March 19, 2021

Secretary Ben Grumbles
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Re: Feedback to MDE Environmental Justice Policy and Implementation Plan

Dear Secretary Grumbles,

The undersigned community leaders, public health experts, and organizations appreciate the Maryland Department of the Environment ("MDE")'s effort to consider and draft a comprehensive Environmental Justice Policy and Implementation Plan[1] (the "Policy") to address long-standing, inequitable distribution of environmental burdens and benefits in the state. We also appreciate the effort you and Mr. Devon Dodson — as Environmental Justice ("EJ") Officer under the Policy — are making to improve MDE's track record and attention paid to EJ issues, as well as the time you took to speak to several of us on February 11, 2021 and answer questions about the Policy and MDE's commitment to EJ work.

MDE's Policy contemplates ongoing improvement, stating that the Policy "may be modified as MDE evaluates its current practices."[2] It also states that the Policy "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."[3] Many of the undersigned groups and individuals look forward to an ongoing discussion with MDE about how it can improve the Policy and increase responsiveness to the needs of EJ Communities in Maryland.

We also understand that MDE's issuance of environmental permits, in particular, is governed by existing statutes and regulations. In some cases, these laws afford MDE discretion and, in others, MDE does not have discretion to deviate from existing requirements until the law is changed. In the case of permits that are issued by MDE to implement federal environmental laws, MDE may even be constrained in its ability to change requirements through revision of its own regulations. In these comments, we do our best to identify ways in which MDE can improve upon the Policy by exercising legal authority already afforded to it. If we believe that laws must be changed to achieve specific goals, we also do our best to identify the laws and the specific changes that we believe must occur.

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[1] *Maryland Department of the Environment Environmental Justice Policy and Implementation Plan* (Dec. 31, 2020) https://mde.maryland.gov/Documents/MDE_EJ_Env%20Justice%20Policy_Final_Dec2020.pdf.
[2] *Id*. at 1.
[3] *Id*.

We, the undersigned, urge MDE to make a few key changes to the Policy to better ensure it improves environmental justice for all Maryland residents. Some of these imperative changes include: (1) defining ambiguous terms, (2) strengthening public participation; and (3) allocating resources to carrying out the policy and implementation plan and the work of the EJ Workgroup and the EJ Officer. Further below, in the Appendix, we also request changes or clarification with respect to specific language in the Policy.

Defining Ambiguous Terms

To make the Policy more comprehensible, the Policy should include a definitions section in the beginning. Instead of EJ Community defined as "a community with a low-income or minority population greater than twice the statewide average," low-income and minority populations should both be separately defined. For continuity, the Policy should use the EPA's definition, or a definition similar to New York DEC's:

> Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, 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 socioeconomic 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.[4]

Further, many words throughout the Policy are ambiguous and should be expanded upon. Some of these include: "community stakeholders," and "known community leaders." Adding a section for definitions will help resolve ambiguity and make the document more transparent.

Public Participation

Public Participation is key to ensuring environmental justice. Based upon environmental policies in other states, we recommend creating a toll-free hotline to reach the EJ Workgroup[5] and extending outreach efforts and conducting meetings in various regions of the State (including rural regions) to ensure meaningful public participation when permitting, regulatory, or policy decisions may disproportionately impact particular local areas.[6]

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[4] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).
[5] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).
[6] *Intra-agency Environmental Justice Strategy*, Cal. Env'l Prot. Agency (Aug. 2004), https://calepa.ca.gov/wp-content/uploads/sites/6/2017/01/EnvJustice-Documents-2004yr-EnglishStrategy.pdf.

To ensure participation, MDE should consider adopting requirements based on the framework implemented by, for example, New York DEC. For certain permits issued by that agency, an applicant must submit a written public participation plan. In Maryland, the EJ workgroup or EJ officer could be the entity that reviews and approves these plans. Furthermore, as part of the public participation plan in New York, the applicant must include a report that summarizes: all progress to-date in implementing the plan; all substantive concerns raised to-date; all resolved and outstanding issues; the components of the plan yet to be implemented and an expected timeline for completion of the plan.[7] This holds the permittee accountable for their actions and allows them to interact more with the communities that they will impact and potentially help mitigate with Supplemental Environmental Projects. In addition, we understand that MDE must ensure compliance with existing statutory and regulatory laws governing public participation in the permitting processes in Maryland. In our view, this framework would supplement those existing minimum requirements to increase engagement between permit applicants and communities.

Resources

It is critical to the successful implementation of the Policy that resources and funding are made available for its effective implementation. At present, it is not rare for MDE to be delayed in addressing mandatory requirements under existing laws; these delays often appear to be due to understaffing.[8] Over the course of the last several years, new requirements have been imposed on MDE to provide greater protections across the environmental spectrum, particularly with respect to tackling climate change and the creation of greenhouse gas inventories. However, the MDE budget and staffing numbers, including those for the Air and Radiation Department charged with new climate change-related responsibilities, have largely remained stagnant.[9]

As we discussed during our February 11 meeting, implementation of the Policy will require allocation of both monetary resources and staffing. The EJ Officer alone will not suffice to implement the scope of the Policy. For reference, California's CalEPA Environmental Justice Program incorporates EJ liaisons and officers at multiple state agencies and includes six full-time positions for its Environmental Enforcement Task Force.[10]

We recommend MDE conduct a resource and budget analysis in conjunction or as part of the implementation of the Policy. This analysis should evaluate accessible resources, operating capacity, and ways to effectively promote the implementation of this policy under current budget

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[7] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).
[8] For example, rulemaking processes, certain permit renewals, and responses to requests under the Maryland Public Information Act are regularly delayed.
[9] See Maryland Department of Budget and Management, Operating Budgets, https://dbm.maryland.gov/budget/Pages/operbudhome.aspx.
[10] *Environmental Justice Program Update, 2016-2018*, Cal Env't Prot, Agency, 7-9, https://calepa.ca.gov/wp-content/uploads/sites/6/2020/10/ej_report_2016-2018_a.pdf.

constraints or an evaluation of needed additional assets. In October of 2020, the Virginia Department of Environmental Quality used a consultant to conduct a similar analysis, noting the areas that would require additional financing, staffing, and external expertise.[11] This analysis should be made public on MDE's website to promote engagement from interested parties.

Once again, we appreciate MDE's effort to create a policy and plan for advancing EJ in the State. We look forward to continuing to work with you, Mr. Dodson, and other MDE staff to ensure that environmental injustice receives the attention it needs and deserves.

Sincerely,

Kathy Phillips, Executive Director
Assateague Coastal Trust/Assateague COASTKEEPER

Eliza Smith Steinmeier, Co-Executive Director
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Ramon Palencia-Calvo, Director
Chispa, Maryland LCV

Jay Monteverde, Director
Namati US Environmental Justice Program

Maria Payan, Co-founder
Sentinels of Eastern Shore Health

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[11] *Environmental Justice Study for the Virginia Department of Environmental Quality,* Skeo Solution, Inc. & Metropolitan Group (Oct. 2020) https://www.deq.virginia.gov/home/showpublisheddocument?id=1815.

Appendix: Specific Feedback on MDE's EJ Policy and Implementation Plan

Redlined section of EJ Policy and Implementation Plan (**bold underline** indicates suggested line additions; ~~strikethrough~~ indicates deletions)	Recommended changes
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. **These disproportionate environmental impacts lead to and exasperate health inequities within low-income communities and communities of color.** MDE supports the goal of achieving ~~environmental equity~~ **environmental justice** for all Maryland residents.	Environmental equity typically refers to the fair distribution of environmental hazards across different population groups. The EPA has defined it as the "distribution of environmental risks across population groups and to [EPA's] policy responses to these distributions."[12] This is different from Environmental Justice which has been defined by MDE as "all people – regardless of their race, color, national origin, or income – are able to enjoy equally high levels of environmental protection."[13] EPA defines Environmental Justice as "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."[14] Environmental Justice recognizes a need for meaningful participation by communities in the process of applying environmental protection. The Policy should reflect this by replacing environmental equity with environmental justice. In addition to defining Environmental Justice as referenced above, MDE should consider expanding the scope of Environmental Justice to

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[12] *Report on Environmental Equity: Reducing Risks for All Communities*, EPA (July 22, 1992), https://archive.epa.gov/epa/aboutepa/report-environmental-equity-reducing-risks-all-communities.html.
[13] *Environmental Justice 101*, MDE, https://mde.maryland.gov/programs/Crossmedia/EnvironmentalJustice/Documents/www.mde.state.md.us/assets/document/environmental_justice/EnvironmentalJustice_General.pdf (last visited Mar. 4, 2021).
[14] *Learn About Environmental Justice*, EPA, https://www.epa.gov/environmentaljustice/learn-about-environmental-justice (last visited Mar. 4, 2021).

	include land use laws and regulations. Communities throughout the state are directly impacted by zoning of infrastructure and other potential environmental hazards that threaten the health of local residents. Expanding the scope of Environmental Justice may help to protect communities that are affected by land-use decisions and not environmental regulations or laws.
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.	The definition of an EJ community must be more specific. "Low-income" has no standardized definition in Maryland. EPA's EJ Screen identifies low-income as when "the household income is less than or equal to twice the federal 'poverty level.'"[15] The federal poverty level is adjusted on a yearly basis and is not calculated specifically for Maryland but the entire lower 48 states.[16] Additionally, this definition does not appropriately account for other barriers to equity, including English language proficiency, as well as the differences in distribution of environmental impacts and public health threats. To properly define "EJ Community," MDE should work to adopt GIS screening tools, such as those used at the UMD CEEJH lab.[17]

[15] *EJSCREEN*, EPA, https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen (last visited Mar. 4, 2021).

[16] *U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs*, ASPE (Jan. 15, 2021), https://aspe.hhs.gov/poverty-guidelines.

[17] University of Maryland, Community Engagement, Environmental Justice, & Health Lab, *Mapping Tools*, https://www.ceejhlab.org/mapping-tools (last visited March 4, 2021).

	This definition should include a clause that allows for flexibility as better tools are adopted to identify EJ Communities.
MDE will implement this Policy by taking a series of actions to achieve the following objectives:	
● Strengthen EJ Communities' understanding of environmental decisions **and the decision-making process**, including permitting, regulation and, where practicable, enforcement through enhanced communication and outreach; strive to provide equitable environmental	It seems that MDE's intention is to increase EJ Communities' understanding of decision-making processes *in order to* allow them to meaningfully participate in those processes. If not, we recommend that MDE treat this as an objective alongside strengthening understanding of the decisions themselves.
● **Develop criteria to review**, review and respond to existing inequities associated with facilities in EJ Communities; and	MDE should establish or identify existing tools for reviewing environmental inequities associated with facilities to ensure proper characterization of issues facing EJ Communities.
● Focus and prioritize infrastructure financing in EJ Communities**, incorporating meaningful EJ Community consultation and input processes**	This suggestion is simply to ensure that infrastructure that an EJ Community does not want will not be imposed on it.
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.	

Immediate Actions

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 stakeholders** and the relevant personnel from the Department. The EJ Officer will be MDE's contact person for ~~citizens or~~ communit**y stakeholders**~~ies~~ 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 provide publicly available, written reports to the EJ Workgroup summarizing recommendations and issues raised by community stakeholders.**	MDE must establish specific criteria for evaluating permits and the permits' consistency with the EJ Policy. Additionally, if allowed under the existing legal framework governing permit issuance, the EJ Officer should be given authority to potentially recommend additional changes or prevent permit issuance without additional review. Without this authority, the EJ Officer's position will not be able to effectively achieve EJ goals outside of acting as a community liaison.

The EJ Officer will serve as a liaison between MDE and other state agencies and departments.	MDE's ability to affect key environmental outcomes is constrained because of MDE's limited role in certain matters, including transportation and energy decisions. For example, transportation decisions have a substantial impact on air pollution and are largely under the authority of the Maryland Department of Transportation. Similarly, while MDE has significant authority over dirty energy sources, the Maryland Public Service Commission ("PSC") is more of a primary decision-maker regarding the clean sources of energy that must ultimately replace dirty energy. In addition, the PSC issues permits for electrical generating stations, which include conditions for compliance with state and federal air pollution laws, and this process includes what are likely the least helpful notice requirements to communities of all state-level environmental permits.[18] However, the EJ Workgroup can and should serve as a resource to other agencies in regard to the public health effects of their decisions, particularly on EJ Communities. To properly foster engagement with other agencies on EJ issues there must be sufficient resources allocated to this role to assist the EJ Officer. Without adequate resources, the EJ Officer will not be able to effectively address EJ issues across the state department and other agencies. Additionally, the EJ Officer should encourage collaboration between agencies (internal and external), particularly the sharing of data and other information relevant to environmental justice.

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[18] These PSC-issued permits are called Certificates of Public Convenience and Necessity ("CPCNs"). An informal agreement recently entered into by several state agencies relating to a Title VI complaint brought over the Mattawoman power plant in the Brandywine community has improved this process. See e.g. EPA, Final Resolution Letter and Agreement to MD Recipients and MDNR Monitoring Closure Letter for Complaint, at https://www.epa.gov/ogc/final-resolution-letter-and-agreement-md-recipients-and-mdnr-monitoring-closure-letter-complaint
However, the Mattawoman settlement does not address non-fossil fuel power plants (such as trash-to-energy incinerators) or an application for a modification of an existing CPCN (as opposed to an application for a new CPCN).

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~~ **will** consult with the Commission on Environmental Justice and Sustainable Communities and other state entities as deemed appropriate.	The EJ Workgroup should be required to consult with the Commission on Environmental Justice and Sustainable Communities (CEJSC). By engaging with CEJSC, the workgroup will be able to incorporate feedback and better coordinate state-wide efforts on EJ issues. Additionally, the EJ Officer should have an effective line of communication with any commission members assigned to CEJSC from MDE. To foster more effective engagement, the EJ Workgroup should include additional funded full-time positions that work to help coordinate workgroup efforts under the direction of the EJ Officer. As well as coordinating workgroup efforts, these positions can be assigned to supervise coordination with disproportionately burdened communities within the state such as Baltimore City and Prince George's County.
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:	The EJ Officer and the EJ Workgroup should establish criteria for prioritization of EJ-related topics. These criteria should be rooted in public health science and should include: (1) known human health risk of pollutants associated with a particular substance; (2) threat level of exposure pathways associated with the permit or project at issue; and (3) health stressors already impacting the community. Public health scientists are particularly well equipped and the undersigned would be happy to work with scientists in our network to provide more detailed recommendations in the future regarding these criteria.

● **Assessing and improving selection of channels for providing effective public notice with respect to MDE's public notice and hearing process**	Quality of public notice — whether notice actually reaches impacted residents and communities — is critical to meaningful public participation. The EJ Workgroup should conduct an evaluation and recommend improvements to the modes used for providing public notice.
● Assessing and addressing language needs with respect to the MDE's public notice and hearing process **including translation of MDE environmental permit process documents for comprehension by non-English speakers**	According to U.S. Census Bureau data, approximately 19% of Maryland residents live in households where a language other than english is spoken at home.[19] Offering documents and information in languages commonly spoken by non-English speaking Marylanders is critical to meaningful public participation.
● 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	

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[19] U.S. Census Bureau, *Quickfacts*, *Maryland* (last visited March 11, 2021) https://www.census.gov/quickfacts/MD.

● Reaching out proactively to stakeholders in EJ Communities to **assess needs and address** ~~understand~~ issues and challenges	This suggestion aims to strengthen and clarify MDE's responsibility with regard to reaching out to stakeholders in EJ Communities.
● Evaluating the role that ~~broad~~ **mapping and informational assessment** tools, such as EJ SCREEN, can play in guiding MDE's regulatory actions	
● Assessing the availability and use of tools**, including MD EJSCREEN,** that could be used to assess cumulative risks of MDE permitting actions to factor into future permitting decisions	
● **Assessing the need for additional requirements, including a public participation plan as part of a permit application, in instances where the subject of the permit will be located in an EJ Community.**	This is in reference to this document's opening remarks on public participation. The addition of a public participation plan as part of a permit application puts the burden on the permit applicant to include opportunity for input from affected EJ Communities. These plans should be reviewed and approved by the EJ Officer.
● 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~~ **agencies, local governments, and academic institutions** 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	There should be more clarity to what issues a third-party will be used to resolve and what type of neutral third party would be used.
● Determining the extent to which Supplemental Environmental Projects should be sited in EJ Communities **and whether the project will help to mitigate the negative effects of the violation(s) on the EJ Community.**	This suggestion relates to the issue that SEP's may not always benefit the community or help mitigate the environmental harms caused by the pollution at issue (e.g., a SEP focusing on building a playground when railroad tunnel construction will have significant effects on property value of homes and other effects due to the ground shaking; or a SEP for improving water quality undertaken by a facility engaging in air pollution).
● Developing metrics for measuring the success of the implementation of the Policy.	
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.	There is a need for MDE to develop procedures for responding to and addressing complaints from EJ Communities related to weaknesses or shortfalls in existing permitting language (e.g. the permitted facility has not violated its conditions but local residents experience significant negative impacts) . When an EJ Community raises concerns about the adequacy of existing permit conditions, MDE should have procedures for addressing and amending permit conditions before the next

The EJ Workgroup will continually evaluate these procedures to ensure these procedures are accessible to EJ Communities. In addition, the workgroup will address the need for procedures to evaluate complaints related to existing permitting conditions in EJ Communities.	permitting cycle. These procedures should address responsiveness to complaints (e.g. a clear timeframe within which MDE will acknowledge the complaint and send out an inspector) and inspection procedures (e.g. inspection processes should take the testimony of complainants as part of gathering evidence during inspection).

Near Term Actions

● Develop a **publicly available** plan to increase compliance monitoring of existing MDE permits in EJ Communities and begin implementation.	During the development of this plan, emphasis should be on prioritization of permits noncompliance that may lead to the greatest harm to EJ Communities. Development of this plan should also focus on procedural justice, allowing greater access for communities to voice complaints and build understanding around permits. In addition, for MDE to increase compliance monitoring it must address budget shortfalls and increase personnel. Increasing compliance monitoring for MDE permits in EJ Communities will likely require pulling resources from other areas and will lead to further stress on the program. This Policy should be implemented in coordination with a resource analysis of MDE's permit compliance and monitoring programs to evaluate program needs.

• To reduce current and future inequities, develop a plan to expand ~~outreach and communication efforts~~ **outreach, engage community stakeholders, and obtain feedback** in EJ Communities for MDE permit-related actions.	Development of this plan should include an analysis of opportunities to supplement existing notification procedures to allow for greater community engagement. The current procedures for notification of new permits or renewal of permits do not effectively engage all interested community members and must incorporate notification to identified community leaders or stakeholders to allow for greater transparency.
• 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 **and existing cumulative environmental impacts** within an EJ Community when reviewing a permit application subject to public review and make that information available to the public.	In addition to allowing permit writers to view the number and types of permitted actions, permitting decision-makers should also be provided information on the existing cumulative and compounding impacts of pollution in EJ Communities. This can be done using assessment of GIS mapping and data mapping. There also must be published guidelines and procedures regarding how this information will be used to assess permitting decisions and permit conditions.
• **Assess and develop requirements for Program Administrators that distribute funds for environmental restoration activities to focus these activities and infrastructure improvements in EJ Communities. Post**	To reduce future inequities in the preservation and access of natural resources, the distribution of funds should be assessed to benefit EJ Communities. In addition to developing procedure and requirements for fund allocation, this information should be made public through an

annual status reports with this information, including locations of funding, on MDE's website.	annual status report on MDE's website that includes locations of funding.
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 ~~citizen's~~ **community stakeholder's** understanding of technical issues surrounding permits, enforcement actions and environmental clean-up actions.	
MDE will take additional steps to solicit input from communities, make this information widely accessible, and educate communities on the public process used to make state and local decisions. In partnership with local government departments, MDE will provide EJ Communities the opportunity to meaningfully participate in the decision-making processes.	These additional steps should include conducting workshops to educate the public with respect to environmental justice, the environmental review process, the requirements of this Policy and the methodology for identifying a potential environmental justice area.[20]
MDE will **work with state and federal agencies, local governments, and academic institutions to** develop **publicly available** GIS-based	EJSCREEN and MD EJSCREEN both offer accessible GIS-based mapping tools to display EJ Communities.[21] MDE should work with the creators of these tools to develop a tool or strengthen existing tools

[20] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).
[21] *EJSCREEN*, EPA, https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen (last visited Mar. 4, 2021); University of Maryland, Community Engagement, Environmental Justice, & Health Lab, *Mapping Tools*, https://www.ceejhlab.org/mapping-tools (last visited March 4, 2021).

maps to display areas across Maryland that meet the ~~economic or minority population~~ parameters for an EJ Community.	such as MDEJSCREEN to effectively map EJ Communities. These criteria should not be based solely on economic and minority indicators and should consider the distribution of environmental impacts among other indicators.
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~~, **and** actions will be taken to improve communication and outreach. **Where a permit application is not subject to public review, an assessment will be made by the EJ Officer to determine if public review would benefit community stakeholders, and if so, initiate public review.** Permit reviewers will consult with the EJ Workgroup for recommendations for improved outreach ~~, as needed~~. These additional outreach efforts ~~may include~~ **will include but are not limited to:**	Not all permits must go through public review before renewal or issuance. By allowing the EJ Officer to require that public review is necessary where not required would allow for greater community engagement and outreach. Public review in these cases will give MDE an opportunity to better assess community needs as well as limit cumulative environmental impacts. In particular, MDE should consider this for renewal of state operating permits issued for minor air pollution sources, especially "synthetic" minor sources (e.g. those maintaining minor source status through acceptance of hourly or other operating limits in the permit).
o 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 must provide clarity on how it will define and find known community leaders. Additionally, MDE must incorporate a plan to engage the community at large including but not limited to public forums and information sessions hosted in a geographic center of the potentially affected communities.

o **MDE will offer to meet with community leaders prior to and during the formal permit or complaint review process.**	
o 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.	
o 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.	
o 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.~~ **MDE will take as many of the following actions as possible upon request by community stakeholders or where necessary to foster greater community engagement and understanding.**	The community should be able to contact MDE directly instead of relying on the permit applicant to convey the issues voiced in the meeting. MDE should also act as a mediator to facilitate alternative dispute resolution between community stakeholders and the permit applicants.[22]Any associated increase in costs should be incorporated into permit fees.

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[22] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).

● ~~Developing fact sheets on the project~~	Redundant
● Developing fact sheets **with key information about the permit or proposal**, including information on the opportunities for the public to comment **and request a public hearing**	
● Providing available environmental and health data for the area	
● Holding special community meetings or listening sessions	
o Involving other state or local agencies to help address and resolve issues	
o 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.	

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• 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.	All necessary information on the website should be translated for non-English speakers.[23]
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.	

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[23] *Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation, https://www.dec.ny.gov/regulations/36951.html (last updated Mar. 19, 2003).

Longer Term Actions - ~18 Months

● Implement EJ Workgroup products **created as part of Near-Term Actions above** 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.	
● **Review as necessary to consider the policy's applicability to various MDE Programs, to incorporate evolving information on environmental justice, and to reflect the best available environmental protection information and resources.**	This ensures that the policy is always up to date and promotes more offices to be more thoughtful when it comes to EJ.