153/SB 504 - Reducing Lead Risk in Housing - Lead Paint Dust Testing
HB1155/SB760 – TOD
SB 285 - Smart, Green, and Growing - The Sustainable Communities Act of 2010

10:15 am Other Business
Approval of January & February CEJSC Meeting Minutes (If quorum)
Bill Testimony from Commissioners
Reminder - Financial Disclosure Statements
MDE Website Follow Up

10:30 am Adjourn

In Attendance

- Commission Members: Scot Spencer, Betty Dabney, John Quinn, Kelly Pfeifer, Richard Fairbanks, Lisa Nissley (MDE Designee)
- Participants: Sean McGuire, Rebecca Rehr

Introductions

The meeting began with introductions from each person in attendance.

The meeting went out of agenda order, as the group was waiting for a cord to connect a laptop to the projector for Sean McGuire's presentation.

2010 Legislation Update and Discussion

SB 60 (CEJSC Membership) has passed the Senate and Lisa announced that it will be heard in the House on March 31 in Environmental Matters. Also, Senators Harrington and Lenett added themselves as sponsors of the bill. Lisa will testify in the House on behalf of MDE and Betty volunteered to testify on behalf of CEJSC. Lisa and Rebecca will follow up with her to give her the new testimony template for CEJSC. Betty will prepare a statement to submit to ENV ahead of time (even if it is only the day before).

SB 544/HB912 (Public Safety – Regulation of Demolition – Demolition Contractors) has been laid over in the Senate, probably because of the budget discussions on the floor. Scot is working with Delegate Carr on the House side.

HB 1153/SB 504 (Reducing Lead Risk in Housing – Lead Paint Dust Testing) has been passed to the floor in the Senate. MDE’s amendments have not been added yet. These are technical amendments to allow MDE to implement the bill. The House Committee will likely vote this week.

HB 1155/SB 760 (TOD) has not received a committee vote in either chamber. Scot is working with Dru Schmidt-Perkins from 1000 Friends of Maryland on three amendments to the bill, which would include provisions for CEJSC representation on the advisory committee and language about environmental and community impacts. At this point it seems CEJSC will not be represented on the advisory committee due to size concerns, but the language about environmental and community impacts will be included in the final amendments.

SB 285 (Smart, Green, and Growing – The Sustainable Communities Act of 2010) has not received a vote in either chamber. Scot talked about the skeptics of the bill, who worry that the tax credit will favor Baltimore, rather than spreading the wealth around Maryland.

Lisa then gave the Commission a stormwater regulation update. Early in session, there were a lot of bills. Maggie McIntosh pulled stakeholders (MDE, developers, community members, and environmental groups) together to reach a compromise. An agreement was reached, stating that if by May 10, developers had preliminary approval of their project, they can continue under the old regulations. Amendments for HB 1125 were developed to codify these proposed regulations and the agreement because the chairman of AELR is not supportive of the changes. HB 1125 was heard in Environmental Matters yesterday and is expected to pass the House this week.

Conference Updates

Rebecca updated CEJSC on the Maryland Association for Environmental and Outdoor Education (MAEOE) conference she attended at the end of February. The environmental education community in MD is very enthusiastic about including EJ initiatives in their actions and was happy to see a representative from MDE at the conference. The keynote speaker emphasized the need to include EJ communities in discussions on advancing environmental education. DNR has been the main government agency working with MAEOE; the current President of the MAEOE Board is a DNR employee. MAEOE had hoped to have an Americorps Vista volunteer working with them on environmental justice initiatives, but that did not work out. Rebecca mentioned the Coastal Stewards program on the Eastern Shore that works with young residents who live in close proximity to the Atlantic Ocean but have never been to the beach.

Betty updated the Commission on her involvement with the Maryland Association of Science Teachers (MAST) and their efforts on environmental public health tracking. She is developing special tools to implement environmental public health tracking. This would be another outlet to work on incorporating EJ into environmental education around the state.

We can invite MAEOE and MAST to participate in the May meeting with CEHAC. Lisa and Rebecca will also follow up with Volunteer Maryland to connect them with MAEOE, if they are still looking for an Americorp person to work with the organization.

Rebecca also discussed her recent attendance at the EPA-sponsored, “Strengthening Environmental Justice Research and Decision Making: A Symposium on the Science of Disproportionate Environmental Health Impacts.” EPA Administrator Lisa Jackson and HUD Deputy Secretary Ron Sims were among the enthusiastic speakers at the conference. Vernice was also at the conference and wanted to make sure the Commission understood the EPA’s commitment to incorporating the science of disproportional health impacts in future decision making. Rebecca mentioned native studies in Alaska that were presented at the conference as an example of the diversity of attendees. She will type up her notes and send them to the Commissioners with this week’s legislative update.

Presentation from DNR – Topics: MD Genuine Progress Indicator & The Green Economy Task Force

Sean talked about the history of Green Economy Task Force (full title – Green Jobs and Industry Task Force) and his hope for the CEJSC to get involved in future meetings. The task force started a few years ago with discussions around creating jobs and just labeled them “green jobs.” When DNR and DHCD got involved, they really started talking about green initiatives throughout the economy and making the new green economy sustainable. There are about 25 official members, with some government officials, many private sector representatives, and a few non-profits represented. He wishes there was some more representation from communities, which is why he thinks it is so important for CEJSC to get involved.

There are working groups on the following topics: greening current businesses; bringing green businesses to Maryland and keeping them here; and ecosystem services, markets, and communities. Sean thinks CEJSC can really get involved with the third working group. Ecosystem services include things like carbon sequestration, markets include things like Bay Bank, and community initiatives include thing like incorporating a sense of place and culture.

John wanted to know if there are energy representatives on the task force. Sean replied that there are several. John followed up with a question about local government representation. Sean mentioned someone from Howard County.

Betty said a “task force” implies short term action and would encourage a way to sustain this group. Sean said that yes, this was happening. The Green Registry and The Genuine Progress Indicator will exist after the task force has stopped meeting and the working group will exist for as long as the administration wants it.

Scot mentioned not being able to find the task force on the web anywhere. Sean said this is a problem they are working on.

Scot asked if Sean knew about SB 311 creating the Chesapeake Conservation Corps to address green jobs. Sean said he had heard about it and went on to talk about the current green jobs market. Right now, the discussion on “green jobs” focuses on solar, wind, and weatherization. The goal of the task force is to create a green foundation for jobs so we can continue to into the future, rather than just creating short-term jobs.

Betty added that things cannot be taken in isolation. Weatherization may be good for the energy efficiency, but it is bad for indoor air quality. Scot said you don’t want to close up a sick house, which is why he is involved with the Health Homes Initiative. It is wrong to think that we are building an economy around weatherization jobs. The task force is about creating long-term, sustainable solutions. Scot and Sean agreed on this point.

There has only been one meeting of the task force. Lisa will get a copy of the minutes and distribute to the Commission. Scot is planning on attending the next meeting, which will be on April 6 from 1:30-4:30 on the 17th floor at DBED.

Other Business

The Commission cannot approve the minutes for the last two meetings; there is not a quorum.

Lisa reminded the Commission to fill out their financial disclosure forms by April 30. She will send out the link again. The information should not have changed since last year.

Bill testimony from Commissioners must be included in the annual report. Lisa would like to collect this information now, when it is fresh in everyone’s minds. In the next meeting, Lisa will bring the testimony she has and the testimony she thinks she is missing. Scot has submitted testimony for HB 475, HB 912, HB1153/SB 504, HB1155, SB 544, and SB 814.

Rebecca gave a brief website update. She has been working to improve the EJ section on the MDE website and will continue to do so. She encouraged Commissioners to take a look because all input is helpful. She would also like pictures if anyone has them. Betty mentioned possibly using social networking tools like Facebook to promote CEJSC on the World Wide Web. Lisa said we would have to come up with very specific goals before we embarked on a project like that. John said our first steps should be to improve the website, as that will function as our main communication tool to residents. Lisa talked about developing a mechanism for regularly updating the MDE website and would appreciate any input from the Commissioners about that.

Lisa talked about the new CEJSC template for bill testimony. Rebecca developed the template based on past testimony from Scot and Vernice. Scot said it is important to

have a written piece that will go into the official record for the bill testimony. The actual oral testimony does not have to be exactly what is in the written testimony. In fact, committee members highly discourage reading word-for-word from the testimony. Lisa asked if it would be helpful to have two documents: one for the official submitted testimony and one with important bullet points to mention in oral testimony. The Commissioners agreed that two documents would be helpful. Lisa and Rebecca will collaborate on creating a second, shorter document with key points for oral testimony.

Adjourn

The next CEJSC meeting is scheduled for Thursday, April 22 at 9:30 at MDE.

**Maryland Commission on Environmental Justice & Sustainable Communities
(CEJSC) Meeting
April 22, 2010**

**Montgomery Business Park
Baltimore, MD**

AGENDA

- | | |
|----------|---|
| 9:30 am | Introductions |
| 9:45 am | 2010 Legislation Update and Discussion
SB 60 CEJSC Membership
SB 544/HB 912 Public Safety - Regulation of Demolition - Demolition Contractors
SB 504/HB 1153 Environment - Reducing Lead Risk in Housing - Lead Paint Dust Testing
HB1155/SB760 TOD
SB 285/HB 475 Smart, Green, and Growing - The Sustainable Communities Act of 2010
Stormwater Update |
| 10:40 am | Update on Community Issues (Andy Fellows – CCB Permitting for Millennium) |
| 11:00 am | Sheriff Road Pilot Project Update |
| 11:15 am | Other Business
Approval of January, February, and March CEJSC Meeting Minutes (If quorum) |

Financial Disclosure Statements (due April 30)
Bill Testimony from Commissioners
Retreat Ideas
MDE Website Follow Up

11:30 am Adjourn

In Attendance

- Commission Members: Lisa Nissley (MDE Designee), Arabia Davis (MDP Designee), Dick Fairbanks, Kelly Pfeifer, Vernice Miller-Travis, Clifford Mitchell (DHMH Designee), Betty Dabney, Andrew Fellows
- Participants: Josh Nissley, Ken Pensyl (MDE), Rebecca Rehr, Willie Fontenote (Clean Water Action, Louisiana), Andy Galli (Clean Water Action), Heather Barthel (MDE), Jennifer Eaton (JHU), Jeff Fretwell (MDE), Kathy Kinsey (MDE)

Introductions

The meeting began with introductions from each person in attendance.

Scot called for a vote to approve January, February, and March minutes. The minutes were approved. The meeting proceeded to cover the “Other Business” agenda items first.

Other Business

Financial disclosure forms are due to the Ethics Board by April 30. Rebecca will resend a link to the Commissioners.

If any Commissioners have bill testimony they have not submitted, please send a copy to Rebecca so it can be included in the 2009-2010 Annual Report.

Rebecca gave an updates on progress on the website. She still has to work on the CEJSC section, the book list, and getting pictures, but it is coming along nicely.

Lisa asked for any ideas for the July retreat. Vernice requested a conversation with Shari Wilson about the future direction of the Commission, the structure, and its authority. Lisa mentioned the Secretaries’ roundtable tentatively scheduled for October, when the Commission will invite the Secretaries who were involved with last year’s symposium to discuss progress with them. This will be another opportunity to talk about the structure of the Commission and ways to move forward. Dick mentioned recycling issues in Ocean City and the lack of enthusiasm for Earth Day activities he facilitated. He thinks these are both indicative of larger problems with apathy and with understanding the big

picture with recycling. If bottles and cans are not recycled, they go to a landfill, and the communities next to the landfill will suffer more. Dick thinks we should discuss big picture recycling at the July retreat. Andy would like to discuss incinerators.

2010 Legislative Update and Discussion (Lisa)

SB 60 CEJSC - Membership

This bill passed, adding five new appointments to the Commission including representatives from the Departments of Housing, Business and Economic Development, and Transportation as well as two additional public members. Bill signings are scheduled for May 4th and May 20th; Lisa will let Commissioners know when SB 60 is scheduled to be signed.

SB 544/HB 912 Public Safety – Regulation of Demolition – Demolition Contractors

This bill was passed by the Senate committee, but given an unfavorable report by the House Environmental Matters Committee. At that point, the Senate Education, Health, and Environment Committee recommitted the bill to committee.

SB 504/HB 1153 Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

This bill died in the House committee and therefore was not passed by the Senate Committee. Dick asked why, and Lisa explained that there was concern that this bill did not actually increase compliance. Scot informed the Commission that Baltimore City would be following up with its own lead dust testing legislation. Vernice then talked about the new EPA regulations going into place today to control lead.

HB 1155/SB 760 – Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

This bill passed, and includes EJ as a factor in goal-setting. Scot explained that this will raise the level of transparency on how new plans are evaluated in terms of EJ and the impact on communities. These ideas came out of what the Commission and the advocates learned from the Cherry Hill neighborhood.

SB 285/HB 475 – Smart, Green, and Growing – The Sustainable Communities Act of 2010

The House version of this bill passed. Scot said this will preserve the strength of the community and wealth for the residents.

Stormwater Update

Ken Pensyl of MDE gave an update, including a brief history. The Stormwater Management Act of 2007 required that all new projects push environmental site design to the maximum extent practicable and regulations went into effect as of May 2009. Any project approved by May 4, 2010 would be grandfathered and could be completed under the old regulations. As this date approached, concerns grew from the development community. This session, MDE provided additional guidance and emergency regulations allowing projects already in the pipeline that have received preliminary approval to continue development under the old regulations. These were adopted on April 7. The

emergency regulations have been submitted to be permanent and a public hearing will be on June 2. Andy said there is discussion in the environmental community about how to move forward on this issue.

Vernice wanted some clarification on how clearly planned a project has to be to be grandfathered into the May 4, 2010 deadline. Ken said all the new regulations and procedures are on the website.

Betty wanted to know if the new regulations cover highways. Ken said yes. Andy wanted to emphasize that you can complete environmentally sound development while being profitable.

Cliff gave a brief update on other bills of interest supported by the CEHPAC. The BPA and Deca bills passed, as well as the biomonitoring bill. The green cleaning bill and the school environmental health bill did not pass. There wasn't a clear definition of green cleaning products or what the state's role would be.

Scot talked about a briefing 4 years ago when he talked to ENV about problems with eminent domain. The good news this year is that SB 413 (Senator Pugh) passed, which would allow residents to transfer their old property tax to their new address. There will be a 5 year process to transition into the new property tax at the new address.

Update on Community Issues (Andy Fellows – CCB Permitting for Millenium)

At the September meeting, Andy Fellows gave a presentation on CCB permit process, timeline, etc, but no action was taken by the Commission. The issue has come up again and the Commission will attempt to implement the community intake process that was first discussed at last year's annual retreat. Rebecca drafted a process from notes from that discussion. One of the main ideas is to have a champion on the Commission for each issue presented. This way, it is in one person's hands instead of no one's hands. The CCB Permitting lead will be Andy Fellows.

Andy described the Gazette Article from Glen Bernie describing opposition to a new incinerator. Mary Rosso, who was one of the main people responsible for creating the CEJSC, is involved in the campaign against the proposed incinerator. The proposed facility is right on the border between Anne Arundel County and Baltimore City and would be placed in South Baltimore City. MDE has not approved a permit for the site and the community would at least like MDE to wait until the EPA makes an announcement about whether or not they are going to regulate fly ash as a hazardous waste.

Kathy Kinsey does not think it's likely that EPA would regulate fly ash as hazardous waste, but more likely as a hybrid of some sort. Maryland was the first state in the country to implement CCB regulations and the Department believes they are good and protective. Maryland is one of the few states that has been aggressive on this issue. When the EPA does issue a ruling on whether they will regulate fly ash as hazardous

waste, MDE will adjust its regulations quickly to fall into line with the federal government.

When the agency gets applications for permits, they do put notice out to the public. Hundreds of comments were received during the public comment period and MDE is now going through them, which may take several months or longer. After this process, they will make recommendations for any adjustments on the permits and then issue a final decision with public notice. Persons with standing can then petition the circuit court to challenge (Baltimore City).

Vernice asked what the role of the Commission is in the permitting process.

Kathy said this was a complicated issue because of legal constraints, but the Commission does have an important role to play. They can make public comments on the proposed permits and participate in meetings with concerned citizens' groups. People are not taking advantage of the public participation process and the Commission can help with that.

The biggest factor in all this is local zoning practice. MDE is the last stage of the process.

Vernice said the Commission needs to understand the totality of how the permits are affecting the communities.

Betty asked if there was any difference in construction of landfill for solid waste vs. hazardous waste (in the context of leachate).

Willie said that past zoning practices did not consider environmental issues. Kathy explained there are very specific uses for land, as they are zoned by local government. A developer would have to get a special exemption in order to use the land for something that is not specifically named in the zoning provisions. MDE's analysis is an environmental review of the facility.

There is no formal EJ review of a permit proposal. The Commission is free to bring EJ concerns to MDE to inform their decision-making and there may be other ways to address the proposals.

Andy Galli commented that he is frustrated after seeing the same government action year after year. He would like the track record of a company analyzed as part of the permit review process, so if a company has a horrible environmental track record, it will be denied the opportunity to build their new facility. He also wants to take EPA regulations into account. He has a meeting with Secretary Wilson and other staff tentatively set for April 29.

Andy Fellows moved to close the discussion for now. The Commission wants John Quinn to be at the table, since he represents Constellation.

Sheriff Road Pilot Project

The meeting ended with a brief update on the Sheriff Road Pilot Project. Lisa, Angelo Bianco, Kathy, Jeff, and Rebecca met with the mediator, who has submitted a budget and timeline. Lisa has been making calls to community leaders to touch base and get a feel for their perception of the issues to make sure MDE addresses them properly. She will be moving forward this summer with the mediator and Senator Harrington to meet with community leaders. The meetings will be public, but the hope is to have a small number of vocal participants in order to be productive.

Adjourn

The next CEJSC meeting is scheduled for THURSDAY, MAY 27, 2010 at Montgomery Park. This will be a joint meeting with CEHPAC.

**A Joint Meeting of the
Commission on Environmental Justice & Sustainable Communities (CEJSC)
and the
Children’s Environmental Health Protection Advisory Council
May 27, 2010, 9:30 – 11:30 am**

**Montgomery Park, Aeris Conference Room
Baltimore, MD**

AGENDA

- 9:30 am CEJSC Business
Approval of April CEJSC Meeting Minutes (If quorum)
Update on ongoing Community Issues
- 9:45 am Annual Report Assignments
- 10:00 am Introductions
- 10:05 am Report on Recent Issues from CEHPAC & CEJSC
- 10:30 am Presentation from MAST (Maryland Association of Science Teachers)
Mary Weller, President
- 10:50 am Presentation from MAEOE (Maryland Association of Environmental and
Outdoor Education)
Bronwyn Mitchell, Executive Director

11:10 am Discussion
11:25 am Final Comments from Chairs
11:30 am Adjourn

In Attendance

- Commission Members: Clifford Mitchell (Designee for Secretary Comers, DHMH), Betty Dabney, Andrew Fellows, Senator Mike Lenett, Alfred Picardi (Designee for John Quinn), Dick Fairbanks, Lisa Nissley (Designee for Secretary Wilson, MDE)
- Participants: Nancy Servatius, Veronika Carella, Edward Crow (MDA), Karen Forbes (DHCD), Dr. Lorne Garrison, Rachel Hess-Mutinda (DHMH), Rebecca Rehr (MDE), Jennifer Eaton, Bronwyn Mitchell, Dr. Jed Miller (MDE), Genevieve Birkby, Stephanie Cobb-Williams (MDE), Glenn Robinson, Ify Mordi, Gregory Diette, Debra Roy

Business

This was the annual joint meeting of between the CEJSC and the Children's Environmental Health Protection Advisory Council (CEHPAC). The meeting began with some quick regular business of the CEJSC and the CEHPAC.

The CEJSC did not have quorum to approve the April minutes. April and May minutes will be reviewed at the June meeting.

Per the new Community Issue Intake process, Andy Fellows updated the Commissioners on the ongoing community issue at Curtis Bay regarding the Millennium application for a CCB landfill. Representatives of the community met recently with MDE and later Scot Spencer to discuss how the Commission might be more involved with the issue. Scot proposed hosting a meeting between the community representatives and Constellation for early summer. No date has been set, but Andy and Scot will update the Commission at the June meeting.

Lisa Nissley reviewed the 2010 annual report outline of issues and asked for volunteers to help with different parts of the report. The outline includes:

Background Info (Lisa)

Background

CEJSC membership 2009-2010

Topics (Dated)

Symposium October 2009 (Lisa/Rebecca - complete)

Legislation

- SB 60 (Lisa - Complete)
- Dust Testing (Scot)
- Demolition (Scot)
- HB 1155(Scot)

Annual Meeting with CEHPAC May 2010 (Lisa)

Pilot Project (Spring/Summer) (Lisa (complete) and Jeff (to be updated))

Community Issues

- CCB/Curtis Bay (Andy Fellows)
- Any others that are discussed over the summer

Year-long Projects

EBD Review (to be identified in June)

New Intake Process (Rebecca - complete)

Website Upgrade (Rebecca - complete)

Appendices (Lisa & Jeff)

Annual Retreat July 2010 (Jeff)

Bill Testimony (complete)

Agendas and Minutes

Presentations

Cliff asked that the DHMH Health Indicators Project be added which he will write. Lisa will add that piece and send a revised list to those involved in the writing. Also, she will send the timeline for getting the report completed. Drafts of each write up will be due to Jeff Fretwell on July 15, 2010.

At this time Andy asked Lisa to describe the pilot program. Lisa shared that this pilot is in response to legislation offered in 2009 requiring environmental justice reviews to be submitted by applicants of major permits. The bill received an unfavorable report by both the House and Senate committees respectively, in great part due to the high fiscal impact. MDE committed to working on the issues with the sponsor and the Commission on Environmental Justice and Sustainable Communities.

The Department decided to concentrate on increased public participation surrounding the permit process and has decided to pursue a pilot program that would convene a "Local Advisory Group" in an Environmental Justice area. The Local Advisory Group would be a small, action oriented group that would include decision makers and community members to proactively address community concerns about environmental permits.

The Department has identified the Sheriff Road area of Prince George's County for the pilot program. The Sheriff Road community is a historically African American neighborhood located near three industrial facilities. Over the past several years, members from the surrounding community have filed complaints about dust spreading into their neighborhoods. The Local Advisory Group Pilot Project for the Sheriff Road

Community will give MDE the opportunity to connect with community leaders to address any existing dust issues and include them in the decision-making process for solutions.

Veronika asked if this could be applied in Howard County related to a water issue. Lisa explained that this is a pilot that is looking at how it would work in the communities already named Environmental Benefit Districts and it does take some money. The first step is seeing if the idea works at all and then deciding if it is a valuable exercise before committing to using it for other issues.

Cliff Mitchell asked CEHPAC members to get to him any nominations for new council members and reminded people to register for the June 2, 2010 Symposium on Pesticides and Children. The discussion will be about everything we know and need to know about children's exposure, distribution, and biomonitoring.

On that note, Cliff mentioned that HB 181 passed requiring the Department of Health and Mental Hygiene to conduct a study on the feasibility of establishing a biomonitoring program in the State. MDE is a consulting agency on the report. CEHPAC will be asked to provide report feedback and he hopes CEJSC will do the same. Betty Dabney asked to be involved as well.

Introductions

The meeting continued with introductions from each person in attendance.

Report on Recent Issues from CEHPAC & CEJSC

Cliff built upon his earlier comments on the pesticides symposium and described the program to the audience. Cliff also described legislation that passed banning the use of BPA in children's products, prohibiting the use DECA as a flame retardant, and HB 181 on biomonitoring. He added that regulations regarding minors and tanning beds will be available soon from DHMH. He also introduced Dr. Jed Miller as Co-Chair of the Commission.

Lisa recapped the legislation that the CEJSC spent the most time following including SB 60 - CEJSC Membership, SB 544/HB 912 Public Safety - Regulation of Demolition - Demolition Contractors, SB 504/HB 1153 Environment - Reducing Lead Risk in Housing - Lead Paint Dust Testing, and HB1155/SB760 - Transportation - Consolidated Transportation Program - Evaluation and Selection of Proposed Capital Projects. SB 60 added five members to the CEJSC including representatives from the Departments of Business and Economic Development, Housing and Community Development, and Transportation. Two additional members will be from affected communities.

Neither lead bill passed this year; both failed in House committees. HB 1155/SB 760 passed to include certain environmental considerations when decisions about transportation spending are being made. A provision about considering EJ was included as well.

Andy elaborated on how we are engaged with community issues such as the Curtis Bay area. There was a clarification from Al Picardi that the CCB application he speaks of is totally separate from the energy to waste facility Andy mentioned. That is not a Constellation project. Andy agreed, but made the point that we should consider the cumulative impact of having both in the same community.

Betty Dabney announced that the UMD School of Public Health recently announced it will be bringing the health disparities team from the University of Pittsburgh, increasing the capacity for research. Betty hopes to push the team to work on environmental health issues.

Dick Fairbanks described his involvement with an Eastern Shore rezoning issue that would allow landfills in a largely rural area.

Senator Lenett's update included a review of some of the legislation he supported during the 2010 Session. The Coal Ash Bill and the Maryland Pesticides Network Bill both have a good chance of passing next year. He will also support the Children's Public School Environmental Protection Act next year, although it is a multi-year bill that may take time to pass and then implement. The version of the bill that is online is not the final version because it does not include amendments that he submitted. A full version of the bill that includes amendments is available through his office. This is the version he intends to introduce next year.

Dr. Gerritsen asked what was needed to move the bill forward. Senator Lenett replied that it would probably have to avoid a fiscal note and that it is hard to anticipate the kind of opposition they would face. Dr. Gerritsen pointed out that fiscal notes do not take injury into account and wanted to know if there was a way to incorporate injury (i.e. a student getting hurt) into the fiscal note. Senator Lenett replied by saying that fiscal notes don't incorporate a lot of things, including long-term savings provided by provisions on a bill. To get something incorporated into a fiscal note, it has to be quantifiable and accepted by DLS.

Dr. Dabney added that she used to sit in on the CEHPAC meetings and was surprised to learn that construction and demolition projects are allowed to take place during school hours, which can cause huge problems for kids with asthma. CEJSC should take this into consideration when deciding whether to support this legislation next year.

Veronika Carella shared the Sick Schools report.

Guest Presentations – MAST & MAEOE

Bronwyn Mitchell, Executive of MAEOE (Maryland Association of Environmental and Outdoor Education) spoke about the organization. She explained the Green School program and shared the substantial applications that schools prepare. This is a program schools apply for where they work to incorporate local environmental issues into

educational opportunities for students. Each school goes about this a little differently and it is driven by their needs and resources. MAEOE certifies schools as Green Schools based on curriculum, best management practices, and how the school addresses community environmental issues.

Bronwyn shared that MAEOE will have its annual conference in February, 2011 and will be advertising for presenters, topics, workshops, etc. She would like to see EJ better incorporated into their programs and hopes the Commissioners may have suggestions. Also on June 4 2010, MAEOE will host a Youth Summit. Typically this is just for the Green Schools, but this year all schools are invited in the hopes that it may encourage new applicants.

An electronic presentation from MAST (Maryland Association of Science Teachers) by Mary Weller, President was viewed by the Commissioners (see program attached to minutes) as she was not able to make it to the meeting. Betty first shared that she worked with MAST on a healthy trucking project and found that those involved are very interested in new knowledge and are looking for how they can better include the environment in their teaching.

Following the presentations, a discussion on the presentation and education issues began. Glenn discussed issues of trash clogging sewer drains and gutters after community parties in the city. It seems to be a regular occurrence and the street cleaners are actually compounding the problem. He would like the Commission to consider this issue as well as the Kirk Avenue Bus Depot. Andy said that we can add these to the June agenda and use the CEJSC Community Intake Process to consider the issues.

Cliff suggested that MAST and MAEOE might want to look at the task force report on Minority Education and the Environment that came out of a bill sponsored by Senator Gladden several years ago. It spoke to issues on career tracks and how we can encourage students to get involved in environmental science and health issues and think about it as a potential career choice. Bronwyn agreed and shared that the conference last year did look at this issue some. There has been an effort to target schools in urban areas for this purpose. She also talked about the challenges some have had in the past of talking about the environment in a negative way to urban students rather than in a positive way creating a positive appreciation of the environment. Andy asked her to explain that idea. Bronwyn talked about how education on the environment use to be more “doom and gloom” such as the hole in the ozone, extinct species, and other huge problems. Now they are trying to focus on connections to students and how their actions can positively affect the environment to create a relationship to the natural world.

Rebecca mentioned that as a student in Baltimore City they were often taken out of the city for discussions on the environment but there were many issues right at home such as lead issues. She pointed out that we can teach students about how their very own surroundings are affected and empower them to do something about it.

Cliff followed up on this comment to discuss the link between environment and health. There is a trend to consider your environment to be where we live and interact.

Betty asked how MAEOE gets its funding. Bronwyn answered that there are membership dues, grants, sponsorships, and conference fees. Someone suggested that Constellation should be involved and Al Picardi shared that they are involved.

Betty also asked if there the organization develops modules others can use. The answer is no, but there is a constant exchange of ideas and experiences.

The meeting concluded with a thank you to all speakers and guests.

The next CEJSC meeting is scheduled for June 24, 2010, 9:30-11:30am at Montgomery Park.

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
June 24, 2010, 9:30 – 11:30 am**

**Montgomery Park, Aeris Conference Room
Baltimore, MD**

AGENDA

- | | |
|----------|--|
| 9:30 am | Introductions |
| 9:45 am | Community Issues Report <ul style="list-style-type: none">• Report on CCB Millennium Application – Andy• Initial decision – issue of Kirk Avenue Bus Depot (follow up to Glenn Robinson’s concern at May meeting)• Initial decision – issue of gutter trash in Baltimore City (follow up to Glenn Robinson’s concern at May meeting) |
| 10:05 am | Prepare for Advocates’ Roundtable |
| 10:25 am | EBD Discussion |
| 10:55 am | Discussion of Maryland Water Monitoring Council, upcoming conference (Nov. 18, 2010) |
| 11:05 am | Annual Report |
| 11:20 am | Other Business
Approval of April & May’s CEJSC Meeting Minutes (If quorum) |

Retreat Information
Recap Pesticides Symposium

11:30 am Adjourn

In Attendance

- Commission Members: Scot Spencer, Vernice Miller-Travis, Betty Dabney, Andrew Fellows, Dick Fairbanks, Jeff Fretwell (Designee for Secretary Wilson, MDE), Roz Hamlett (Designee for Secretary Hall, MDP)
- Participants: Karen Forbes (DHCD), Delora Sanchez (Johns Hopkins, Commissioner Candidate), Stephanie Cobb-Williams (MDE), Heather Barthel (MDE), Marta Zoellner (MDE), Maggie Fridinger (MDE),

Introductions

The meeting began with introductions from each person in attendance.

Retreat Information

Jeff Fretwell went over the Agenda for the retreat (Attachment I).

The Advocates Roundtable portion of the agenda was discussed. It was decided that the discussion should be broken into two parts: environmental justice issues such as demolition and lead, and sustainable communities' issues. Also mentioned to be included in the discussion was the health indicators/disparities work Cliff Mitchell has done.

Dick Fairbanks expressed an interest in adding the Coastal Bays issue he has been working on to the retreat agenda.

Other Business

Environmental Justice in the Planning Process

Roz Hamlett discussed integrating sustainability and environmental justice. This is an issue of social equity. There is a good opportunity to do this right now with Plan Maryland (<http://plan.maryland.gov/>). Also, there is a Sustainable Communities Grant (http://portal.hud.gov/portal/page/portal/HUD/program_offices/sustainable_housing_communities/Sustainable%20Communities%20Regional%20Planning%20Grants) that presents another prime opportunity to explore integrating environmental justice into sustainability. There needs to be a way for the CEJSC to have input into the grant process. She also said that the grant application needs to address health issues. A mapping overlay of environmental justice concerns and other state designations needs to be done.

On the same topic Vernice Miller-Travis said that the federal government is out in front on environmental justice issues. They are using environmental justice as a policy driver. State government is not a leader on this. The Commission needs to have an impact on the MDE permit process. There is no consideration for environmental justice in MDE's permitting process and there needs to be. The Commission needs to figure this issue out – how to get the decision makers to make different decisions.

Roz also brought up the Sustainable Growth Commission as a group that the CEJSC needs to address. The document “How do We Grow From Here” (<http://planning.maryland.gov/PDF/Yourpart/773/773TaskForceReport.pdf>) is silent on environmental justice/social equity issues – this is not right.

Scot Spencer said that the lead for the Sustainable Communities Grant will be the metropolitan planning organization (MPO) for central Maryland. The MPO's focus is on transportation outcomes, not community outcomes. The MPO is not engaged in the way that is being discussed. The top MPO decision makers have no real interest in comprehensive planning, just transportation planning.

Roz said that the Sustainable Communities legislation (<http://mlis.state.md.us/2010rs/billfile/sb0278.htm>) from this session needs to add the Department of Aging. Also, you need environmental justice and social equity throughout documents, not just in the appendices.

Vernice said that the Sustainable Communities Grant won't be a successful application without integration of environmental justice throughout. This is a priority for the federal government.

Betty Dabney asked if anyone besides MDP is looking at this grant. Yes, MDOT and DHCD.

Vernice said that the CEJSC needs to put together a meeting with the decision makers on the grant. This could fold into the October meeting with the Cabinet Secretaries.

Roz asked how we see the connection between EJ and sustainable communities
Vernice said that we see them going hand in hand. Healthy sustainable communities lead to the best possible outcomes for EJ issues. Betty said that it is all interconnected.

Dick said we may be focusing too much on policy and not enough on actual casework.

Dick said that we should not just focus on policy, but also on where the rubber hits the road. Bottom-up, not top-down.

Scot said we are top-down and bottom-up. We are active listeners. Five words were added to the Consolidated Transportation Plan legislation (<http://mlis.state.md.us/2010rs/billfile/HB1155.htm>) because of the CEJSC's experience

with the citizens of Cherry Hill and Westport in dealing with the Turner Development. In the case of the Sheriff Road Pilot Project we are being proactive, not reactive.

BRAC

Dick said he was disappointed over the lack of impact BRAC is having on Baltimore City, especially the Westport project. It seemed like BRAC was going to have a much bigger impact on Baltimore City than it is having. Betty asked if Marie Halka from MDE Science Services Administration could brief the CEJSC on BRAC at the September meeting. Jeff Fretwell and Heather Barthel said that seemed likely and they would look into it.

Vernice talked about the farmer in Bowie that the CEJSC visited a couple of years ago. There are now going to be 1800 homes built on the farm. There are necessary transportation upgrades needed as a result, the traffic problems will be compounded, and Bay pollution will increase. This development is being further fueled by BRAC.

It was decided that this should be a topic of discussion with the Lt. Governor at the July retreat since he heads up BRAC coordination for Maryland. Is BRAC counterproductive to much of what we are doing in Maryland (Bay clean-up, transportation, etc)?

Environmental Benefits Districts (EBDs) Discussion

Jeff and Scot led an overview of the EBDs (see attachment II for background).

Karen Forbes said there should be a solid link between EBDs and Smart Sites (<http://www.green.maryland.gov/smartsites.html>). Was there a lack of resources for the EBDs? Yes, not in statute and no funding associated with them. Karen asked if it would be ok if the EBDs went away, but their principles were incorporated into Smart Sites.

Roz suggested that there could be additional points for EBD designation in applying for the heritage tax credit. However, this was not put into the recently passed Sustainable Communities Act legislation (<http://mlis.state.md.us/2010rs/billfile/HB0475.htm>). Heather Barthel asked Roz why EBDs were not included in the legislation. Roz said she wasn't sure, but that the discussion focused on historic vs. non-historic structures.

Vernice asked if planners ever hear from outsiders with different views. Roz said that they would be open to that. Vernice volunteered herself and Scot to meet with planners at MDP to share their perspective on planning.

Betty said that it appears that the top levels are interested in change, but the middle level bureaucrats are resistant to change. A paradigm shift is needed to change mindsets.

Scot asked if the EBDs should continue or whether we should look to include EBDs within the framework of the Sustainable Communities Act regulations.

- Vernice said that change happens in regulations/guidelines. EPA has 290 rules to be finalized relating to air quality by 2011. This process can be deadly boring, but it is one we need to engage in.
- Betty said we don't need to call them EBDs; we just need to incorporate their principles into effective programs.
- Scot asked where MDP is in the regulation write-up. Roz wasn't sure, but could find out and share it with the Commission. Roz also suggested that the CEJSC brief the Sustainable Growth Commission because they aren't well versed in these issues.

Community Issues

CCB Millenium Application

Vernice said that she and Scot had been called out by the Curtis Bay folks, who are frustrated over the lack of impact the CEJSC has had on the permitting process for the Millenium landfill.

Betty said that the new citizen representatives to the CEJSC need to be chosen democratically.

Annual Report

Scot led the conversation. The report is nearly complete. All Commissioners need to get any updates to Jeff Fretwell by July 15 so they can be included in the report.

Jeff will provide the write-up for the Sheriff Road Pilot Project.

Vernice is going to add a paragraph to the Symposium write-up.

Maryland Water Monitoring Council, November 18, 2010 Conference

Matt Stover at MDE has asked for participation from the CEJSC for the Annual Maryland Water Monitoring Council Conference (http://mddnr.chesapeakebay.net/MWMC/index_files/annual_conference.htm). The theme this year is environmental justice. The Council is looking to have a presentation by the CEJSC. Betty Dabney volunteered herself and Andy Fellows to do the presentation. Jeff will follow-up with Matt Stover to let him know the CEJSC is interested. Jeff will also follow-up with Betty and Andy regarding a topic for their presentation.

Scot also asked if we could possibly have the November CEJSC meeting at the site of the Maryland Water Monitoring Council Conference since it is the same day as our monthly meeting and there is commissioner interest in attending the conference. Jeff will look into this and report back to the commission.

Other Issues

Vernice mentioned “Now is the Time.” She and a colleague prepared the report. It is a framework for how the Obama Administration can structurally integrate environmental justice into all federal agencies. Vernice asked Jeff to send it out to the Commissioners when she sends it to him.

Adjourn

The commissioners agreed that they should get a card and gift for Lisa Nissley.

The meeting concluded with a thank you to all speakers and guests.

The next CEJSC meeting is the Annual Retreat scheduled for July 22, 2010, 9:00 am - 4:00 pm at the University of Maryland College Park.

Commission on Environmental Justice & Sustainable Communities (CEJSC) September 23, 2010, 9:30 – 11:30 am

**Montgomery Park, Aeris Conference Room
Baltimore, MD**

AGENDA

- 9:30 am Introductions
- 9:40 am Community Issues Report
- Report on CCB Millennium Application – Andy Fellows
 - Initial decision – issue of Kirk Avenue Bus Depot (follow up to Glenn Robinson’s concern at May meeting)
 - Initial decision – issue of gutter trash in Baltimore City (follow up to Glenn Robinson’s concern at May meeting)
 - Initial decision – issue of Energy Answers Waste to Energy Facility in Curtis Bay (requested by citizen Carol Nau)
- 10:00 am Discussion of Advocates Roundtable – Next Steps?
- 10:15 am EPA’s Pending Regulation of Coal Ash
- Presentation by Ed Dexter, MDE Land Management Administration, Program Manager, Solid Waste Program
 - Sierra Club’s Letter to Governor O’Malley
- 11:00 am Preparation for Secretary’s Roundtable Meeting on October 28, 2010

11:15 am Other Business
Description of the Goals for EPA's Plan EJ 2014 – Vernice Miller Travis
Approval of April, May, June, and July's Meeting Minutes (If quorum)
Annual Report Update

11:30 am Adjourn

In Attendance

- Commission Members: Scot Spencer, Vernice Miller-Travis, Betty Dabney, Dick Fairbanks, Jeff Fretwell (Designee for Secretary Wilson, MDE), John Quinn
- Participants: Karen Forbes (DHCD, Commissioner Candidate), Delora Sanchez (Johns Hopkins, Commissioner Candidate), Robin Underwood (MDOT, Commissioner Candidate), Ed Dexter (MDE), Bill Paul (MDE)

Introductions

The meeting began with introductions from each person in attendance.

Other Business

Smart Growth America

Scot began the meeting with a discussion of Smart Growth America's (<http://www.smartgrowthamerica.org/>) effort to incorporate environmental justice into its work.

Sustainable Maryland

Scot discussed the new Sustainable Maryland initiative <http://www.efc.umd.edu/SustainableMaryland.html>. Scot attended the kickoff at the Maryland Center for Smart Growth (PPT Presentation from the event: <http://www.efc.umd.edu/pdf/Sustainable%20Jersey%20Presentation.pdf>).

This program is modeled off a similar one in New Jersey, Sustainable Jersey, which has a heavy "green" focus. Cities that are enrolled include middle and upper-income areas, and not some lower-income areas (i.e. Camden, Newark, Jersey City, etc.). Having this designation can really help with marketing. Scot has been asked to be involved in the development of Maryland's program.

Betty said that smart growth is/should be inherently an environmental justice issue. Vernice said in practice this is not the case. Smart growth leads to displacement; it is the inverse of white flight, except people still live in the cities.

Vernice also mentioned that environmental justice has great momentum at the EPA with Lisa Jackson. Yesterday, the Interagency Working Group on Environmental Justice (EJ IWG) (<http://www.epa.gov/environmentaljustice/interagency/index.html>) was reconvened in a meeting held at the White House. Vernice would like to see more action at the state level.

Sustainable Communities Initiative

Scot brought up the Federal Sustainable Communities Initiative for discussion. Maryland's plan was submitted on August 24 to the Department of Housing and Urban Development. Scot said he has a copy of the application and could share it with the Commissioners if they wanted to see it. Scot also said that many of Roz Hamlett's points were included in the application. The awardees will be announced next week.

Primary Elections

Scot discussed the primary elections. The Commission lost a strong advocate in Senator Harrington and the Senate Commission Member Senator Lennett. The Commission will now need a new Senate Appointee. The Commission also gained some new friends in the legislature, most notably Mary Washington. Vernice said that we should ensure that Senator Harrington is still involved with the Commission.

Community Issues Report

Kirk Avenue Bus Depot

Robin Underwood, MDOT's representative to the Commission, provided an update on this issue. She visited the site with Glenn Robinson. There is an auto-repair station closer to the community than the bus depot. She said the initial approach should be with the auto-repair shop. Maryland Transit Administration (MTA) is holding public meetings on the bus depot. Many of the busses at the site are hybrids and less are diesels.

Betty Dabney asked if the auto-repair station needs a permit. Bill Paul, from MDE's Air and Radiation Administration, said the station would likely fall under *de minimis* exemption unless they do daily painting, then they would probably exceed the *de minimis* level of emissions and require a permit.

Vernice said that you see this in many places. There is a problem when residential and commercial land-uses abut each other. The community needs to work with the

commercial sites to resolve their issues. Also, cumulative impact should be considered in these cases.

Bill said land-use issues are difficult because MDE has zero jurisdiction over zoning/siting. However, because the Baltimore region is in non-compliance for ambient air quality, they are subject to a more stringent requirement for permitting of new air emission sources. Also, there are no federal cumulative air permitting requirements. The Department uses our air toxics authority to address this issue. Additionally, nuisance regulations address these issues – even if there is no permit, a site must comply with nuisance regulations. Ed Dexter added that nuisance is not defined in law, so each program addresses this separately using a practical standard. Both Bill and Ed added that the Department is very responsive to odor complaints when it gets them.

Vernice requested that we capture these resources on the EJ website.

Robin let the Commission know that's MTA does intend to expand the bus depot. That is why they are holding the public meeting. **She is going to talk to MTA to get the latest information and relay it to the Commission.**

Karen Forbes added that when she was at Legal Aide ten years ago this bus depot was an issue. Vernice asked if an Environmental Impact Statement (EIS) has been done for the expansion of the bus depot. Often reuse of an existing site doesn't require an EIS.

John Quinn mentioned that Baltimore City is currently rewriting their entire zoning code, which has been in effect for 30+ years (<http://www.rewritebaltimore.org/>). He suggested that this could be a useful forum to address the issues being discussed. Vernice said that it is the zoning from 30 years ago that solidified segregation in Baltimore.

The group decided to hold this issue for Glenn and Robin to explore more.

Energy Answers Waste to Energy Facility in Curtis Bay

Jeff provided the Commissioners with a fact sheet on the project (Attachment I)

Bill Paul told the Commission that no EIS is required for the project. The project met the Department's standards, has the best pollution controls available, and offsets are required. Vernice asked if the offsets are required to be in the same geographic area. Bill said no. Vernice said there is cumulative concern from citizens.

Bill said in doing permitting like this you are required to look at overall air quality, not just the facility. You have to look at National Ambient Air Quality Standards (NAAQS). Will the emissions under worst conditions cause an exceedance of the NAAQS? This is not allowed. The Department is required to do modeling on background pollution sources when looking at a permit. The only exception to this is when a project doesn't meet the *de minimis* threshold.

Ed Dexter added that there is extensive information on the Public Service Commission's website on the project (Log onto the following website: <http://webapp.psc.state.md.us/Intranet/home.cfm> and enter "9199" into "Case Search").

Betty asked if there are other issues not on the fact sheet. Ed said yes. The PSC turned the Department down on regulation of the facility as an incinerator. Also, an enforceable consent order was included that requires the facility to handle trash and ash inside the facility. Additionally the mercury controls are very stringent.

A question was asked whether the incinerator will detract from recycling. Bill Paul said no, the counties with incinerators currently have the highest recycling rates.

Ed Dexter also mentioned that there will be no processing of the waste on the site. That will be done elsewhere and the material will be shipped in.

Vernice and Betty had a lot of data relating to the project and regulated sources in the geographic area. Bill said that the data that they had was not the most accurate. The data Vernice and Betty have represents the maximum allowable amount of emissions for each source. The Department has the actual emissions levels. Bill said he has more faith in the Department's depository of emissions. Vernice said that that may be the case, but the public is not privy to that information and doesn't know about it, so they use the best information available to them. **Bill said he will get the emission inventory data to Jeff to share with the Commissioners and post on the EJ section of the website.**

Also, Scot requested that Jeff prepare a response letter to the citizen that requested the Commissioners look at the Energy Answers Project. The letter needs to include discussion of the permitting process, the fact sheet, information from the PSC, and information from today's discussion.

CCB Millenium Application

Ed Dexter provided a brief overview of the proposed project. Millenium is currently an industrial waste facility that has approval for two cells. Millenium uses one cell and wants to allow Constellation to use the other cell for disposal of Coal Combustion By-products (CCB). Constellation currently ships its CCB waste to Virginia. In the application there is a requirement to upgrade the liner at the site. MDE is currently reviewing the 190+ comments it received on its tentative determination. No permit decision has been made to date.

EPA's Pending Regulation of Coal Ash

Ed Dexter did a power point presentation on coal ash and EPA's two proposed options for regulation of coal ash (Attachment II).

Ed then fielded questions from Commissioners.

Scot asked if Maryland has submitted their comments on the proposed rule to the EPA. Is MDE taking comments from interested parties? **Scot said this should be a discussion item for an upcoming meeting.**

Vernice said that 350 people from Maryland went to the EPA's Virginia hearing (**Vernice said she would send Jeff her testimony**). Maryland is going in a good direction, but there are not many people like Ed Dexter in other States. For instance, Puerto Rico has no regulations on coal ash. There is concern at the Brandywine CCB waste site with drinking water contamination. Additionally, the Tennessee Valley Authority CCB cleanup material went to a rural poor African American community in Mississippi. The Office of Management and Budget is the one that moved the federal government in the direction of the classification of CCBs under RCRA subtitle D. Environmentalists agree that it should be regulated under RCRA Subtitle C.

Ed said he is not aware of any problems with drinking water at Brandywine. There is ongoing monitoring.

Scot said that the Bay Watershed is affected by other Bay States and this is where the Commission comes in. We need to take into consideration what all Bay States are doing, not just Maryland.

The Commission's support has been requested for a letter from the Sierra Club to the Governor (attachment III). **This issue and the Commission's support for the letter was held for further discussion at an upcoming meeting.**

Other Issues

Plan EJ 2014

Vernice went over the Plan (<http://www.epa.gov/compliance/ej/resources/policy/plan-ej-2014.html>). It is a big lift, but will be transformative if it is followed through on.

Dick asked for 5 minutes on the next agenda to discuss items the Commission did not get to during today's meeting.

Adjourn

The meeting concluded with a thank you to all speakers and guests.

The next CEJSC meeting is with the Cabinet Secretaries and is scheduled for October 28, 2010, 9:30 am – 11:30 am at Montgomery Park.

Appendix D: Guest Presentations to the Commission



Department of the Environment

Environmental Benefit Districts

A Refresher Course
Presented to the CEJSC
October 22, 2009



The Original Goal

To concentrate state resources to enhance the quality of life in communities through a new vision of environmental protection and business development





The Original Vision

“A district can be a single town, several communities or a region (of a county for instance). Working with one or more state agencies (as well as local agencies), the district would identify problems that need to be addressed, whether local health issues, a lack of economic development, the existence of brownfield sites, or decaying infrastructure. The lead state agency would work with other agencies to identify programs that could help solve the district’s problems.”



Program Objectives

To Foster

- Sound environmental practices
- Healthy and safe communities
- Proactive economic development

Potential Resources

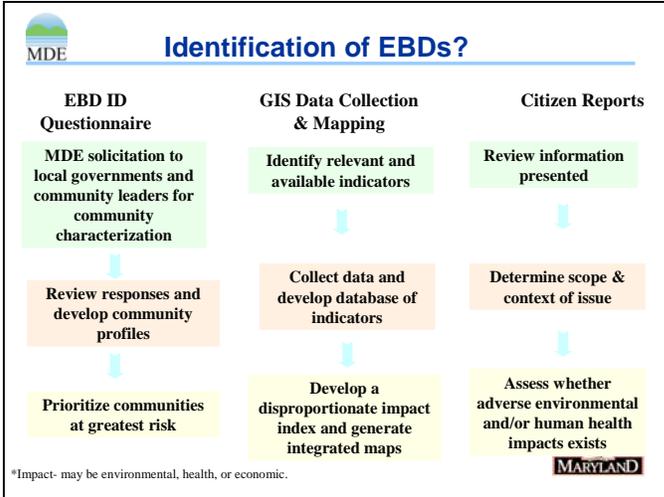
- Financial
- Technical
- Regulatory
- Administrative
- Policy



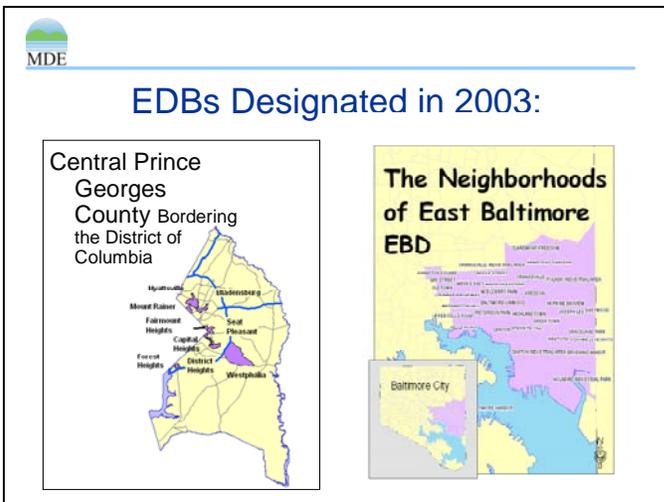
Criteria – an area should meet 5 of 8

- Strive to attain and complement the State’s Priority Places six initiatives;
- Demonstrate an environmental justice or disadvantage concern;
- Areas where local government, legislator, and communities will support an EBD initiative;
- Demonstrate a need and/or possess the potential for economic development opportunities;
- Demonstrate capacity development or are willing to get support to improve capacity development
- Currently located within the state priority funding area
- Communities with landfills, failing water, wastewater and sewer, transportation, housing, economic, etc., infrastructure systems (potential risk to public health and welfare); and,
- Communities located in a county or municipality that has elected to participate in the Brownfields Revitalization incentive program in accordance with § 5-1408(a) of this subtitle.



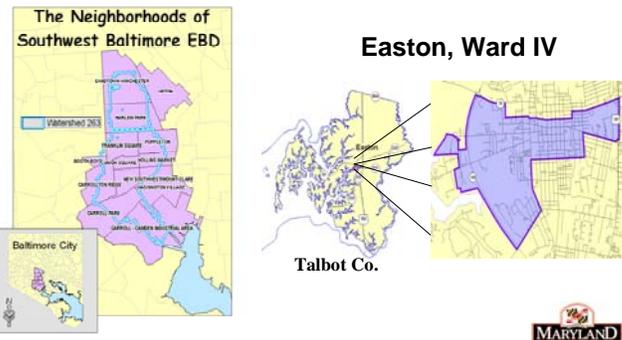


- MDE**
- ## History
- 2003 two areas designated – Prince George’s County & East Baltimore
 - 2005 application process started for additional locations
 - Early 2006 Easton and South Baltimore named
- MARYLAND**





EBDs Identified in Early 2006:



For Consideration

- Staff changes
- Resources
- Other Agencies
- Listening to communities
- Cumulative impact workgroup results
- Suggestions



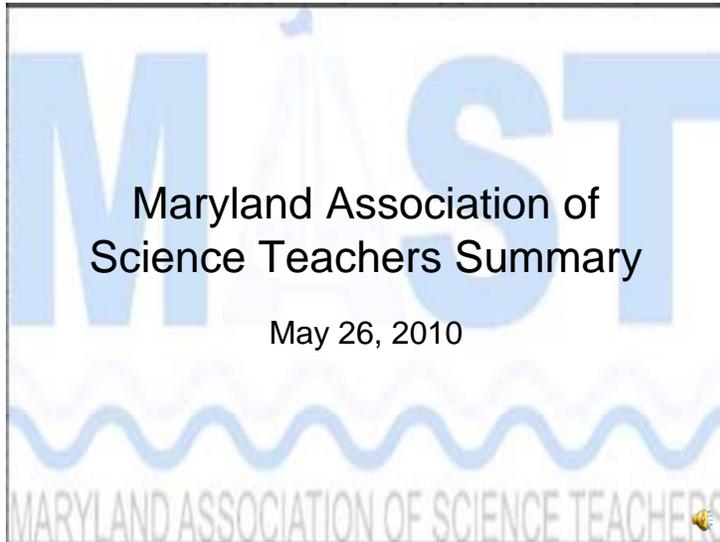
Maryland Department of the Environment

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www.mde.state.md.us



MAST Presentation



Membership

- Educators (Pre-K to post-grad) in all science content areas
- School Administrators
- Science Supervisors
- Pre-service teachers
- Informal Educators
- Retired Educators

Communication

- Monthly e-newsletter, the MAST E-Rapper



Communication

www.emast.org



Evening Speaker Series

- Semi-annual gatherings at research facilities or other locations of interest in the state for keynote speakers, tours, or information sessions.
- Past events include: JHU APL; NIST; NLM; Goddard; Columbus Center.
- Strive to offer a variety of content options at a variety of locations to appeal to educators all around the state.

Annual Conference

- Statewide Professional Development day for teachers on the 3rd Friday of October.
- Renewed after a several year hiatus in 2008.
- 2009 Conference saw 200 attendees.

Award Program

- MAST Mini-grants
 - Competitive program to support equipment purchases associated with innovative teaching and learning opportunities
- Excellence Awards
 - Competitive program to recognize outstanding contributions to science education at all grade levels and in the areas of supervision and outreach.

Upcoming Events for 2010-2011

- National Science Teachers Association Regional Conference on Science Education
 - November 11-13 in Baltimore
 - Environmental Education; STEM; Teaching in the 21st Century Classroom
 - Over 200 presentations
 - Keynote Speaker: Bill Nye

Upcoming Events for 2010-2011

- USA Science and Engineering Festival
 - October 10-24, 2010
 - Celebration of science, science education, and engineering centered in Washington DC but including satellite events
 - Culminates in the “Science Expo on the Mall” October 23-24
 - <http://www.usasciencefestival.org/>

Upcoming Events for 2010-2011

- Evening Speaker Series Event
 - Focused to elementary school teachers
 - Synchronous events in the eastern and western regions of the state.
 - Digital link

Upcoming for 2010-2011

- New National Science Standards Conceptual Framework expected for release and constituent feedback in the summer of 2010.
- New standards expected to follow within a year.
- Effort led cooperatively by NSTA, National Science Board of the NRC, American Association for the Advancement of Science, and Achieve.

2009-2010 Executive Board

- **President:** Mary Weller, *Carroll*
- **Past-President:** Beth McCook, *Frederick*
- **President-elect:** Mona Becker, *Carroll*
- **Secretary:** Jackie Geer, *Montgomery*
- **Treasurer:** Martin Schmidt, *McDonogh*

- Donna Balado (*Carroll*); Carl Bilotta (*Frederick*); Katya Denisova (*Baltimore City*); Alison Hapka (*Cecil*); Nus Hisim (*Frederick*); Katie James (*Allegheny*); Bill Lutz (*Fisher Science*); Mary Satterfield (*NIST*); Noah Scholl (*Carroll*); Kim Stillwell (*Charles*); Charlotte Trout (*Washington*); Chris Whittle (*Wicomico*)

Questions or Comments

- Please visit us at www.emast.org or send specific questions or comments to me at mcwelle@gmail.com.

Presentation on Proposed EPA Coal Combustion Byproduct Regulation



COAL COMBUSTION BYPRODUCTS: WHAT'S GOING ON.

**BRIEFING TO THE GOVERNOR'S COMMISSION ON
ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES**

**EDWARD M. DEXTER, P.C.
ADMINISTRATOR, SOLID WASTE PROGRAM, MDE
9/22/10**



What are Coal Combustion Byproducts (CCBs)?

From COMAR 26.04.10.02B(3) Coal Combustion Byproducts:

- (3) Coal Combustion Byproducts. (a) "Coal combustion byproducts" means the residue generated by or resulting from the burning of coal.
- (b) "Coal combustion byproducts" includes fly ash, bottom ash, boiler slag, pozzolan, and other solid residuals removed by air pollution control devices from the flue gas and combustion chambers of coal burning furnaces and boilers, including flue gas desulfurization sludge and other solid residuals recovered from flue gas by wet or dry methods.

2



What are Coal Combustion Byproducts (CCBs)?

Coal combustion byproducts (CCBs) are generated from burning coal. Several types can occur:

- Fly ash
- Bottom ash
- Boiler slag
- Fluidized bed combustion (FBC) ash
- Flue Gas Desulphurization (FGD) sludge

3



Flyash:



Flyash is a fine, grey silty material like flour when dry, and is the small particulates that would otherwise fly up the chimney but is removed by air pollution controls – e.g., smoke and ash.

4



Bottom Ash:



Bottom ash is the coarser stuff that's too heavy to "fly" and remains on the grate = sand and gravel sized, with a silty matrix.

5



Boiler slag:



Boiler slag is the glassy mineral coating that forms on the sides and top of the combustion chamber.

6



FGD Sludge:



FGD sludge is gypsum formed from lime sprayed into the flue gas to remove sulfur, after the flyash has been removed. Originally like toothpaste, silty when dry.

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Recent actions & events #1:

Effective December 1, 2008, MDE adopted:

- (1) Changes to **COMAR 26.04.07 Solid Waste Management**, Amendments to Regulations .02 and .04;
- (2) New Regulations **COMAR 26.04.10 Management of Coal Combustion Byproducts** – .01 — .08 under the new chapter,
- (3) New Regulation .08 under **COMAR 26.20.24 Special Performance Standards** for Coal mines; and
- (4) New Regulations .01 — .12 under a new chapter, **COMAR 26.21.04 Utilization of Coal Combustion Byproducts in Noncoal Surface Mine Reclamation**.

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Recent actions & events #2:

- 9/28/2009 – MDE proposed a change to the existing CCB regulations COMAR 26.04.10 that allows MDE to charge the CCB generators a fee that will fully fund the CCB program. These regs became effective March 8, 2010. We collected about \$750K last year.
- 2/26/2010 – Law passed in 2009 required that we develop regs governing CCB transportation by the end of 2009. We did, and they were published 2/26/2010. These are amendments to existing CCB regulations COMAR 26.04.10 that 1) require loads be covered; 2) trucks be inspected and cleaned if necessary before leaving a CCB site; and 3) the driver must keep a log of inspections for 30 days. Regs frozen by AELR in May, but after evaluating comments, MDE requested that we be allowed to proceed, and AELR granted this request. Final notice of adoption expected in October 2010.

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Recent actions & events #3:

- 2/26/2010 – Law passed in 2009 required that we develop regs governing CCB beneficial use transportation by the end of 2009. We did, and they were published 2/26/2010. These are amendments to existing CCB regulations COMAR 26.04.10 that proposed specific beneficial uses for CCBs, set up a mechanism for requesting MDE to evaluate other proposed uses, and setting limits on certain uses of loose ash. Regs frozen by AELR in May, pending MDE analysis of the comments received. MDE expects to re-propose amended regs based on the many comments we got, hopefully early next year.

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Beneficial Use Regulations

- MDE recognizes possible beneficial uses for CCBs so long as public health and the environment are protected.
- Working with stakeholders to develop usable rules for a variety of possible uses, e.g., cement additives; roadbase; perhaps others.
- Changes from proposed regs likely.

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Recent actions & events #4:

- June 2010 – EPA finally proposes federal CCB regs! Twice! – Two parallel regs, they say comment will help them choose.
- They address landfill disposal and storage in impoundments, but do not cover mine placement or beneficial use, which they say will follow eventually.
- One is under “RCRA Subtitle D”, or nonhazardous waste regs; the other under “RCRA Subtitle C”, or hazardous waste regs.

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Federal CCB Regs #1:

- Both regs have similar requirements for landfills: liners, leachate collection systems, groundwater monitoring, closure caps etc., very similar to what MDE proposed.
- Liners are the same under both, and are similar to non-hazardous liners, not hazardous waste landfill liners.

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Federal CCB Regs #2:

- EPA prefers to regulate them under RCRA C because it gives them more direct enforcement authority – under “D” they have to rely on the states, whereas under “C” they can sue directly.
- Interestingly, although regulated under the “hazardous” regs, the Subtitle C option creates a new class of waste called “special wastes” – not hazardous, but treated sort of like one. (We’re still thinking about that!)

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Federal CCB Regs #3:

Key Differences Between Subtitle C and Subtitle D Options

	SUBTITLE C	SUBTITLE D
Effective Date	Timing will vary from state to state, 1 – 2+ years	Six months after final rule for most provision; some longer
Enforcement	State and Federal enforcement	Enforcement through citizen suits; States can sue or enforce own regs.
Corrective Action	Monitored by authorized States and EPA	Self-implementing (w/ State Oversight)
Financial Assurance	Yes	Considering subsequent rule using CERCLA 108 (b) Authority
Permit Issuance	Federal requirement for permit issuance by State.	No (although can be required by State).
Requirements for Storage, Including Containers, Tanks, and Buildings	Yes	No (although States are free to require their own – MD does now).
Surface Impoundments Built Before Rule is Finalized	Remove solids and meet land disposal restrictions; retrofit with a liner within 5 years.	Must remove solids and retrofit with a composite liner or close within 5 years
Surface Impoundments Built After Rule is Finalized	Must meet Land Disposal Restrictions and liner requirements. Would effectively phase out use of new surface impoundments.	Must install composite liners. No Land Disposal Restrictions
Landfills Built Before Rule is Finalized	No liner requirements, but require groundwater monitoring	No liner requirements, but require groundwater monitoring
Landfills Built After Rule is Finalized	Liner requirements and groundwater monitoring (but not the same liner as HW landfills).	Liner requirements and groundwater monitoring
Requirements for Closure and Post-Closure Care	Yes; monitored by States and EPA	Yes; self-implementing (w/ State oversight)

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Hazardous or Not? #1

CCBs are currently characterized by some as “hazardous” waste – what’s the scoop?

- Nationally only about 6-8% of samples tested by the EPA protocol to determine if a waste is hazardous due to leachability have tested as a hazardous waste. (None in Md).
- Test used is “TCLP test” – used for 25 years, on all kinds of industrial waste. “It’s the law.”
- It is not acutely hazardous – won’t burn your face off. Just risky to drink the leachate for 70 years, or inhale the dust constantly.
- Even EPA acknowledges it doesn’t test hazardous. BUT...

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Hazardous or Not? #2

- It does leach a variety of “toxic” heavy metals that are pollutants, and that often exceed drinking water standards when they are released into the environment from large quantities of CCBs. Just like our garbage.
- The standard TCLP test is designed to model waste behavior in a municipal waste landfill, not a pile of ash under the sky.
- SPLP test designed to model that does not show radically different results – a low percentage would be above “hazardous” standards, most not.

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Hazardous or Not? #3

So why does EPA want to regulate it as HW?

- Many States have different levels of regulations of CCBs - mostly wimpy.
- MD now has stringent rules, but didn’t until recently due to 1970s law, the “Pozzolan Act”.
- Some states have only minimal programs – EPA sees that contributing to recent collapse of a lagoon in Tennessee that buried a stream valley. (MD has no wet ash lagoons)
- EPA wants to have control, and legally, they can’t intervene under RCRA D, even though that has worked very well for municipal landfills: all states have to have similar rules.

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Hazardous or Not? #4

So why leave it with the States?

- Agreed, some States have goofed it, and we just got our own house in order.
- BUT now we are moving forward to go further and faster than the Feds. EPA admits going RCRA "C" will take years to get programs in place. They COULD just require us to implement the same minimum requirements, which is exactly what they did for MLFs in 1991.
- Note: Liners in MLFs: MD 1987, EPA 1991/1993.
Liners in Industrial Waste LFs: MD 1987, EPA not.
Liners in Rubblefills: MD 1997, EPA not.
Liners in CCB fills: MD 2008, EPA ???

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Hazardous or Not? #5

Other issues:

- MDE has big concern that ash will displace "real" hazardous waste in limited fill space (note: no HW landfills in MD now! It all goes out of state).
- Some say it won't, but not why not, and if we say it's HW and shut down the existing sites, where CAN ash go, except RCRA C landfills??
- Then where will the pesticide waste and other REALLY nasty stuff go??

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Hazardous or Not? #6

Other issues:

- MDE considers that from a risk perspective, household trash is worse.
- CCBs are readily controllable with the same liner technology that we use for MSW and other industrial wastes.
- EPA agrees, and is NOT requiring a double-double liner like they do for "real" HW, but just a composite liner like we use for MSW and IW, under either "C" or "D".²¹



Where's More Information?

- **State CCB Regs:**

On MDE's webpage, look for "Coal Combustion Byproducts page": (Note: website is being updated, may change):

http://www.mde.state.md.us/Programs/LandPrograms/Solid_Waste/ccbs/index.asp

- **Federal Regs:** Comments due by 11/19! Lots of background information:

<http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2050-AE81?opendocument>

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For More Info or a Chat:

- **Regarding Solid Waste & EPA "D" option:**
Ed Dexter, Administrator, Solid Waste Program
(410) 537-3318 or edexter@mde.state.md.us
- **Regarding Coal & Non-Coal Mines:**
Ed Larrimore, Manager, Mining Program,
(410) 537-8055 or elarrimore@mde.state.md.us
- **Regarding EPA RCRA "C" Option:**
Ed Hammerberg, Chief, Hazardous Permits Div.,
(410) 537-3314 or ehammerberg@mde.state.md.us
- **And see our website for developments:**
WWW.MDE.STATE.MD.US

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Appendix E- Symposium White Paper

October 3 Symposium White Paper

On October 3, 2009 the Maryland Commission on Environmental Justice and Sustainable Communities sponsored a symposium entitled, “Environment, Justice, and Health in the Planning Process: Strategies for Maryland.” The main goal of the symposium, which was held at Morgan State University, was to bring together diverse constituencies to discuss the linkages between zoning, land use, public health, and environmental justice (EJ). This symposium served as the first phase of a comprehensive state effort to improve the coordination of planning, development, public health impact assessment, EJ, and sustainability. State agencies, local officials, and community leaders worked together to identify the information needs, tools, and legal/regulatory changes that will help to incorporate these considerations into the planning and facility permitting process.

The Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC) was established by Executive Order in 2001 and was subsequently authorized by statute on May 22, 2003. The Commission has been directed to examine environmental justice and community sustainability issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. The Commission works in an advisory capacity, making recommendations to the Governor and General Assembly on legislation and state projects. The CEJSC objectives for 2010 include increasing awareness and improving communication on environmental justice and sustainable community issues in state and local decision-making, increasing participation by and collaboration with diverse stakeholders in matters pertaining to environmental justice and sustainable communities, and further infusing the Environmental Justice and Sustainable Communities work into the state’s environmental agenda. The Commission sponsored this symposium using their objectives to guide the agenda and discussion.

In his keynote address, Mr. Charles Lee of the U.S. Environmental Protection Agency emphasized the importance of integrating EJ in the decision-making process, “EJ is not an issue we can afford to relegate to the margins: we need to factor it into every decision.” Following Mr. Lee’s address, a panel of Maryland state agency executives – including leaders from the Maryland Department of the Environment, Department of Transportation, Department of Health and Mental Hygiene, and the Department of Planning – provided their perspectives on the relationship between planning and environmental justice. They all expressed a new commitment to EJ issues in their respective departments and promised to open the lines of communication. This was followed by a panel that provided a local perspective using two case studies illustrating how the issues of planning, development, and environmental justice play out in real life.

Finally, the afternoon included three breakout sessions on the role of science and information management in the planning process, strategies for community advocacy,

and the development of public policy strategies. Participants in each session developed recommendations that they later shared with the full group for discussion. The key issues and recommendations of the three breakout sessions are presented below:

Session One: Strategies for Science and Information Management

The main topics that were discussed during this session included language translation, access to information by the disabled, how to distribute information to impacted communities, and how communities can be actively involved in constructing the research question and collecting data.

As scientists gather information for publication, they have major responsibilities to the communities they study. They need to translate the information they collect into terms the community can understand and make sure they are taking appropriate steps to protect human and environmental health. Scientists and academics need to do a better job of getting youth involved and recruiting them into the field of Environmental Health, so they can bring their knowledge back to their communities. Having the understanding about their communities is very helpful, not only in the research, but also in conveying the results to the community.

Data on health outcomes and health disparities exist, but are not being applied effectively protect vulnerable communities. This information is neutral, so communities and scientists need to be in touch with policy makers for it to be used appropriately. Additionally, there is a need for a new communication model among communities, researchers, and policy makers to engage community members in the study design and the decision-making process. This is important to build trust and to integrate cultural sensitivity into the study from the beginning. Researchers need to build relationships with all stakeholders in the community, including residents and businesses, in order to design their studies effectively. We need to get beyond just discussing that there are disparities and shift our thinking to how to minimize disparities and how to involve all stakeholders.

Session Two: Strategies for Community Advocacy

The three main ideas that came out of this session included government responsibility to redress past injustices, leadership advocacy training, and Environmental Justice Liaisons for each community.

Much of this conversation revolved around community versus government responsibility. Community leaders may have the local expertise, but not the resources while government may have the resources, but not the local expertise. There is an urgent need for collaboration in the decision-making process to address access to data, assessment, and prevention issues. Community leaders feel left out of the decisions being made about their neighborhoods (i.e. zoning). The current economic benchmarks are not comprehensive. New methods of risk assessment should include multiple risk factors, social capital, and access to power in the equation.

Communities have the responsibility to keep advocating for their neighborhoods, but it is up to government to make sure stakeholders are all on the same page. Government officials need to provide incentives for addressing environmental injustices and need to take responsibility for previous injustices. The movement cannot gain momentum until we recognize the shortcomings of past planning and zoning techniques. To move forward, government should include local community groups in the decision-making process and work with stakeholders to provide solutions for future developments.

It was suggested that government entities work in an inclusive manner to educate liaisons and provide additional resources to create linkages that will connect the community liaisons, schools, and interested groups throughout the state with CEJSC. In today's era of communication the first thought would be social networking avenues. Although a good start, this will not reach the grassroots groups working with impacted communities, many without access to the internet or even unaware of such networking tools or without the capacity to spread the word in their community without additional assistance. It is important to stress this as we work toward the expansion of CEJSC and propose a marketing/outreach strategy that will be inclusive of the diverse communities impacted.

Session Three: Developing Public Policy Strategies

The three main ideas that came out of this session include holding decision-makers accountable to achieve safe, healthy, prosperous, and fair communities; educating public policy makers on EJ, public health, and Smart and Fair Growth; and creating resources to organize power through broad constituencies to set criteria and hold decision makers accountable.

Participants named education, involvement, planning, and accountability as the principles that need to be addressed by stakeholders in the planning process. There is often a disconnect between development goals and land preservation goals, but there does not have to be. New planning methods should look at ways to synthesize goals from these formerly competing ideals. The upside of the current state funding crisis is that it forced Maryland to take a step back and examine state land use policy.

New planning strategies have to avoid a one-size-fits-all approach to decision-making. Each neighborhood has a physical infrastructure and a cultural character that should be preserved. We need to bring an organized community voice into the planning process and the legislative discourse. We need to focus on long term land use planning approaches instead of short term election cycle approaches to policy. Public awareness campaigns are crucial to educate the stakeholders on why issues like public health and environmental justice have to be integrated into the planning process. To create comprehensive planning policy, all stakeholders' voices must be heard equally.

Conclusion

At the October symposium, the CEJSC hosted over 100 participants from across the state of Maryland, all of whom engaged in meaningful conversations about how to minimize disparities and create comprehensive partnerships. Maryland's state agencies showed true commitment to the issues presented and will be working to incorporate the ideas from this symposium in their future endeavors. The Commission will continue to include community members, state agencies, and private businesses in their work with the environment, justice, and public health. Environmental advocates from around the state have been invited to participate in a discussion about how to incorporate environmental justice into their work at the Commissioners' retreat in July 2010 and the Secretaries of the state agencies that presented at the symposium have been invited to participate in a roundtable discussion with the CEJSC in October 2010. Partnerships like these will continue to move Maryland forward in sustaining environmental equity and social justice.