Maryland Department of the Environment
Environmental Justice Policy and Implementation Plan

Policy Statement

The Maryland Department of the Environment (MDE or the Department) implements environmental laws and programs to protect and restore the environment for the health and well-being of all Marylanders. National studies show that communities with environmental justice (EJ) concerns 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 is committed to 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 communities with EJ concerns.

MDE incorporates the statutory definitions of overburdened and underserved in order to identify communities with EJ concerns. State law defines EJ as equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. State law defines an underserved community as any Census tract in which, according to the most recent U.S. Census Bureau survey, at least 25% of the residents qualify as low-income; at least 50% of the residents identify as nonwhite; or at least 15% of the residents have limited English proficiency. State law defines an overburdened community as any Census tract in which three or more of the 21 environmental health indicators are above the 75th percentile statewide as identified in Chapter 38 of 2022.

Implementation Plan

Objectives

MDE will implement this policy by taking a series of actions to achieve the following objectives:
- Provide equitable environmental protections and benefits to all communities through enhanced communication and outreach; particularly to those that have been overburdened and underserved by strengthening communities with EJ concerns understanding of environmental decisions, including permitting, regulation and, where practicable, enforcement. At the same time, understanding and accommodating the individual opportunities and challenges of each community.
- Ensure overburdened and underserved communities are provided with the opportunity to engage in meaningful involvement in MDE's decision making processes;
- Enhance direct lines of communication between MDE and the community through a redesign of a user focused website and resources;
- Identify disproportionately impacted areas for targeted compliance assistance and enforcement efforts using the MDE EJ Screening Tool.

- Review and respond to existing inequities associated with facilities in communities with EJ concerns; increase compliance in areas disproportionately impacted by health and environmental factors to prevent and reduce burdens on those communities; and
- Focus and prioritize infrastructure financing and grants in communities with EJ concerns.

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.

1. Immediate Actions (~30 Days)

1.1. **Name an MDE EJ Officer**
MDE will identify an EJ Officer to be located within and directly 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 lead on developing procedures to implement recommendations made by the Workgroup.

The EJ Officer will be MDE's contact person for citizens and/or communities who raise EJ issues or questions. 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 staff and support the independent Commission on Environmental Justice and Sustainable Communities (CEJSC).

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

Status: Complete. Assistant Secretary Devon Dodson serves as the MDE EJ Officer.

1.2. **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 timeframes that apply in resolving a complaint. The procedures described therein do not apply to administrative actions 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 at mde.maryland.gov/Pages/MDE-Non-Discrimination-Grievance-Process.aspx.

Status: Complete.

1.3. **Establish an MDE EJ Workgroup and Sub-Workgroups**
MDE will establish an EJ Workgroup, to serve as MDE's steering committee on EJ matters, overseeing implementation of the EJ policy. The EJ Workgroup will be comprised of representatives from each Administration. In coordination with the EJ Officer, the EJ Workgroup may consult with CEJSC 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, the EJ Officer will seek approval from the MDE Secretary to incorporate recommendations into the Policy and Implementation Plan, and institute measures to carry them out. In order to focus on the wide breadth of EJ concerns, five sub-workgroups were formed to focus on specific topics.

1. Community Compliance Monitoring Plan
   a. MDE established this sub-workgroup to develop a plan to increase compliance monitoring of existing MDE permits in communities with EJ concerns and begin implementation. MDE will determine the degree to which certain issues can be resolved using a neutral third party.
2. Enhanced Communication and Outreach in Permitting
   a. MDE established this sub-workgroup to implement internal strategies to support MDE staff for regulating new permitting legislation in regards to an EJ score. MDE will ensure communities who have EJ concerns have the opportunity to participate in meaningful involvement during the permitting process. MDE will evaluate how to address language needs with respect to the public notice and hearing process. MDE will explore the extent to which it can collaborate with other state agencies and local governments to address EJ issues.
3. Community Mapping/Geographic Information System (GIS) Tools/MDE Permits
   a. MDE established this sub-workgroup to develop a robust EJ Screening Tool that included MDE data coupled with socioeconomic data. MDE will evaluate the role that broad tools, such as EJ Screening Tool, can play in guiding MDE's regulatory actions. MDE will assess the availability and use of tools that could be used to assess cumulative risks of MDE permitting actions to factor into future permitting decisions.
4. EJ Initiatives Metrics and Accountability
   a. MDE established this sub-workgroup to develop short term and long term measurements of both internal and external EJ efforts, in order to identify areas needing improvement.
5. Community Resource Allocation
   a. MDE established this sub-workgroup to assess funding which can be utilized to bolster monitoring of facilities located in communities with EJ concerns. MDE will work to determine the extent to which Supplemental Environmental Projects should be sited in communities with EJ concerns.

Status: Ongoing. As noted below, MDE has established this workgroup and has created its own EJ Screening Tool. In addition, new laws passed in 2022 help better define terms in the EJ sphere and set forth procedures for MDE in the permitting arena to better assist communities with EJ concerns.

1.4.   **Design a Maryland Focused EJ Screening Tool**
MDE released the EJ Screening Tool on June 6, 2022. The tool remains open for public comment. The resource can be accessed through the following link: mdewin64.mde.state.md.us/EJ/.

MDE's EJ Screening Tool is intended to enhance agency compliance, oversight, monitoring, and to enhance communication and outreach in communities with potential EJ concerns. The tool uses Maryland Census data to enable users to better understand the nature and number of environmental stressors and potential disparities in communities.

In order to prioritize communities with EJ concerns, the tool incorporates demographic and socioeconomic data coupled with MDE-specific elements such as proximity to dams, wastewater treatment facilities and industrial facilities. State law requires applicants for permits that have a public participation requirement to conduct an EJ screen of the address of the permit location. The bill requires the applicant to provide that EJ screening score to MDE, and MDE is required to run their own analysis to ensure the accuracy of the screening score provided by the applicant.

Action Item: The Community Mapping/GIS Tools/MDE Permits Sub-Workgroup and the Office of the Secretary will develop the tool and develop a communications plan to promote usage.

Status: Ongoing. MDE developed the EJ Screening Tool and will continue to update.

1.5.   **Bolster MDE's Diversity, Equity, Inclusion and Justice in Hiring, Promotions and Internships**
MDE's Human Resources (HR) department will continue to incorporate diversity, equity, and inclusion within the agency for hiring and advancement. MDE and the Maryland Department of Budget Management will collaborate to broaden the public's access to job listings. MDE will attend high school career days and college job fairs to promote working at MDE.

Action Item: HR will develop a plan to broaden their reach to more Maryland students to drive direct hires from high schools and colleges.

Status: Ongoing. MDE HR will continue to develop new strategies to ensure Diversity, Equity, Inclusion and Justice (DEIJ) is incorporated into the hiring process.

1.6. **Partner with Maryland based Historically Black Colleges and Universities (HBCU) and Other Accredited Colleges/Universities**
1. Morgan State University
   a. MDE will partner with Morgan State University's Institute for Urban Research to conduct Lunch and Learn sessions for MDE to give historical context for Maryland communities of color, and explain the importance of achieving environmental equity. MDE will encourage partners such as the Maryland Department of Natural Resources and the Maryland Department of Transportation to participate .

2. Other Potential HBCU Partnerships
   a. MDE will partner with professors from other HBCUs to assist MDE's development of EJ metrics and accountability. The HBCU will develop short term and long term measurements of both internal and external EJ efforts, to identify areas needing improvement.

Action Item: The Office of the Secretary will continue to reach out to HBCUs to develop partnerships. Each Administration will be tasked with developing project ideas where MDE can partner with HBCUs to utilize their expertise.

Status: Ongoing.

2. **Near Term Actions (~6 Months)**
2.1. **Develop Informational Permit Fact Sheets for Applicants and Revise Current Application Documents**
MDE's Administrations will compose a fact sheet to be distributed to permit applicants to comply with the provisions of state law. The fact sheets clarify the requirements for applicants under the legislation. All permit application documents will be revised to explain the new legislation, provide a link to the MDE EJ Screening Tool and describe how to enter an EJ score.

Action Item: The Land and Materials, Air and Radiation, and Water and Science administrations will be responsible for writing a fact sheet, which explains how the new state law will change the permit application requirement. The fact sheets will be distributed to permit applicants.

Status: Ongoing. Fact sheets are under review.

2.2. **Revitalize the MDE EJ Webpages to Increase Public Usability**
The new web pages will be image and graphic driven with minimal text.
1. Landing Page
   a. Statement from the Secretary explaining MDE's commitment to working toward environmental equity

        b. Define EJ and explain historical context in Maryland communities
        c. Explain how state and federal legislation and funding supports MDE's equity priority
        d. Links to each Administrations' EJ web pages
2. EJ Screening Tool Page
        a. Direct link to the MDE EJ Screening Tool
        b. Tutorial videos for how to search and run a query
        c. Downloadable maps for overall EJ score and the three socioeconomic indicators
        d. Spanish version
3. Public Engagement and Participation Opportunities Page
        a. Link to Permit Application Database Search
        b. Sign up email to subscribe to permits open to public comment
        c. List of upcoming meetings and how to attend
4. Public Participation Permits Page
        a. Graphic of how the permit process works
        b. Agency fact sheets
5. Supplemental Environmental Projects Page
        a. Link to database
6. Maryland's EJ Actions Page
        a. MDE Workgroup
        b. CEJSC
7. Contact MDE Page
        a. General contact
        b. Three Administrations contacts for permits
        c. Environmental emergencies contact

Action Item: The Department will redesign the EJ Website and work to implement the revisions.

Status: Ongoing.

2.3.   Strengthen Staff Knowledge on EJ through Trainings
1. DEIJ
        a. MDE will work internally with staff to develop an interactive DEIJ Training for all staff. The training will reach every employee at MDE and will be divided into six groups (Secretary's Office, Directors, Division Chiefs, Front-line Supervisors, all remaining staff, and the Secretary's Advisory Committee for Resolutions). The training discussions include a foundational understanding and terminology of DEIJ issues (institutional bias/systematic oppression); the health, social, and economic impacts of environmental injustice; recommendations to incorporate inclusiveness in Department operations; specific examples of solutions, tools, and approaches implemented in Maryland and other agencies.

2. EJ
     a. MDE connected with Morgan State University to develop a Lunch and Learn seminar. The seminar will highlight systemic dicrimination and inequalities in Maryland to provide staff the historical context as to why specific communities are disproportionately overburdened and underserved. The goal of the seminar is to embed EJ into all staff's daily activities ranging from reviewing and issuing permits to conducting site inspections.
3. MDE EJ Screening Tool
     a. The developer of the MDE EJ Screening Tool hosted an internal demonstration on the capabilities of the Tool prior to the public release of the BETA version. Staff provided comments and they were addressed prior to the public release. MDE will develop more focused and in-depth tutorial videos and handouts to guide both internal and external users.
     b. Ongoing training to support use by state agencies, permittees and other partners.

Action Item: The Department will work to develop trainings. The Administrations will require their staff to attend the trainings.

Status: Ongoing. MDE will continue to develop training.

2.4. **Build Outreach and Communications Tools to Support Engagement**
   - Conduct Outreach to Maryland municipalities with EJ concerns. MDE utilized the MDE EJ Screening Tool to run a query to identify an Overall EJ Score as a Percent Distribution (Quantile Representation) for 90% or greater. The query identified 139 Census tracts. MDE developed a template email, which will be used to reach out to each community identified.
   - Communicate with local governments whose jurisdiction includes communities with EJ concerns to determine if they can serve effectively as liaisons.
   - Identify local governments who are unable to provide effective engagement with communities with EJ concerns and contact community organizations in communities that may serve as MDE liaisons.
   - Work with Maryland Association of Counties and Maryland Municipal League to build engagement tools for communities impacted by EJ concerns.

Action Item: The Office of Secretary, in consultation with the CEJSC, will prioritize communities with EJ concerns and develop an outreach strategy. They will also collaborate with the Administrations to identify community contacts.

Status: Ongoing.

2.5. **Create an Email Subscription to Disseminate Information to the Public**
MDE will utilize a service to disseminate information to the public through emails. MDE will develop a module for each Administration and will allow the public to select the type of information they wish to receive, such as how to submit a public comment. Each Administration will have a designated person who will be responsible for sending out emails to various email lists.

Action Item: The Office of Secretary will acquire the software and the Administrations will identify one or more staff members to be responsible for distributing information on behalf of their Administration.

Status: Ongoing. MDE staff are setting up subscriptions and are being trained prior to utilization.

2.6. **Update Permit Applications to include EJ Score Submission**
MDE will review each permit application and include the following:
1. Brief statement that tells the permit applicant to use the MDE EJ Screening Tool link to search their site area with a 1 mile buffer to identify the overall EJ score.
2. Link to the MDE EJ Screening Tool and tutorial.
3. Spaces to include the overall EJ score, minority score, poverty score, and limited English proficiency score.
4. Encourage the permittee to initiate early and effective engagement with EJ communities.
5. Identify standard conditions that address environmental and health concerns for permittees with emissions or releases that impact communities with EJ concerns.
6. Identify regulatory and legal changes to support engagement and cumulative impact goals.

Action Item: The Administrations will review their permit applications and make the necessary additions.

Status: Ongoing.

2.7. **Develop Informational Templates for public meetings in Impacted Communities**
MDE acknowledges there is not a "one size fits all" method for public involvement. Therefore MDE will implement various methods of communication to ensure each member of the community receives important information.

The Department will analyze each project and the community. The Department will use outreach engagement tools that start with local governments while examining factors, including potential project impacts, past outreach methods and the type of the information. Outreach methods may include:

1. Posting information on the MDE website
2. Running notices in print newspaper advertisements
3. Posting on social media platforms
4. Using local government communication tools
5. Utilizing phone calls and radio announcements
6. Emailing community members
7. Mailing or distributing printed documents in-person

If MDE receives a permit application subject to public review and located in an area with EJ concerns, additional outreach measures will be identified, and as resources allow, actions taken to improve communication and outreach.

MDE will then develop a packet of information with project details, health risks associated with the project, public comment information, and contacts for both the permit applicant and MDE permit writers. MDE will advise the permit applicant 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 list(s) upon request.

Action Item: The Office of the Secretary and the Enhanced Communication and Outreach in Permitting Sub-Workgroup will collaborate to develop the necessary materials.

Status: Ongoing.

2.8. **Develop a Strategy for Community Meetings**
If a community is interested in meeting, the permit applicant should meet and forward any issues voiced at the meeting to MDE. MDE will maintain contact with community liaisons, and support 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, procedures will be developed at the program and Administration level to determine when public notices and other documents should be translated. Translators are available upon request to attend meetings.

Action Item: The Office of Communications and the Office of the Secretary will work together to develop a protocol for meetings.

Status: Ongoing. MDE continues to facilitate access to the public as required under Title VI of the Civil Rights Act.

2.9. **Utilization of the EJ Screening Tool Regarding Compliance and Enforcement of Facility Checks**

MDE staff who schedule, fund, and perform compliance checks of facilities will utilize the EJ Screening Tool to develop Standard Operating Procedures that prioritize communities overburdened by pollution and with disproportional health impacts to receive additional enforcement to ensure continued compliance in sensitive communities.

Action Items: The Administrations will identify personnel who perform these duties and assist with incorporating the MDE EJ Screening Tool into their daily operations.

Status: Ongoing.

2.10. **Utilization of the EJ Screening Tool for Grants and Funding**
MDE will review and prioritize infrastructure financing opportunities in communities with EJ concerns. For example, the Water Infrastructure Financing Administration provides grant and loan funding to communities for clean water and drinking water projects to improve the environment and public health. Through the Water Quality Infrastructure Administration (WQIA) annual application process, added priority is given to projects that benefit overburdened and underserved communities. These 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, WQIA will continue to look for opportunities to direct infrastructure funding to communities with EJ concerns.

Action Items: The Administrations will identify personnel who perform these duties and assist with incorporating the MDE EJ Screening Tool into their daily operations.

Status: Ongoing. Through federal infrastructure funding and state loan and grant funding, MDE will prioritize infrastructure investments in communities with EJ concerns.

2.11. **Develop a Public Communication Strategy to Advance MDE's EJ Message**
MDE Office of Communications and the Office of the Secretary will work together to develop strategies to bolster MDE's EJ message to the public. MDE will increase its presence by:
1. Post at least once a month about EJ on platforms
2. Posts will explain "What is EJ," "Why is it important," "How MDE is supporting communities with EJ concerns," etc.
3. Post meetings and how citizens can provide feedback

Communications staff will monitor metrics to develop successful strategies. MDE will increase the attendance at the number of public outreach events in areas with EJ concerns. Events will be evaluated prior to attendance to ensure appropriate materials will be available and if interpreters will need to be in attendance.

Action Item: The Department's Office of Communications will develop a communications plan.

Status: Ongoing. MDE started developing posts.

2.12. **Ensure Accessibility through the Translation of all MDE Deliverables**
MDE will prioritize the translation from English to Spanish deliverables to the public.
1. MDE Website
2. MDE EJ Screening Tool
3. MDE EJ Screening Tool How to documents
4. Templates for public comment

Action Items: The Office of the Secretary will ensure all deliverables are appropriately translated.

Status: Ongoing. MDE will utilize Internet translating tools and work with staff who can assist with translations.

2.13. **Assist Localities and Communities to Maximize Infrastructure Funding**
EPA and other federal agencies are focused on EJ in their own agencies and the state partners that they oversee and fund. Infrastructure funding from federal agencies is flowing through to communities, localities and states with a priority for investment in communities with EJ concerns. To that end, MDE is prioritizing assisting localities and communities with technical assistance so these entities can maximize the funding that they will receive.

Action Items: The Administrations will identify personnel who perform these duties and assist with incorporating the MDE EJ Screening Tool into their daily operations.

Status: Ongoing.

Approved: _____   **Date**: ___November 1, 2022___