

Dear Maryland Department of the Environment,

We appreciate the opportunity to provide feedback on "Public Participation: A Guide for Applicants Seeking Environmental Permits". Public participation is the first step in ensuring that communities are meaningfully involved in decisions that impact our health and well-being.

We request that MDE clarify whether this guidance applies to permit renewals. We recommend that this guidance and public participation process be required for permit renewals as well as new permits. We also offer the following recommendations to strengthen the guidance provided, which are quoted as excerpts in italics:

1. *Publish notice in a newspaper of general circulation (at least once a week for two consecutive weeks)*

The wording 'newspaper of general circulation' is very vague, and we recommend that it expand to include multiple newspapers and digital news outlets. This includes directly relaying invitations to coalitions with demonstrated interest, such as the Mid-Atlantic Justice Coalition (MAJC) and the Baltimore Just Transition Network.

2. *Consideration should be given to all age groups, faith and culturally based institutions, and outreach should reflect the makeup of the community. Applicants should review demographic data to assess the need for outreach to non-English speaking communities. It is recommended that applicants conduct outreach in the five most common non-English languages in Maryland: Spanish, French, Chinese, Korean, and Amharic.*

We appreciate and agree with the need for communications to be made in multiple languages for inclusivity. Additionally, we recommend expanding the language "Outreach should reflect the makeup of the community" to provide more detail and clarity. For example, much of the permit language is written with technical language that may not be understandable to the general public. It would be helpful to ensure that materials are written in everyday terms and that technical jargon be explained within documents, for instance including a glossary.

3. *MDE suggests reaching out to any of the following in order to help connect with the community and local decision-makers*

We recommend adjusting the language to say "all" instead of "any".

4. *Tentative Determination and Hearing Requests: "Following the application review, the department shall publish notice of a tentative determination. The department will allow 30 calendar days for public comment before issuance of the final determination. If there is a request for a public hearing made within 20 days of the notice of tentative determination, the department will proceed with notice for the public hearing."*

The standard for the tentative determination should be strengthened by MDE explicitly committing to disseminating information in the methods outlined on page 7. It would also be

helpful to extend the public comment period to 90 days. During a 30-day cycle, community members frequently learn about the public comment period in the final days before the comment is due, which leaves little time to develop a written response.

MDE should also convey how community input impacted permitting decisions. Transparency is essential to ensuring good faith in the process, so correspondence should include all community concerns and offer an accompanying rationale for the inclusion or exclusion of each concern, including which decisions were made due to statutory limitations.

5. *Public hearing logistics: "The department must give notice of the public hearing in a newspaper of general circulation at least 10 days before the date of the hearing."*

We recommend that public hearing notices be circulated in a variety of media and platforms beyond a newspaper of general circulation. We also recommend that the following items be taken into consideration to increase the accessibility of public hearings:

- a. Offer wraparound services to promote community attendance at convenings (ex. transportation options, reimbursement of childcare costs or on site childcare).
  - b. Identify a pro-bono lawyer to assist with interpreting legal documents and reviewing technical policies.
  - c. Guarantee that meeting places are accessible, ensure that community members have the opportunity to request accommodations and modifications in advance of any convening, and incur any costs related to requested accommodations and modifications.
  - d. Issue monetary or equally valuable compensation to recognize individual/community participation and acknowledge the value of information (ex. lived experience, local knowledge, community feedback). This is important in working-class communities where attendees have to forgo work to participate in a public hearing.
6. *Conclusion and Response to Comments: "The hearing may end once every member of the public who requested to speak has had the opportunity, or the venue time has elapsed. The department will respond to adverse comments received, which may be generalized based on themes rather than responding to individual questions."*

We recommend holding a secondary hearing if attendees are unable to speak due to time constraints. We also caution against over-generalization when responding to individual questions. Generalization should not be done to the level where the original intent of the question is lost. For instance, responses should be specified by pollution type at a minimum, including but not limited to specific requests to air quality concerns, water quality concerns, noise concerns, etc.

We appreciate the opportunity to provide feedback on the public participation guidelines. MDE has the legal authority to deny permits based on prior permit violations and we recommend that MDE lean into this existing authority, and prioritize community input when making permitting decisions. As a network, we are welcome to additional conversations and continued collaboration.

The undersigned:

Organizations:

Alliance of Nurses for Healthy Environments  
BaltPOP - Baltimoreans for People-Oriented Places  
Baltimore Transit Equity Coalition  
Center for Progressive Reform  
Coal Free Curtis Bay  
Chesapeake Climate Action Network Action Fund  
Clean Water Action  
Climate Communications Coalition  
Fix Maryland Rail  
Healthy Climate Maryland  
Interfaith Power & Light (DC.MD.NoVA)  
Maryland Climate Partners  
Maryland League of Conservation Voters  
Sentinels of Eastern Shore Health  
South Baltimore Community Land Trust  
Young, Gifted & Green

Concerned Citizens:

Katie Makusky, Catonsville, MD  
Diane Wittner Baltimore, MD  
Rachel Torrence, Maryland  
Abigail Ulman, Baltimore, MD  
Kathleen Makusky, Catonsville, MD  
Anjali Gulati, Baltimore, Maryland  
Jeremiah Zaeske, Baltimore, MD  
Abby Cocke, Baltimore, MD  
Min. Glenn Smith, Baltimore, Maryland  
Bryan Dunning, Maryland  
Maria Pecora, Baltimore, MD  
Katie Huffling, DNP, RN, CNM, FAAN, Mount Rainier, MD  
Naadiya Hutchinson, Baltimore, MD  
Tanvi Gadhia, Towson, MD