

Maryland Department of the Environment Environmental Justice Policy and Implementation Plan

Policy Statement

The Maryland Department of the Environment (MDE or Department) implements environmental laws and programs to protect and restore the environment for the health and well-being of Marylanders. National studies show that Environmental Justice (EJ) Communities bear a disproportionate share of the negative environmental consequences resulting from industrial activities, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local programs and policies. MDE supports the goal of achieving environmental equity for all Maryland residents.

Accordingly, as MDE implements state laws and programs to protect and restore the environment, it is the Policy of MDE to implement environmental laws and programs wherever possible in a manner that reduces existing inequities and avoids the creation of additional inequities in EJ Communities.

For the purpose of implementing this Policy, the Department defines an EJ Community as a community with a low-income or minority population greater than twice the statewide average.

Implementation Plan

Objectives

MDE will implement this Policy by taking a series of actions to achieve the following objectives:

- Strengthen EJ Communities' understanding of environmental decisions, including permitting, regulation and, where practicable, enforcement through enhanced communication and outreach; strive to provide equitable environmental protections and benefits to all communities, particularly those that have been overburdened and underserved;
- Review and respond to existing inequities associated with facilities in EJ Communities; and
- Focus and prioritize infrastructure financing in EJ Communities.

The Implementation Plan may be modified as MDE evaluates its current practices, as noted later in this document. Moreover, it must be recognized that MDE's Policy alone will not achieve equity in all instances. The ability to achieve environmental equity in each case will depend on a variety of factors, such as the ability to work through issues not under the direct purview of MDE and the level of stakeholder commitment and involvement. This plan remains a living document; MDE will continue to review its framework for implementation of its EJ Policy to ensure that it evolves over time to meet new or changing needs.

Action Items

I. Immediate Actions - ~30 Days

1. Name an MDE EJ Officer

MDE will identify an EJ Officer who is responsible for coordinating various activities for the Department. The EJ Officer would be located within and be a direct report to the Office of the Secretary. This named individual will head a departmental EJ Workgroup (detailed below) comprised of representatives from

each of the administrations. The EJ Officer will also take the lead on developing procedures to implement recommendations made by the Workgroup.

The EJ Officer will serve as a liaison between the citizens or community and the relevant personnel from the Department. The EJ Officer will be MDE's contact person for citizens or communities who raise EJ issues or questions to MDE. The EJ Officer will review EJ issues brought to MDE by the community. The EJ Officer will also review MDE permits for consistency with this Policy. The EJ Officer will remain current on all national developments on EJ.

The EJ Officer will serve as a liaison between MDE and other state agencies and departments.

2. Establish an MDE EJ Workgroup

MDE will establish an EJ Workgroup, which will serve as the Department's steering committee on EJ matters, overseeing implementation of the EJ Policy. The EJ Workgroup will be comprised of representatives from each administration. The EJ Workgroup may consult with the Commission on Environmental Justice and Sustainable Communities and other state entities as deemed appropriate.

In its steering capacity, the EJ Workgroup will focus on EJ-related topics in order of relative priority as defined by the EJ Officer. As issues are discussed and recommendations made, MDE will take the appropriate steps to incorporate those recommendations into the Policy and Implementation Plan, and institute measures to carry them out. Potential EJ Workgroup topics and tasks may include:

- Assessing and addressing language needs with respect to the MDE's public notice and hearing process
- Updating MDE's communications to provide the latest EJ Policy, materials, and activities
- Resolving EJ-related issues raised as part of or separate from the public review process associated with a Department action
- Resolving EJ-related issues that link to any compliance or enforcement action taken by MDE
- Reaching out proactively to stakeholders in EJ Communities to understand issues and challenges
- Evaluating the role that broad tools, such as EJ SCREEN, can play in guiding MDE's regulatory actions
- Assessing the availability and use of tools that could be used to assess cumulative risks of MDE permitting actions to factor into future permitting decisions
- Resolving EJ issues that are raised with respect to the implementation of departmental programs or activities
- Determining the role of EJ in any policies or plans developed by MDE, such as those that establish funding priorities, address climate change or provide for environmental monitoring
- Exploring the extent to which MDE can collaborate with other state agencies and local governments to address EJ issues
- Determining the degree to which certain issues can be resolved using a neutral third party and whether there are resources by which to do so
- Determining the extent to which Supplemental Environmental Projects should be sited in EJ Communities
- Developing metrics for measuring the success of the implementation of the Policy.

3. Post Procedures for Filing and Processing an EJ Complaint

MDE developed a grievance procedure for alleged violations of Title VI of the 1964 Civil Rights Act. The procedure provides a process for filing a timely complaint and describes the time frames that apply in resolving a complaint. The procedures described therein do not apply to administrative actions that are

being pursued in another forum (e.g., a permit appeal or a civil rights complaint filed with the U.S. Environmental Protection Agency Office of Civil Rights). The procedures are available on MDE's website.

II. Near Term Actions - ~6 Months

- Develop a plan to increase compliance monitoring of existing MDE permits in EJ Communities and begin implementation.
- To reduce current and future inequities, develop a plan to expand outreach and communication efforts in EJ Communities for MDE permit-related actions.
- To assist the Department in developing a means to characterize the environmental burden new, permitted actions may have on EJ Communities, develop a means to allow permit writers to view the number and types of permitted actions within an EJ Community when reviewing a permit application subject to public review and make that information available to the public.
- To reduce future inequities in the distribution of funds to restore natural resources, require Program Administrators that distribute funds for environmental restoration activities to focus these activities and infrastructure improvements in EJ Communities.

Regarding the call to “expand outreach and communication efforts in EJ Communities for MDE permit-related actions,” the Maryland Environment Article specifies public review requirements that apply to a significant number of permits issued by MDE. The requirements, with limited exception, contain a public notice element. On occasion, however, and depending on a variety of factors, MDE has taken measures to increase community involvement and citizens’ understanding of technical issues surrounding permits, enforcement actions and environmental clean-up actions. MDE will take additional steps to increase the level of communication among the agency, the permit applicant, and EJ Communities.

MDE will develop GIS-based maps to display areas across Maryland that meet the economic or minority population parameters for an EJ Community. If a Community is located in a project area for which the Department has received a permit application subject to public review and falls within an area displayed on the aforementioned maps, additional outreach measures will be identified, and as resources allow, actions will be taken to improve communication and outreach. Permit reviewers will consult with the EJ Workgroup for recommendations for improved outreach, as needed. These additional outreach efforts may include:

- MDE will send a brief information packet to known community leaders notifying them of the application and the fact that the permit applicant will be contacting them to discuss the project and seek community input.
- MDE will direct the permit applicant to offer to meet with community leaders prior to the initiation of the formal public review process contained in statute. MDE will provide the permit applicant with the names of those persons included on any interested parties’ list maintained by MDE. MDE will add names of individuals, groups or organizations to its current lists upon request.
- If the community is interested in meeting, the permit applicant should then meet and forward any issues voiced at the meeting to MDE. Depending on the issues, the next steps can take many paths. Some examples may include:
 - Developing fact sheets on the project
 - Developing fact sheets showing the opportunities for the public to comment
 - Providing available environmental and health data for the area
 - Holding special community meetings or listening sessions
 - Involving other state or local agencies to help address and resolve issues

- In certain cases, and where funds are available, using a neutral third-party to assist understanding of projects or help negotiate relevant permit conditions that may ameliorate community issues.
- MDE will keep the community informed through appropriate means of any progress made as it implements the measures mentioned above.

It is important to reach out to those affected communities and populations that do not use English as their primary language. This may require the issuance of notices and the publication of certain documents in languages other than English. In this regard, the EJ Officer will determine when public notices and other documents should be translated based on the best available information. As always, translators are available upon request.

MDE will review and prioritize infrastructure financing opportunities in EJ Communities. For example, the Water Quality Financing Administration (WQFA) provides grant and loan funding to communities for clean water and drinking water projects to improve the environment and public health. Through WQFA's annual application process added priority is given to projects that benefit overburdened and underserved communities. Disadvantaged communities are also eligible for additional grant and principal forgiveness funding, as well as more favorable loan terms, thereby making projects more affordable in these communities. As a part of MDE's EJ efforts, WQFA will continue to look for opportunities to direct infrastructure funding to EJ Communities.

II. **Longer Term Actions - ~18 Months**

- Implement EJ Workgroup products in order of priority as products are completed.
- Develop Training / Policy Handbook. The EJ Workgroup will develop internal procedures for carrying out the elements of this Policy. Accountability measures and reports will be posted on MDE's Website.

Approved: _____
Ben Grumbles, Secretary

Date: Dec. 31, 2020